

ONE HUNDRED ELEVENTH DAY

St. Paul, Minnesota, Friday, March 22, 1974.

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

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

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

Prayer by the Chaplain.

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

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

Quorum present.

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

MEMBERS EXCUSED

Messrs. Kleinbaum and Patton were excused from the Session of today. Mr. Nelson was excused from 11:45 o'clock a.m. until

12:45 o'clock p.m. Mr. Olson, J. L. was excused from the Session of today beginning at 4:00 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 21, 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. 1558, An act appropriating money to the state department of education for deficiencies in special education for the handicapped reimbursement aids.

S. F. No. 1865, An act relating to plumbers; fees for examination and licensing; amending Minnesota Statutes 1971, Section 326.42.

S. F. No. 1877, An act relating to municipalities; authorizing the establishment of storm sewer improvement districts; and providing for delayed payments of special assessment on senior citizens' homesteads.

S. F. No. 1902, An act relating to Itasca county; authorizing issuance of additional on-sale intoxicating liquor licenses.

S. F. No. 2450, An act relating to the fire department relief association of the village of Falcon Heights; providing certain benefits for volunteer firemen and their survivors; amending Laws 1969, Chapter 526, Sections 5; and 7; and by adding a section; repealing Laws 1969, Chapter 526, Sections 2 and 6.

S. F. No. 2498, An act relating to the city of Hibbing; taxation; levy for library purposes.

S. F. No. 2568, An act relating to the city of Cooley in Itasca county; providing for the dissolution of the city of Cooley.

S. F. No. 2607, An act relating to cemeteries; authorizing disbursement of funds for maintenance of abandoned or neglected cemeteries; amending Minnesota Statutes 1971, Section 306.243, Subdivision 4.

S. F. No. 2781, An act relating to the office of the district court administrator, fourth judicial district, Hennepin county, state of Minnesota; and relating to the statutory duties of the clerk of district court.

S. F. No. 2949, An act relating to retirement; state contributions to certain teachers retirement associations; amending Minnesota Statutes 1971, Section 354.201, by adding a subdivision.

S. F. No. 2951, An act relating to retirement; tax levy for certain teachers retirement funds; amending Minnesota Statutes 1971, Section 354.20; repealing Laws 1969, Chapter 1106.

S. F. No. 2953, An act relating to state lands; directing conveyance of a certain parcel of land in Otter Tail county.

S. F. No. 2972, An act relating to Dakota county; providing for the filing of surveys with the county surveyor.

S. F. No. 3169, An act relating to Itasca county; government of certain unorganized townships for hospital district purposes.

S. F. No. 3249, An act relating to the city of Winona; authorizing the transfer of interests in certain real property to the port authority of Winona.

S. F. No. 3426, An act relating to the city of Cannon Falls; construction and lease of hospitals, nursing homes, and related medical facilities.

S. F. No. 3432, An act relating to the Western Pope county hospital district; authorizing the issuance of general obligation hospital bonds to be excluded from the net debt of the district.

Sincerely,
Wendell R. Anderson, Governor

INTRODUCTION OF BILLS

Mr. Tennesen introduced—

S. F. No. 3582: A bill for an act relating to highway traffic regulations; requiring counties to establish alcohol safety programs for persons convicted of driving under the influence of alcoholic beverages; requiring presentence investigation reports for certain driving offenses; amending Minnesota Statutes 1971, Chapter 169, by adding sections.

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

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. 852, 3210, 162, 2669 and 2954.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 21, 1974

Mr. President:

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

H. F. Nos. 1470, 1627, 3285, 3504, and 3382.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 21, 1974

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 1728: A bill for an act relating to garnishment, state employees; amending Minnesota Statutes 1971, Section 571.46.

There has been appointed as such committee on the part of the House: Faricy; Ojala; and Johnson, R.

Senate File No. 1728 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1974

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 2367: A bill for an act authorizing the issuance of bonds by Independent School District No. 625.

There has been appointed as such committee on the part of the House: Pavlak, R. L.; Norton; Dieterich; Vento and Tomlinson.

Senate File No. 2367 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1974

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 2964: A bill for an act relating to welfare; alcohol and drug abuse; establishing an office of native American programs within the state authority on alcohol and drug abuse; appropriating money; amending Minnesota Statutes, 1973 Supplement, Section 254A.03.

There has been appointed as such committee on the part of the House: Samuelson, Hanson, Rice, McCauley and Forsythe.

Senate File No. 2964 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1974

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 3246: A bill for an act relating to counties; authorizing county boards to issue obligations and levy special assessments for certain improvements to bodies of water; eliminating a levy limit exemption; amending Minnesota Statutes, 1973 Supplement, Sections 378.52, Subdivision 1; and 429.011, Subdivision 2a; repealing Minnesota Statutes, 1973 Supplement, Section 378.52, Subdivision 2.

There has been appointed as such committee on the part of the House: Carlson, D.; Carlson, B.; and Peterson.

Senate File No. 3246 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1974

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 3350: A bill for an act relating to Ramsey county; authorizing the board of county commissioners to issue general obligation bonds for remodeling and new construction costs at St. Paul-Ramsey hospital in conjunction with the Gillette hospital authority.

There has been appointed as such committee on the part of the House: Norton, Faricy and Bell

Senate File No. 3350 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 21, 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. 3271: A bill for an act relating to the county of Wright; authorizing the county of Wright to appropriate money in a limited amount to the Annandale Pioneer Transportation Museum.

Senate File No. 3271 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 21, 1974

CONCURRENCE AND REPASSAGE

Mr. Bernhagen moved that the Senate do now concur in the amendments by the House to S. F. No. 3271 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 3271: A bill for an act relating to the county of Wright; authorizing the county of Wright to appropriate money in a limited amount to the Minnesota Pioneer Travel Park.

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

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

And the roll being called, there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Jensen	McCutcheon	Perpich, G.
Arnold	Davies	Josefson	Milton	Pillsbury
Ashbach	Doty	Keefe, J.	Moe	Renneke
Bang	Dunn	Keefe, S.	Novak	Schrom
Berg	Frederick	Kirchner	Ogdahl	Sillers
Bernhagen	Gearty	Knutson	Olhoft	Spear
Blatz	Hansen, Baldy	Kowalczyk	Olson, A. G.	Stassen
Brown	Hansen, Mel	Krieger	Olson, H. D.	Stokowski
Chenoweth	Hanson, R.	Larson	Olson, J. L.	Thorup
Chmielewski	Hughes	Lewis	O'Neill	Ueland
Coleman	Humphrey	Lord	Perpich, A. J.	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. 1136, and repassed said bill in accordance with the report of the Committee, so adopted.

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

House File No. 1136 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1136

A bill for an act relating to unemployment compensation; benefits; disqualification; exception; amending Minnesota Statutes 1971, Section 268.09, Subdivision 1.

March 20, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives

Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H. F. No. 1136, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendments and that H. F. No. 1136 be further amended as follows:

Page 2 of the Senate amendment, clause (a), lines 3 and 4, delete "*other than a de minimis violation*"

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

House Conferees: (Signed) Norman Prah, Salisbury Adams, Irvin Anderson

Senate Conferees: (Signed) A. J. Perpich, Norbert Arnold, Al Kowalczyk

Mr. Perpich, A. J. moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1136 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. 1136: A bill for an act relating to unemployment compensation; benefits; disqualification; exception; amending Minnesota Statutes 1971, Section 268.09, Subdivision 1.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, 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. 3571, and repassed said bill in accordance with the report of the Committee, so adopted.

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

House File No. 3571 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 21, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3571

A bill for an act relating to the legislature; providing for the filing of reports with the legislature; amending Minnesota Statutes 1971, Chapter 3, by adding a section.

March 20, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives

Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H. F. No. 3571, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Irvin N. Anderson, Martin O. Sabo, Aubrey W. Dirlam.

Senate Conferees: (Signed) Nicholas D. Coleman, Harold G. Krieger, George R. Conzemius.

Mr. Coleman moved that the foregoing recommendations and Conference Committee Report on H. F. No. 3571 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. 3571: A bill for an act relating to the legislature; providing for the filing of reports with the legislature; amending Minnesota Statutes 1971, Chapter 3, by adding a section.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate for the balance of today's proceedings. The following Senators answered to their names:

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

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

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 H. F. No. 3002, and repassed said bill in accordance with the report of the Committee, so adopted.

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

H. F. No. 3002 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 21, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3002

A bill for an act relating to motor vehicles; interstate registration and reciprocity, withdrawal of vehicle from fleet; refund;

amending Minnesota Statutes 1971, Section 168.187, Subdivision 15.

March 19, 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. 3002, recommend as follows:

That the House accede to the Senate amendment.

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

House Conferees: (Signed) Richard Andersen, Thomas M. Hagedorn, Bernard O. Carlson.

Senate Conferees: (Signed) Robert O. Ashbach, Roger Hanson, Stanley N. Thorup.

Mr. Ashbach moved that the foregoing recommendations and Conference Committee Report on H. F. No. 3002 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. 3002: A bill for an act relating to motor vehicles; interstate registration and reciprocity, withdrawal of vehicle from fleet; refund; amending Minnesota Statutes 1971, Section 168.187, Subdivision 15.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, 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. 2990, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

House File No. 2990 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2990

A bill for an act relating to retirement; coverage for certain employees at the state reformatory for men; amending Minnesota Statutes, 1973 Supplement, Section 352.91.

March 20, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives

Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H. F. No. 2990, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2990 be further amended as follows:

Page 1, line 22, after "houseparent" insert "*, special schools counselor, shop instructor*"

Page 2, line 8, after "*certified*" insert "*by the commissioner of personnel*"

Page 2, line 9, after "*being*" insert "*regularly*"

Page 2, line 11, after "*men*" insert "*, the state prison and the Minnesota correctional institution for women*"

Page 2, line 14, delete "*the reformatory for men*" and insert in lieu thereof "*one of the foregoing institutions*"

Further, amend the title in line 3 by deleting "the" and in line 4, by deleting "reformatory for men" and inserting "correctional institutions"

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

House Conferees: (Signed) Al Patton, Donald M. Moe, Calvin R. Larson

Senate Conferees: (Signed) Ed Schrom, Robert J. Brown

Mr. Schrom moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2990 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. 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, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, 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. 3036: A bill for an act relating to courts; providing for the active service of retired judges; amending Minnesota Statutes 1971, Sections 2.724, by adding a subdivision; 484.61; and 490.102, Subdivision 2.

Senate File No. 3036 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1974

CONCURRENCE AND REPASSAGE

Mr. Thorup moved that the Senate do now concur in the amendments by the House to S. F. No. 3036 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 3036 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

FIRST READING OF HOUSE BILLS

H. F. No. 1470: A bill for an act relating to veterans; providing for free higher education of dependents of prisoners of war and persons missing in action; appropriating money; amending Minnesota Statutes 1971, Section 197.09.

H. F. No. 1627: A bill for an act relating to state agencies; providing for payment of child care costs by the state for members of state boards, councils and commissions; amending Minnesota Statutes, 1973 Supplement, Section 15A.211.

H. F. No. 3504: A bill for an act relating to the organization and operation of state government; appropriating money to the Indian affairs commission.

H. F. No. 3382: A bill for an act relating to beauticians; changing certain regulating provisions; amending Minnesota Statutes 1971, Sections 155.06, Subdivision 1; 155.08; 155.09, Subdivisions 3 and 5, and by adding a subdivision; 155.11, Subdivisions 1, 2 and 6.

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

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

Which was read the first time.

SUSPENSION OF RULES

Mr. Kirchner moved that an urgency be declared within the meaning of Article IV, Section 20, of the Constitution of Minnesota, with respect to H. F. No. 3285 and that the rules of the Senate be so far suspended as to give H. F. No. 3285 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 3285 was read the second time.

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

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of H. F. Nos. 2243 and 2280 be now adopted. The motion prevailed.

Mr. Coleman from the Committee on Rules and Administration, to which was re-referred under Joint Rule 20, together with the committee report thereon,

H. F. No. 3054: A bill for an act relating to education; providing for free admission to age 18 and authorizing local boards of education to provide free admission for those between the ages of 18 and 21 years; amending Minnesota Statutes 1971, Sections 120.06, Subdivision 1; 120.08, Subdivision 1; 120.095, Subdivision 1.

Reports the same back with the recommendation that the bill receive the action of the previous referring committee.

Pursuant to direction of the Committee on Rules and Adminis-

tration, this report was prepared and submitted by the Secretary of the Senate. Amendments adopted. Report adopted.

Mr. Perpich, A. J. from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 3306: A bill for an act relating to taxation; providing for a reduction of ad valorem taxes paid by certain persons; amending Minnesota Statutes, 1973 Supplement, Sections 273.011, Subdivision 5; 273.012, Subdivision 2; Minnesota Statutes 1971, Chapter 273, by adding sections; and repealing Minnesota Statutes, 1973 Supplement, Section 290.066.

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

Page 5, after line 17, add the following:

"Sec. 5. Minnesota Statutes, 1973 Supplement, Section 273.011, Subdivision 2, is amended to read:

Subd. 2. [QUALIFIED HOME OWNER.] The term "qualified home owner" means:

(a) (i) A person 65 years of age or older; or

(ii) The surviving spouse of a decedent, if such decedent was 65 years of age or older at his death, and such spouse has not remarried; and

(b) Who owns property as his homestead, and title to the property so used is held:

(i) In his name as owner of the fee; or

(ii) Only in his name and that of his spouse as joint tenants or tenants in common; or

(iii) Only in his name, or his name and that of his spouse as owner of an estate for life or an estate for years ; and

(iv) *In the name of two or more joint tenants or tenants in common where each of such joint tenants would meet the requirements of a "qualified home owner" set out in this subdivision if he were the sole owner of the fee.*

Sec. 6. *The provisions of section 5 shall be effective for all property tax credits required to be refunded under Minnesota Statutes, 1973 Supplement, Chapter 273, or under acts amendatory thereto."*

Renumber subsequent sections accordingly.

Further, amend the title as follows:

Page 1, line 6, after "273.011," strike "Subdivision" and insert "Subdivisions 2 and"

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

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

S. F. No. 3520: A bill for an act relating to the organization and operation of state government; appropriating money for the bi-centennial commission and a related project.

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

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

H. F. No. 3507: A bill for an act relating to education; education planning innovative developmental evaluative services and programs; modifying certain appropriations; amending Minnesota Statutes 1971, Section 3.926, Subdivision 2; and Laws 1973, Chapter 768, Section 2, Subdivisions 4, and 7.

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

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

H. F. No. 2974: A bill for an act relating to the city of Coon Rapids; appropriating funds for special assessments levied by the city against property of Anoka-Ramsey community college.

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

Page 1, line 2, strike "\$120,602.81" and insert "\$55,641.62"

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

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

H. F. No. 2243: A bill for an act providing for the creation, organization, administration, and functions of a Hennepin-Scott Minnesota river bridge authority as a local government unit; authorizing the authority to acquire, construct, finance, operate, and maintain a bridge and the approaches thereto across the Minnesota river connecting state highway 101 and Hennepin county state aid highway 18; repealing Laws 1971, Chapter 739.

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

Page 5, line 31, after "ment" insert ", the metropolitan transit commission,"

Page 5, line 32, strike "at least" and insert "metropolitan council and"

Page 5, line 33, strike "four" and insert "three"

Page 5, after line 33, insert a new section as follows:

"Sec. 5. Notwithstanding any other provision of this act, the final plans for the bridge shall include provisions for both automobiles and public transportation to cross the bridge."

Renumber sections accordingly.

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration.

Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

H. F. No. 2280: A bill for an act relating to education; permitting school nicknames to be affixed to the sides of school buses.

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

Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

S. F. No. 2482: A bill for an act relating to the operation and structure of state government; changing the salary setting authority of certain unclassified positions in the executive branch of government; defining certain terms; amending Minnesota Statutes 1971, Sections 15A.083, by adding a subdivision; and 43.01 by adding subdivisions; Chapters 15A by adding a section; and 43 by adding sections; Minnesota Statutes, 1973 Supplement, Sections 15A.081, Subdivision 1; 43.06; 43.128; and 43.324; repealing Minnesota Statutes, 1973 Supplement, Sections 15A.021; 15A.031; 15A.041; 15A.081, as amended; 15A.084; 15A.085; and 43.02.

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

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.062] [SALARY SETTING AUTHORITY.] *Subdivision 1. [SALARY LISTING.] The personnel board shall, on or before November 15 of each even numbered year, submit to the commissioner of personnel a listing of salaries for the positions listed in sections 8, subdivision 1, 15A.083 and for members of the legislature. The board may also recommend adding or deleting of positions from this list.*

Subd. 2. [BOARD TO CONSIDER ADVICE.] Before submit-

ting the salary listing prescribed in subdivision 1 to the commissioner of personnel, the personnel board shall consult with the governor, the commissioner of administration, the commissioner of finance, and the commissioner of personnel concerning the salary listing and shall give due consideration to the advice of these officers. Before submitting to the commissioner of personnel a salary listing prescribed in subdivision 1 for an employee in the office of a constitutional officer, the personnel board shall consult with the constitutional officer concerning the salary listing and shall give due consideration to the advice of the officer.

Subd. 3. [BASE SALARIES AND ACHIEVEMENT AWARDS.] Except for positions for which salary ranges have been established, the salary listing shall contain a specific salary for each position defined in subdivision 1. For positions for which no salary ranges have been established, the salary listing shall further contain a specific monetary amount or percentage to which an incumbent's salary may be raised to reward achievement as prescribed by section 11. The board shall determine only a fixed salary for the positions of executive secretary of the board of investment, the workmen's compensation commissioner and the commissioner of public service who shall not be eligible for achievement awards as provided by section 11.

Subd. 4. [OFFICE OF ATTORNEY GENERAL.] Salaries within the ranges for professional positions within the office of the attorney general shall be established by the attorney general.

Sec. 2. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.064] [OTHER SALARIES SET BY PERSONNEL.] Notwithstanding any other law to the contrary, salaries for all unclassified positions in the executive branch not enumerated in the listing described in section 8, subdivision 1, shall be established by the commissioner of personnel except for the following: (1) positions listed in Minnesota Statutes, Section 15A.083; (2) positions listed in Minnesota Statutes, Section 299D.03; (3) employees in the office of the governor whose salary shall be determined by the governor; (4) positions in the state college system, the state community college system, and in the higher education coordinating commission whose primary duties consist of instructing and counseling students, directing academic programs of schools, divisions or departments of colleges and community colleges or conducting research on academic subjects. Individual salaries for positions enumerated in clause (4) shall be determined by the state college board, the state community college board, and the higher education coordinating commission, respectively, within the limits of a salary plan which shall have been approved by the commissioner of personnel before becoming effective.

No provision of any subsequent law relating to salaries of state employees shall be construed as inconsistent with this section unless it is expressly provided in such subsequent act that the provisions of this section shall not be applicable or shall be superseded, amended, or repealed.

Sec. 3. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.065] [SALARY REVIEW.] *Subdivision 1. [SALARIES TO BE EQUITABLE.] When determining salaries for any position, the personnel board and the commissioner of personnel shall assure that:*

(1) Salaries in the classified and unclassified service bear equitable relationship to one another;

(2) Salaries among the various positions listed in section 8, subdivision 1, bear equitable relationships to one another; and

(3) Salaries for state positions bear equitable relationships to salaries for similar positions outside state service.

Salaries bear equitable relationships to one another within the meaning of this section if salaries for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities are comparable and if salaries for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities are directly proportional to the knowledge, abilities, duties, and responsibilities required.

Subd. 2. [METHOD OF REVIEW.] In recommending the salary listing described in section 8, subdivision 1, the board shall consider only those criteria established by subdivision 1 and shall not take into account personal performance of individual incumbents. The board shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities and accountabilities and in determining salary listings rate each position according to this system.

Subd. 3. [INFORMATION, CONSULTANTS.] Each department shall furnish the board with any information which the board may request to aid in the performance of its duties. Subject to appropriations, the board may engage expert consultants.

Sec. 4. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.067] [SALARY LIMITS.] *The base salary of the head of any state department in the executive branch shall serve as the upper limit of compensation in his organization unless the personnel board approves an exemption in individual cases. Salaries of medical doctors paid under the provisions of Minnesota Statutes, Section 43.126, shall be excluded from the limitation provided in this section.*

Sec. 5. Minnesota Statutes 1971, Section 43.01, is amended by adding subdivisions to read:

Subd. 17. [LEGISLATIVE BRANCH.] For purposes of Minnesota Statutes, Chapters 15A and 43, "legislative branch" means all legislators and all employees of the legislature including part time or full time employees and temporary or permanent employees of legislative committees or commissions.

Subd. 18. [JUDICIAL BRANCH.] For the purposes of Minnesota Statutes, Chapters 15A and 43, "judicial branch" means all justices of the supreme court, all employees of the supreme court, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, and all judges of district courts and such other agencies as may be placed in the judicial branch by law.

Subd. 19. [EXECUTIVE BRANCH.] For purposes of Minnesota Statutes, Chapters 15A and 43, "executive branch" means heads of all departments of government elective or appointive, established by statute or constitution and all employees of such department heads which have, within their particular field of responsibility state-wide jurisdiction, as opposed to jurisdiction in specifically defined geographical areas, such as regions, counties, cities, towns, municipalities, or school districts; and are not defined as part of the legislative or judicial branches of government. The executive branch shall include the governor and his staff. Not included into the executive branch shall be the university of Minnesota, the Minnesota historical society, and all of their employees, and any other entity which is incorporated, though it may receive state funds.

Subd. 20. [CIVIL SERVICE.] "Civil service" of the state means a system consisting of all employees in the legislative, the judicial, and the executive branches of state government. The state civil service shall be divided into the classified and the unclassified civil service as provided elsewhere in this chapter.

Subd. 21. [DEPARTMENT, AGENCY.] For purposes of Chapter 15A and of this chapter, the terms "department" and "agency" may be used interchangeably within the executive branch.

Subd. 22. [OFFICER, EMPLOYEE.] For purposes of chapter 15A and of this chapter, the terms "officer" and "employee" may be used interchangeably within the executive branch.

Sec. 6. Minnesota Statutes, 1973 Supplement, Section 43.06, is amended to read:

43.06 [BOARD; DUTIES, POWERS.] It shall be the duty of the personnel board and it shall have power:

(1) To conduct hearings and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, suspension, or removal of the officer or employee, in accordance with the provisions of this chapter;

(2) To hear and pass upon such other matters as the commissioner may, from time to time, bring before the board for determination; and

(3) The personnel board may employ, prescribe the duties, and, notwithstanding the provisions of section ~~15A.021~~ 2 of this act, fix the compensation of temporary and permanent hearing officers and other employees who shall be in the unclassified civil service

or may be retained by contract. The board may decide matters from a report of the testimony taken by a hearing officer and in accordance with such rules as it may prescribe.

(4) The personnel board shall advise the commissioner of personnel on any matters concerning his rules when requested so to do by the commissioner.

(5) The personnel board shall render its advisory opinion on all proposed personnel rules, or proposed changes of personnel rules.

Sec. 7. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.055] [EXTENT OF AUTHORITY.] *Whenever any power or authority is given to the commissioner of personnel by any provision of chapters 15A or 43, such power or authority shall extend to all departments in the executive branch, but shall not extend to any subdivisions or employees in the judicial branch or legislative branch. The classified employees in the office of the legislative auditor, however, shall be subject to the powers or authority of the commissioner of personnel.*

Sec. 8. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.063] [SALARIES FOR DEPARTMENT HEADS AND CERTAIN DEPUTIES.] *Subdivision 1. The following salaries or salary ranges are provided for the below listed officers and employees in the executive branch of government:*

	Base Salary or Range	
Administration, department of		
commissioner		\$ 36,000
deputy commissioner		28,800
Aeronautics, department of		
commissioner		20,400
Agriculture, department of		
commissioner		22,000
deputy commissioner		17,600
Attorney General, office of		
attorney general		36,500
chief deputy attorney general	24,500 —	31,500
deputy attorney general	19,100 —	27,500
solicitor general	21,300 —	28,000
assistant attorney general	12,000 —	26,000
special assistant attorney general	12,600 —	22,600
Auditor, office of		
auditor		26,000
deputy auditor		20,800
Commerce, department of		
commissioner of banks		22,000
commissioner of insurance		22,000
commissioner of securities		22,000

	<i>Base Salary or Range</i>
<i>Corrections, department of</i>	
<i>commissioner</i>	28,000
<i>deputy commissioner</i>	22,400
<i>Economic development, department of</i>	
<i>commissioner</i>	22,000
<i>deputy commissioner</i>	17,600
<i>Education, department of</i>	
<i>commissioner</i>	29,800
<i>Finance, department of</i>	
<i>commissioner</i>	35,500
<i>deputy commissioner</i>	28,400
<i>Governor, office of</i>	
<i>governor</i>	41,000
<i>Health, department of</i>	
<i>commissioner</i>	30,300
<i>Higher education coordinating commission</i>	
<i>executive director</i>	26,100
<i>assistant executive director</i>	20,900
<i>Highways, department of</i>	
<i>commissioner</i>	33,600
<i>Human rights, department of</i>	
<i>commissioner</i>	20,000
<i>Indian affairs commission</i>	
<i>executive director</i>	17,500
<i>Investment, board of</i>	
<i>executive secretary</i>	35,000
<i>Labor and industry, department of</i>	
<i>commissioner</i>	26,400
<i>deputy commissioner</i>	21,100
<i>workmen's compensation commissioner</i>	25,000
<i>director, mediation services</i>	21,000
<i>Lieutenant governor, office of</i>	
<i>lieutenant governor</i>	30,000
<i>Liquor control, department of</i>	
<i>commissioner</i>	19,000
<i>Manpower services, department of</i>	
<i>commissioner</i>	26,400
<i>Natural resources, department of</i>	
<i>commissioner</i>	28,300
<i>deputy commissioner</i>	22,600
<i>Personnel, department of</i>	
<i>commissioner</i>	31,600
<i>deputy commissioner</i>	24,800

	<i>Base Salary or Range</i>
<i>Planning agency director</i>	27,000
<i>Pollution control agency director</i>	24,000
<i>Public safety, department of commissioner</i>	26,900
<i>deputy commissioner</i>	21,500
<i>Public Service, department of commissioner, public services commission</i>	22,000
<i>director</i>	20,700
<i>Public welfare, department of commissioner</i>	33,600
<i>deputy commissioner</i>	26,900
<i>Secretary of state, office of secretary of state</i>	25,000
<i>deputy secretary of state</i>	17,500
<i>State college system chancellor</i>	32,500
<i>State community college system chancellor</i>	27,500
<i>Revenue, department of commissioner</i>	28,900
<i>Treasury, state treasurer</i>	25,000
<i>deputy treasurer</i>	17,500
<i>Veterans Affairs, department of commissioner</i>	16,000

Subd. 2. Members of the Minnesota national guard shall receive the pay and allowances prescribed by the armed forces of the United States for similar rank and time in service.

Sec. 9. Minnesota Statutes, 1973 Supplement, Section 43.09, Subdivision 6, is amended to read:

Subd. 6. [ACT NOT APPLICABLE TO REGENTS OF UNIVERSITY OF MINNESOTA.] The state ~~civil service personnel~~ act ~~except for the provisions of sections 43.12, subdivision 2, and 43.122, subdivisions 1 and 3,~~ shall not be deemed to have been heretofore or hereafter applied to the Regents of the University of Minnesota, nor to persons, institutions, or employees under their control.

Sec. 10. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.068] [NO DECREASE IN PRESENT SALARIES.] *The salary of any state employee whose salary at the end of an odd*

numbered fiscal year was above the limit set in section 8 or section 15A.083, shall remain at that level at the beginning of the next fiscal year and until a vacancy in the position occurs or the salary falls below a newly established limit. New appointments shall be made at the base salary or within the salary range prescribed in section 8 or section 15A.083.

Sec. 11. Minnesota Statutes 1971, Chapter 43, is amended by adding a section to read:

[43.069] [BOARD MAY LIFT SALARIES.] *Subdivision 1. Except as provided in section 1, the personnel board may raise the salary for any individual incumbent of a position whose base salary is established under the provisions of section 8, and which has not been provided with a salary range, provided:*

(a) The incumbent has, in the opinion of the board, challenging written objectives which are specific as to amount and time and which have been agreed upon in advance by the appointing authority;

(b) The appointing authority of the incumbent applies to the board for the salary increase and simultaneously certifies to the board that the incumbent has fulfilled, or is fulfilling, his agreed upon objectives.

Subd. 2. The board may require the appointing authority or the incumbent to submit additional information as it may deem necessary.

Subd. 3. The appointing authority may apply for, and the board may approve salary raises for the incumbent by any increment, and more than once. The aggregate of the increases under this section shall not increase the individual salary beyond 25 percent of the base salary established for the position under the provisions of section 8.

Subd. 4. Any achievement award granted to individuals under this section shall remain in effect for 12 months from the date of approval, unless the board determines a lesser effective period of time.

Sec. 12. Minnesota Statutes, 1973 Supplement, Section 43.324, is amended to read:

43.324 [COMPENSATION PLAN.] *Subdivision 1. On or before December 1 of each even numbered year, the commissioner of personnel shall after consultation with the commissioner of finance submit to the governor, or if a governor has been elected in that year to the governor-elect, his recommendations concerning compensation to be paid all state employees ; in the classified and unclassified civil service in the executive branch with the exception of salaries for positions exempted from the commissioner's salary setting authority in section 2. The recommendations so submitted shall be in bill form, drafted in conformity with the rules of the senate and house of representatives and may contain proposals concerning salaries, paid holidays, health and life insurance benefits, and other items of compensation for all em-*

ployees of the state in the executive branch. The recommendations shall also include any agreements reached through collective bargaining, or order by arbitrators, or which may be the results of any negotiations conducted under a public employment labor relations law applicable to state employees to the extent that such agreements pertain to issues or items included in the commissioner's compensation recommendations described in this subdivision.

Subd. 2. The recommendation of the commissioner as required by subdivision 1 shall include the recommendations of the personnel board concerning salaries in the unclassified service or any modifications thereof which he has made. But no modification of the personnel board's recommendations shall be made by the commissioner without a written explanation therefor, and in no event may the commissioner make any changes in the recommendations of the personnel board concerning positions in the legislative and judicial branches.

Subd. 3. ~~The governor at the time of delivering~~ As part of his budget message to the opening of a regular session of the legislature in January of each odd numbered year, ~~the governor shall~~ also transmit for legislative consideration the commissioner's proposals as recommended by the commissioner or as modified by the governor, but the governor shall not modify any recommendations concerning positions in the legislative or judicial branches, or any recommendations reached through collective bargaining, or ordered by arbitrators, or which may be the result of any negotiations conducted under a public employment labor relations law applicable to state employees.

Sec. 13. Minnesota Statutes, 1973 Supplement, Section 43.128, is amended to read:

43.128 [SALARY INCREASES, UNCLASSIFIED SERVICE.] Subdivision 1. The salaries of all employees in the unclassified *civil* service of the state *executive branch* whose salary is not fixed by section ~~15A.081~~ 8, shall be adjusted to the class of persons in the classified *civil* service performing comparable work and having comparable responsibility, as determined by the commissioner of personnel but in no event to an amount in excess of the maximum of such class.

Subd. 2. The provisions of subdivision 1 shall not apply to state employees listed in sections 43.09, subdivision 2, clause (7) and 136A.03, except that the appointing authority of such employees shall submit a salary schedule to the commissioner for approval before such schedule may become effective. *The provisions of subdivision 1 shall further not apply to salaries for positions which are exempted from the commissioner's salary setting authority under the provisions of section 2.*

Sec. 14. Minnesota Statutes 1971, Section 15.61, is amended to read:

15.61 [UNEMPLOYED AND UNDEREMPLOYED; EMPLOYMENT BY STATE AND OTHER GOVERNMENTAL

UNITS.] Subdivision 1. The state of Minnesota, its departments, agencies and instrumentalities, and any county, city, village, borough, town, school district or other body corporate and politic, may employ unemployed and underemployed persons as defined in the federal ~~Emergency Employment Act of 1971~~ *Comprehensive Manpower Training and Employment Act of 1973, Title II* pursuant to and in accordance with the terms of that act.

Subd. 2. The provisions of Minnesota Statutes 1969, Sections 197.45 to 197.48 and 43.30 and any other law or ordinance relating to preference in employment and promotion of persons having served in the armed services, the provisions of any civil service law, rule or regulation, the provisions of any city charter or any ordinance or resolution, or the provisions of any other law or statute in conflict with the provisions of the federal ~~Emergency Employment Act of 1971~~ *Comprehensive Manpower Training and Employment Act of 1973, Title II* shall not be applicable to the employment of the persons specified in subdivision 1.

Subd. 3. The provision of any law limiting the complement of any state department or agency is not applicable to persons employed pursuant to this section and the provisions of the federal ~~Emergency Employment Act of 1971~~ *Comprehensive Manpower Training and Employment Act of 1973, Title II* when such employment by a state department or agency has been approved by the commissioner of administration.

Sec. 15. [REPEALER.] Minnesota Statutes 1971, Section 15A.14, and Minnesota Statutes, 1973 Supplement, Sections 15A.021, 15A.031, 15A.041, 15A.081, 15A.084, 15A.085, and 43.02 are repealed.

Sec. 16. [EFFECTIVE DATE.] This act shall be effective the beginning of the pay period following its final enactment."

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

"A bill for an act relating to the operation of state government; revising statutory provisions concerning salary setting authority for unclassified positions in the executive branch by realigning portions of Chapters 15A and 43; defining certain terms; amending Minnesota Statutes 1971, Sections 15.61; and 43.01 by adding subdivisions; Chapter 43 by adding sections; Minnesota Statutes, 1973 Supplement, Sections 43.06; 43.09, Subdivision 6; 43.128; and 43.324; repealing Minnesota Statutes, 1973 Supplement, Sections 15A.021, 15A.031, 15A.041, 15A.081; 15A.084, 15A.085 and 43.02; and Minnesota Statutes 1971, Section 15A.14."

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

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

H. F. No. 2525: A bill for an act relating to Ramsey county; codifying the special laws relating to the county; amending Min-

nesota Statutes 1971, Sections 273.052; 273.063; 393.03; 393.04; and 393.05; Minnesota Statutes, 1973 Supplement, Section 393.06; and repealing General Statutes 1866, Chapter 8, Section 54; General Statutes 1878, Chapter 8, Section 59; General Statutes 1894, Section 596; Minnesota Statutes 1971, Sections 15.50, Subdivision 6(c); 38.26; 38.31; 282.323, Subdivision 3; 376.51; Chapter 391; and Sections 393.01, Subdivision 4; and 636.16; Special Laws 1867, Chapter 87; Special Laws 1871, Chapter 73; Special Laws 1873, Chapter 46; Laws 1874, Chapter 101, Section 1; Special Laws 1875, Chapter 90; Special Laws 1881, Chapter 410; Special Laws 1889, Chapters 398, 408, 420, 438 and 439; Special Laws 1891, Chapter 438; Laws 1903, Chapter 339; Laws 1907, Chapter 139, as amended by Laws 1945, Chapter 420, as amended by Laws 1949, Chapter 53; Laws 1909, Chapter 196; Laws 1909, Chapter 361, as amended by Laws 1949, Chapter 68; Laws 1911, Chapter 366, as amended by Laws 1915, Chapter 119, as amended by Laws 1935, Chapter 11, as amended by Laws 1949, Chapter 58; Laws 1913, Chapter 83; Laws 1915, Chapter 104; Laws 1919, Chapter 60; Laws 1921, Chapter 492, Sections 5, 6, 7 and 8, as amended by Laws 1923, Chapter 63, Section 1, as amended by Laws 1927, Chapter 420, Section 4, as amended by Laws 1929, Chapter 339, Section 1, as amended by Laws 1931, Chapter 310, Section 1, as amended by Laws 1939, Chapter 214, Sections 1 and 2, as amended by Laws 1945, Chapters 53 and 471, as amended by Laws 1949, Chapter 75; Laws 1925, Chapter 248; Laws 1927, Chapter 209, as amended by Laws 1949, Chapter 245, as amended by Laws 1957, Chapter 351, as amended by Laws 1973, Chapter 323; Laws 1927, Chapters 223 and 348; Laws 1929, Chapter 371 as amended by Extra Session Laws 1935, Chapter 90, as amended by Laws 1939, Chapter 178, as amended by Laws 1967, Chapter 521; Laws 1937, Chapter 164, as amended by Laws 1949, Chapter 59; Laws 1939, Chapter 79, as amended by Laws 1949, Chapter 71; Laws 1939, Chapter 129; Laws 1941, Chapter 241, as amended by Laws 1949, Chapters 67 and 622; Laws 1941, Chapter 513, as amended by Laws 1943, Chapter 259, as amended by Laws 1947, Chapter 301, as amended by Laws 1947, Chapter 525, as amended by Laws 1949, Chapter 179, as amended by Laws 1951, Chapter 358, as amended by Laws 1955, Chapter 355, as amended by Laws 1955, Chapter 629, as amended by Laws 1957, Chapter 853, as amended by Laws 1963, Chapter 777, as amended by Laws 1967, Chapter 454, as amended by Laws 1967, Chapter 537, as amended by Laws 1969, Chapter 728, as amended by Laws 1969, Chapter 875, as amended by Laws 1969, Chapter 1107, as amended by Laws 1971, Chapter 287; Laws 1943, Chapter 2, as amended by Laws 1949, Chapter 55, as amended by Laws 1957, Chapter 217; Laws 1945, Chapter 54, Sections 1 and 2, as amended by Laws 1949, Chapter 66; Laws 1945, Chapter 561, as amended by Laws 1949, Chapter 64, as amended by Laws 1957, Chapter 855, as amended by Laws 1965, Chapter 628, as amended by Laws 1969, Chapter 667, as amended by Laws 1973, Chapter 769; Laws 1947, Chapter 457, as amended by Laws 1949, Chapters 56 and 178, as amended by Laws 1951, Chapter 592, as amended by Laws 1953, Chapter 499, as amended by Laws 1955, Chapter 66, as amended by Laws 1957, Chapter 109; Laws 1949, Chapters 52, 65, 171,

311 and 384; Laws 1951, Chapter 153, as amended by Laws 1953, Chapter 58, and Laws 1951, Chapter 105, Section 1, and Chapter 266; Laws 1951, Chapter 666, as amended by Laws 1955, Chapter 703, as amended by Laws 1971, Chapter 291, Section 2; Laws 1953, Chapters 48, 132, 244, 509 and 620; Laws 1955, Chapters 68, 69, 154, and Chapter 353, as amended by Laws 1957, Chapter 664, as amended by Laws 1961, Chapter 435, as amended by Laws 1963, Chapter 556, as amended by Laws 1971, Chapter 482, and Laws 1955, Chapters 354, 572 and 824; Laws 1957, Chapters 108, and 111; Laws 1957, Chapter 448, as amended by Laws 1971, Chapter 291, Section 1; Laws 1957, Chapters 682, 897 and 938; Laws 1959, Chapter 236, 237, 238, 373, 451, 497, 523 and Extra Session Laws, Chapter 52; Laws 1961, Chapter 583, as amended by Laws 1967, Chapter 750, as amended by Laws 1971, Chapter 701; Laws 1961, Chapter 589, Sections 1 and 2; Laws 1961, Chapter 676, Section 1, as amended by Laws 1965, Chapter 784, Section 1, as amended by Laws 1971, Chapter 472, Section 1; Laws 1961, Chapter 677, as amended by Laws 1965, Chapter 706, as amended by Laws 1969, Chapter 756; Laws 1963, Chapters 419, 724, 745, 774 and 776; Laws 1963, Chapter 852, as amended by Laws 1965, Chapter 492, as amended by Laws 1969, Chapter 1040, as amended by Laws 1971, Chapter 555; Laws 1965, Chapters 342, 372 and Laws 1965, Chapter 707, Section 1, as amended by Laws 1969, Chapter 1096, as amended by Laws 1971, Chapter 772; Laws 1967, Chapters 69, 211, 354, 473, 534 and 546 and Laws 1967, Chapter 682, as amended by Laws 1969, Chapter 992; Laws 1969, Chapters 626, 835, 905, Sections 2 and 920; Laws 1969, Chapter 1055, as amended by Extra Session Laws 1971, Chapter 35 as amended by Laws 1973, Chapter 335; Laws 1969, Chapter 1104, as amended by Laws 1971, Chapter 556 as amended by Laws 1973, Chapter 662; and Laws 1971, Chapters 300, 310, 385, 388, 525, 579, 606 and 611, and Chapter 851, as amended by Laws 1973, Chapter 695, 950 as amended by Laws 1973, Chapter 372, and Laws 1973, Chapter 329, Chapter 380, Section 16, and Chapters 397, 533 and 581 and Chapter 719, Section 1.

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

Page 16, strike lines 2 through 15.

Page 16, line 16, strike "(iv)" and insert in lieu thereof "(ii)"

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 3670 for comparison to companion Senate File, reports the following House File was found identical and recommends the House File be given its Second Reading and substituted for its companion Senate File as follows:

CALENDAR OF					
GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3670	3547				

And that the above Senate File be indefinitely postponed.

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

Mr. Coleman from the Committee on Rules and Administration, to which were referred H. F. Nos. 3164 and 3561 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.
3164	3190				
3561	3277				

Pursuant to Rule 49 the Committee recommends that H. F. No. 3164 be amended as follows:

Page 1, line 15, after "consumption" delete the comma

Page 1, lines 29 and 30, delete ", including a reasonable return on investment,"

Page 2, delete lines 21 through 26 and insert in lieu thereof the following:

"Subd. 4. [ORGANIZATION.] The state planning agency shall administer this supplemental public transit aid program in areas other than the metropolitan transit area and shall have all the powers necessary and convenient to implement the program, including the following."

Page 3, line 19, delete "of" and insert "or"

Page 3, line 23, after "of" and before "public" insert "a"

Page 4, line 4, delete "Of these funds \$4,500,000" and insert "Four million five hundred thousand dollars of these funds"

Page 4, delete lines 10 through 12

Page 4, line 14, delete "[CREATIONS.]" and insert "[CREATION.]"

Page 5, line 5, after "6" delete the comma

Page 5, line 23, delete "100" and insert "75"

Page 6, lines 3 and 4, delete "effective date of this act" and insert "date of final enactment"

Page 6, line 13, delete "[ENACTMENT.]" and insert "[EFFECTIVE DATE.]"

And when so amended, H. F. No. 3164 will be identical to S. F. No. 3190 and further recommends that H. F. No. 3164 be given its second reading and substituted for S. F. No. 3190 and S. F. No. 3190 be indefinitely postponed.

Pursuant to Rule 49 the Committee recommends that H. F. No. 3561 be amended as follows:

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

"Section 1. Minnesota Statutes 1971, Section 298.03, is amended to read:

298.03 [VALUE OF ORE; HOW ASCERTAINED.] The valuation of iron or other ores for the purposes of determining the amount of tax to be paid under the provisions of section 298.01 shall be ascertained by subtracting from the value of such ore, at the place where the same is brought to the surface of the earth, such value to be determined by the commissioner of ~~taxation~~ *revenue* :

(1) The reasonable cost of supplies used and labor performed at the mine in separating the ore from the ore body, including hoisting, elevating, or conveying the same to the surface of the earth;

(2) If the ore is taken from an open pit mine, an amount for each ton of ore mined or produced during the year equal to the cost of removing the overburden, divided by the number of tons of ore uncovered, the number of tons of ore uncovered in each case to be determined by the commissioner of ~~taxation~~ *revenue* ;

(3) If the ore is taken from an underground mine, an amount for each ton of ore mined or produced during the year equal to the cost of sinking and constructing shafts and running drifts, divided by the number of tons of ore than can be advantageously taken out through such shafts and drifts, the number of tons of ore than can be advantageously taken out in each case to be determined by the commissioner of ~~taxation~~ *revenue* ;

(4) The amount of royalties paid on the ore mined or produced during the year;

(5) A percentage of the ad valorem taxes levied for such year against the realty in which the ore is deposited equal to the percentage that the tons mined or produced during such year bears to the total tonnage in the mine;

(6) In the case of taconite, semi-taconite and iron sulphide operations, the tax payable under Minnesota Statutes, Sections 298.24 and 298.35, on the concentrates produced in said year and any taxes paid under Laws 1955, Chapters 391, 429, 514, 576 or 540, or any other law imposing on such taconite operations a specific tax for school or other governmental purposes;

(7) The amount or amounts of all the foregoing subtractions shall be ascertained and determined by the commissioner of ~~taxation~~ *revenue* . *No deduction or subtraction shall be allowed for (a) interest on plant investment or for any other purpose except to the extent paid during the calendar year, or (b) shrinkage of iron ore.*

Sec. 2. This act is effective for the calendar year 1974 and subsequent years."

Further, amend the title as follows:

Strike the title in its entirety and insert:

"A bill for an act relating to taxation; disallowing certain interest costs to determine occupation tax due; amending Minnesota Statutes 1971, Section 298.03."

And when so amended, H. F. No. 3561 will be identical to S. F. No. 3277 and further recommends that H. F. No. 3561 be given its second reading and substituted for S. F. No. 3277 and S. F. No. 3277 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 were referred

H. F. Nos. 1470, 1627, 3504 and 3382 for comparison to companion Senate Files, reports the following House Files were found to have no companion Senate Files on Senate Calendars and are recommended to be re-referred to their respective Committees as follows:

H. F. Nos. 1470, 1627 and 3504 to the Committee on Finance.

H. F. No. 3382 to the Committee on Labor and Commerce.

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.

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused for a Conference Committee on H. F. No. 1951 at 11:00 a.m.:

Messrs. Stokowski; Keefe, J.; and Humphrey. The motion prevailed.

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on S. F. No. 2964 at 12:00 noon:

Messrs. Olson, J. L.; Perpich, G.; McCutcheon; Kirchner and Moe. The motion prevailed.

Pursuant to Rule 21, Mr. Purfeerst moved that the following members be excused for a Conference Committee on H. F. No. 3712 at 12:00 noon:

Messrs. Blatz, Thorup and Purfeerst. The motion prevailed.

Pursuant to Rule 21, Mr. O'Neill moved that the following members be excused for a Conference Committee on S. F. No. 2367 at 12:00 noon:

Messrs. North, Chenoweth, Coleman, McCutcheon and O'Neill. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 3306, 3520 and 2482 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3054, 3507, 2974, 2525, 3670, 3164 and 3561 were read the second time.

**MOTIONS AND RESOLUTIONS
RECONSIDERATION**

Mr. Gearty moved that the vote whereby H. F. No. 858 failed to pass the Senate on March 21, 1974, be now reconsidered.

The question being taken on adoption of the motion,

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

And the roll being called, there were yeas 33 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Laufenburger	Olson, H. D.	Tennessen
Arnold	Dunn	Lord	O'Neill	Thorup
Borden	Frederick	Milton	Perpich, A. J.	Ueland
Chenoweth	Gearty	Moe	Perpich, G.	Wegener
Chmielewski	Hughes	North	Purfeerst	Willet
Coleman	Keefe, S.	Novak	Sillers	
Conzemius	Kirchner	Olson, A. G.	Solon	

Those who voted in the negative were:

Ashbach	Fitzsimons	Knutson	Nelson	Schrom
Bang	Hansen, Baldy	Kowalczyk	Ogdahl	Spear
Berg	Hansen, Mel	Krieger	Olhoft	Stassen
Bernhagen	Hanson, R.	Larson	Olson, J. L.	
Blatz	Jensen	Lewis	Pillsbury	
Doty	Josefson	McCutcheon	Renneke	

The motion prevailed. So the vote was reconsidered.

Mr. Laufenburger moved that H. F. No. 858 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved to revert to the Order of Business of Messages from the House, remaining on the Order of Business of Motions and Resolutions. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3143:

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.

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

Kvam; Johnson, C., and Carlson, B. have been appointed as such committee on the part of the House.

House File No. 3143 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 21, 1974

Mr. President:

I have the honor to announce that the House wishes to recall for the purpose of further consideration House File No. 3143.

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.

Edward A. Burdick, Chief Clerk, House of Representatives

March 22, 1974

Mr. Bernhagen moved that the Senate accede to the request of the House for the return of H. F. No. 3143 for further consideration. 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. 734: A bill for an act relating to water resources; imposing certain duties in relation thereto on the commissioner of natural resources, counties, and municipalities; providing standards for permits for appropriation and use of public waters, and for changing the course, current, or cross-section of public waters; amending Minnesota Statutes 1971, Sections 105.41, Subdivision 1; 105.42; 105.44, by adding a subdivision; and 105.49; repealing Minnesota Statutes 1971, Sections 113.01 to 113.06.

Senate File No. 734 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1974

Mr. Dunn moved that S. F. No. 734 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1530, and repassed said bill in accordance with the report of the Committee, so adopted.

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

Senate File No. 1530 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 22, 1974

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1060, and repassed said bill in accordance with the report of the Committee, so adopted.

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

Senate File No. 1060 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 22, 1974

MOTIONS AND RESOLUTIONS—CONTINUED

SUSPENSION OF RULES

Mr. Chenoweth moved that an urgency be declared within the meaning of Article IV, Section 20, of the Constitution of Minnesota, with respect to H. F. No. 3164 and that the rules of the Senate be so far suspended as to give H. F. No. 3164, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H. F. No. 3164: A bill for an act relating to public transit; providing for public transportation improvements throughout the state and public transit demonstration projects; appropriating money therefor.

Mr. Frederick moved to amend H. F. No. 3164, the printed bill, as follows:

Page 3, line 1, strike "\$5,500,000" and insert "\$9,000,000"

Page 3, line 6, after the period, insert "\$3,500,000 of these funds shall be appropriated to the department of highways solely for the construction, reconstruction, and improvement of trunk highways located outside the area of the state under the jurisdiction of the metropolitan council that are not included in the backbone system as designated in the highway department publication "A 'Backbone' Concept for Development of Minnesota Trunk Highways" dated July 1972."

Further, amend the title as follows:

Page 1, line 2, after "state" strike "and" and insert a comma

Page 1, line 2, before the semicolon insert "and money for rural highways"

The question being taken on adoption of the amendment,

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

And the roll being called, there were yeas 22 and nays 34, as follows:

'Those who voted in the affirmative were:

Berg	Fitzsimons	Knutson	Olson, J. L.	Stassen
Bernhagen	Frederick	Kowalczyk	Pillsbury	Ueland
Brown	Hanson, R.	Krieger	Purfeerst	
Chmielewski	Jensen	Larson	Renneke	
Dunn	Josefson	Olson, H. D.	Sillers	

Those who voted in the negative were:

Anderson	Conzemius	Kirchner	Novak	Schrom
Arnold	Davies	Laufenburger	Ogdahl	Solon
Bang	Doty	Lewis	Olhoff	Spear
Blatz	Gearty	Lord	Olson, A. G.	Tennessen
Borden	Hansen, Mel	Milton	Perpich, A. J.	Thorup
Chenoweth	Hughes	Moe	Perpich, G.	Wegener
Coleman	Keefe, S.	North	Schaaf	

The motion did not prevail. So the amendment was not adopted.

Mr. Frederick moved to amend H. F. No. 3164, the printed bill as follows:

Page 4, after line 1, insert:

"Sec. 7. [PLANNING.] Any system or program which receives funds pursuant to this act shall take into consideration the needs of the handicapped and aged in the development of or planning for improvements to such system or program."

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H. F. No. 3164, the printed bill, as follows:

Page 4, after line 4, insert:

"Sec. 8. Minnesota Statutes 1971, Section 296.02, Subdivision 1, is amended to read:

296.02 [GASOLINE, EXCISE TAX.] Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is hereby imposed an excise tax of seven *eight* cents per gallon on all gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax shall be payable at the times, in the manner, and by persons specified in this chapter.

Sec. 9. A separate account is hereby created in the trunk highway fund. Money in this account may be used solely for the construction, reconstruction, and improvement of trunk highways that are not included in the backbone system as designated in the highway department publication "A 'Backbone' Concept for Development of Minnesota Trunk Highways" dated July, 1972. For the first two years of its existence there shall be transferred to the separate account from the highway user tax distribution fund an amount equal to fifteen million dollars plus 62 percent of the proceeds collected from a one-cent tax per gallon on gasoline and special fuel used in producing and generating power for propelling motor vehicles used on the public highways of this state. Thereafter each year there shall be transferred to the separate account from the highway user tax distribution fund 62 percent of the proceeds collected from a one-cent tax per gallon on gasoline and special fuel used in producing and generating power for propelling motor vehicles used on the public highways of this state. The transfers shall be made quarterly on the 15th day after the last day of each quarter. The first transfer shall be made on October 15, 1974 for the quarter ending September 30, 1974."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before the period insert "; increasing the excise tax on gasoline used in motor vehicles using public highways; creating a separate account in the trunk highway fund for certain trunk highways; amending Minnesota Statutes 1971, Section 296.02, Subdivision 1."

The question being taken on adoption of the amendment,

Mr. Chmielewski moved that those not voting be excused from voting.

The motion prevailed.

And the roll being called, there were yeas 31 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Josefson	Purfeerst	Ueland
Arnold	Conzemius	Knutson	Renneke	Wegener
Ashbach	Dunn	Krieger	Schaaf	Willet
Berg	Fitzsimons	Tarson	Schrom	
Bernhagen	Frederick	Olson, H. D.	Siller	
Borden	Hanson, R.	Olson, J. L.	Stassen	
Brown	Jensen	Pillsbury	Thorup	

Those who voted in the negative were:

Bang	Hansen, Baldy	Kowalczyk	Novak	Solon
Blatz	Hansen, Mel	Laufenburger	Osdahl	Spear
Chenoweth	Hughes	Lewis	Olhoft	Stokowski
Coleman	Humphrey	Lord	Olson, A. G.	Tennessen
Davies	Keefe, J.	McCutcheon	O'Neill	
Doty	Keefe, S.	Milton	Perpich, A. J.	
Gearty	Kirchner	Moe	Perpich, G.	

The motion did not prevail. So the amendment was not adopted.

Mr. Krieger moved to amend H. F. No. 3164, the printed bill, as follows:

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

"Section 1. [EXTRA EXCISE TAX IMPOSED.] There is hereby imposed an excise tax of one cent per gallon, in addition to the excise tax imposed by Minnesota Statutes, Section 296.02, Subdivision 1, and Section 296.025, Subdivision 1, on all gasoline and special fuel used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax shall be payable at the times, in the manner, and by the persons specified in section 296.02, subdivision 1, and section 296.025, subdivision 1.

Sec. 2. [EFFECTIVE DATE: EXPIRATION DATE.] The tax imposed by section 1 shall be in effect for six years. Collection of the tax imposed by section 1 shall commence on July 1, 1974 and terminate on June 30, 1980.

Sec. 3. [MINNESOTA STATE TRANSPORTATION FUND.] Subdivision 1. A separate bookkeeping account is created in the general books of account of this state to be known as the Minnesota state transportation fund. Within the fund there shall be two accounts designated as the metropolitan account and the outstate account.

There shall be records in the fund:

(a) The receipts of revenue derived from the provisions of section 4;

(b) Any other money appropriated to the fund;

(c) Disbursements from the fund; and

(d) Other related transactions as the commissioner of finance may designate.

Sec. 4. [SOURCES AND EXPENDITURES OF REVENUE.] Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Section 297B.09, the proceeds of the excise tax imposed on motor vehicles by Minnesota Statutes, Section 297B.02, shall be paid to the fund created by section 3. Fifty percent of the revenue shall be allocated to the metropolitan account. All other revenue shall be allocated to the outstate account. The provisions of this subdivision shall be effective on July 1, 1975 and expire on June 30, 1978.

Subd. 2. Expenditures from the fund may be made for capital investments and improvements, including but not limited to land, construction, buildings and equipment required to provide adequate intra-city transportation.

Subd. 3. Subject to the approval of the metropolitan council, funds in the metropolitan account may be expended by the metropolitan transit commission for the purposes stated in subdivision 2. Such expenditures shall be charged to the metropolitan account.

Subd. 4. Subject to regulations of the department of highways developed in consultation with the state planning agency, the regional development commissions, and other subdivisions of state government, funds in the outstate account may be expended or granted by the department of highways for the purposes stated in subdivision 2. Such expenditures or grants shall be charged to the outstate account; provided that not less than 50% of the funds in the outstate account shall be expended or granted solely for the construction, reconstruction, and improvement of trunk highways that are not included in the backbone system as designated in the highway department publication "A 'Backbone' Concept for Development of Minnesota Trunk Highways" dated July, 1972; provided further that no funds in the outstate account shall be expended or granted for use in the counties of this state under the jurisdiction of the metropolitan council.

Sec. 5. Except as provided herein the provisions of this act shall be effective the day following final enactment."

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

"A bill for an act relating to transportation; imposing an increased excise tax on gasoline and special fuels for a period of six years; providing for the improvement of highways; establishing the Minnesota state transportation fund for the appropriation of money for the improvement of transportation; allocating the revenue from the excise tax on motor vehicles imposed by Minnesota Statutes, Section 297B.02 to the fund for a period of three years."

Mr. Chmielewski moved to amend the Krieger amendment to H. F. No. 3164, the printed bill, as follows:

Strike sections 3, 4 and 5

Further, amend the title as follows:

Third line of the title amendment, strike everything after "years" and insert a period, and strike the balance of the title amendment.

The question being taken on adoption of the amendment to the Krieger amendment,

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

And the roll being called, there were yeas 5 and nays 40, as follows:

Those who voted in the affirmative were:

Chmielewski Hanson, R. Laufenburger Schaaf Willet

Those who voted in the negative were:

Anderson	Coleman	Hansen, Mel	Larson	Purfeerst
Arnold	Conzemius	Hughes	Lewis	Renneke
Berg	Davies	Jensen	Lord	Solon
Bernhagen	Doty	Josefson	Novak	Spear
Blatz	Dunn	Keefe, S.	Ogdahl	Stassen
Borden	Fitzsimons	Knutson	Olson, H. D.	Stokowski
Brown	Frederick	Kowalczyk	Perpich, A. J.	Tennessen
Chenoweth	Gearty	Krieger	Pillsbury	Ueland

The motion did not prevail. So the amendment to the Krieger amendment was not adopted.

The question recurred on the Krieger amendment.

The question being taken on adoption of the amendment,

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

And the roll being called, there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Josefson	Larson	Renneke
Bang	Dunn	Keefe, J.	Nelson	Sillers
Berg	Fitzsimons	Kirchner	Ogdahl	Stassen
Bernhagen	Frederick	Knutson	Olson, J. L.	Ueland
Blatz	Hanson, R.	Kowalczyk	O'Neill	Willet
Brown	Jensen	Krieger	Pillsbury	

Those who voted in the negative were:

Anderson	Doty	Lewis	Olhoff	Schrom
Arnold	Gearty	Lord	Olson, A. G.	Solon
Borden	Hansen, Baldy	McCutcheon	Olson, H. D.	Spear
Chenoweth	Hughes	Milton	Perpich, A. J.	Stokowski
Coleman	Humphrey	Moe	Perpich, G.	Tennessen
Conzemius	Keefe, S.	North	Purfeerst	Thorup
Davies	Laufenburger	Novak	Schaaf	Wegener

The motion did not prevail. So the amendment was not adopted.

H. F. No. 3164 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,

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

And the roll being called, there were yeas 45 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kirchner	Novak	Purfeerst
Arnold	Doty	Laufenburger	Ogdahl	Schaaf
Bang	Fitzsimons	Lewis	Olhoff	Solon
Borden	Gearty	Lord	Olson, A. G.	Spear
Brown	Hansen, Mel	McCutcheon	Olson, H. D.	Stassen
Chenoweth	Hughes	Milton	O'Neill	Stokowski
Chmielewski	Humphrey	Moe	Perpich, A. J.	Tennessen
Coleman	Keefe, J.	Nelson	Perpich, G.	Thorup
Conzemius	Keefe, S.	North	Pillsbury	Ueland

Those who voted in the negative were:

Berg	Frederick	Knutson	Olson, J. L.	Wegener
Bernhagen	Hansen, Baldy	Kowalczyk	Renneke	Willet
Blatz	Hanson, R.	Krieger	Schrom	
Dunn	Josefson	Larson	Sillers	

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Purfeerst moved that H. F. No. 2992 be taken from the table. The motion prevailed.

Mr. Purfeerst moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2992, 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.

RECESS

Mr. Coleman moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 2992, pursuant to the request of the House:

Messrs. Purfeerst, Brown, Davies, Doty, Dunn.

Mr. Davies moved that the foregoing appointments be approved. The motion prevailed.

Mr. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on S. F. No. 3580, pursuant to the request of the Senate:

Messrs. Hughes, Willet, Fitzsimons, Josefson, Davies.

Mr. Davies moved that the foregoing appointments be approved. The motion prevailed.

Pursuant to Rule 21, Mr. Purfeerst moved that the following members be excused for a Conference Committee on H. F. No. 2992:

Messrs. Purfeerst, Brown, Davies, Doty and Dunn. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved to revert to the Order of Business of Mes-

sages from the House, remaining on the Order of Business of Motions and Resolutions. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 96, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 96: A bill for an act relating to the compensation of victims of motor vehicle accidents; requiring security by motor vehicle owners; providing for certain mandatory minimum insurance or self-insurance protection benefits payable regardless of fault in cases of personal injury; providing for a limitation of general damages; expanding uninsured motorists coverage, providing small claims arbitration and penalties for failure to show proof of security; providing for certain deductibles; providing for subrogation, inter-company arbitration, and offset of benefits paid against judgments; providing an assigned claims plan; providing penalties; amending Minnesota Statutes 1971, Section 65B.14, Subdivision 1, as amended; repealing Minnesota Statutes 1971, Sections 65B.22, as amended; 65B.23 to 65B.27; 170.21; 170.22; 170.25 to 170.53 and 170.56 to 170.58.

Senate File No. 96 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1974

Mr. President:

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

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1974

Mr. President:

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

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1974

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved to take up the Senate Calendar and 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 the Senate Calendar. The motion prevailed.

THIRD READING OF HOUSE BILLS

H. F. No. 2837: A bill for an act relating to intoxicating liquor; authorizing off-sale of certain wines by certain manufacturers; amending Minnesota Statutes 1971, Section 340.13, Subdivision 1.

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 42 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Humphrey	Laufenburger	Schaaf
Arnold	Doty	Jensen	Lewis	Solon
Ashbach	Dunn	Josefson	Lord	Stassen
Berg	Fitzsimons	Keefe, J.	Nelson	Tennessen
Blatz	Frederick	Keefe, S.	Ogdahl	Wegener
Borden	Gearty	Knutson	Olhoft	Willet
Brown	Hansen, Mel	Kowalczyk	Perpich, A. J.	
Chmielewski	Hanson, R.	Krieger	Pillsbury	
Conzemius	Hughes	Larson	Purfeerst	

Messrs. Novak and Schrom voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1415: A bill for an act relating to health; developmentally disabled; amending Minnesota Statutes 1971, Sections 252.24, Subdivisions 1 and 4; 252.25; 252.26; 252.27; and 252.28.

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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Jensen	Lewis	Purfeerst
Arnold	Dunn	Josefson	Lord	Schaaf
Ashbach	Fitzsimons	Keefe, J.	Nelson	Schrom
Berg	Frederick	Keefe, S.	Novak	Solon
Blatz	Gearty	Knutson	Ogdahl	Spear
Borden	Hansen, Mel	Kowalczyk	Olhoft	Stassen
Brown	Hanson, R.	Krieger	Olson, A. G.	Thorup
Chmielewski	Hughes	Larson	Perpich, A. J.	Wegener
Conzemius	Humphrey	Laufenburger	Pillsbury	Willet

So the bill passed and its title was agreed to.

H. F. No. 2405: A bill for an act relating to elections; requiring precinct boundaries to be filed with the secretary of state; amending Minnesota Statutes 1971, Section 203.06, Subdivision 1.

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 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, J.	Novak	Spear
Arnold	Fitzsimons	Keefe, S.	Ogdahl	Stassen
Ashbach	Frederick	Knutson	Olhoft	Tennessen
Berg	Gearty	Kowalczyk	Olson, A. G.	Thorup
Blatz	Hansen, Mel	Krieger	Perpich, A. J.	Wegener
Borden	Hanson, R.	Larson	Pillsbury	Willet
Brown	Hughes	Laufenburger	Purfeerst	
Chmielewski	Humphrey	Lewis	Schaaf	
Conzemius	Jensen	Lord	Schrom	
Doty	Josefson	Nelson	Solon	

So the bill passed and its title was agreed to.

H. F. No. 1421: A bill for an act relating to the University of Minnesota board of regents; providing for student or recent graduate members; amending Minnesota Statutes 1971, Chapter 137, by adding a section.

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

The question being taken on the passage of the bill,

Mr. Willet moved that those not voting be excused from voting. The motion did not prevail.

And the roll being called, there were yeas 31 and nays 26, as follows:

Those who voted in the affirmative were:

Ashbach	Fitzsimons	Keefe, S.	Milton	Spear
Bang	Frederick	Kirchner	Nelson	Stassen
Bernhagen	Gearty	Knutson	Olson, J. L.	Ueland
Blatz	Hansen, Mel	Kowalczyk	Perpich, A. J.	
Brown	Hanson, R.	Krieger	Pillsbury	
Chmielewski	Josefson	Larson	Renneke	
Doty	Keefe, J.	Laufenburger	Sillers	

Those who voted in the negative were:

Anderson	Conzemius	Novak	Purfeerst	Wegener
Arnold	Hansen, Baldy	Ogdahl	Schrom	Willet
Berg	Hughes	Olhoft	Solon	
Borden	Jensen	Olson, A. G.	Stokowski	
Chenoweth	Lewis	Olson, H. D.	Tennessen	
Coleman	McCutcheon	Perpich, G.	Thorup	

So the bill failed to pass.

Pursuant to Rule 21, Mr. Nelson moved that the following members be excused for a Conference Committee on S. F. No. 3580:

Messrs. Hughes, Willet, Fitzsimons, Josefson and Davies. The motion prevailed.

H. F. No. 1047: A bill for an act relating to standards of weight and measure; providing for the gradual implementation and instruction concerning the metric system of weights and measures.

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 45 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, S.	Novak	Sillers
Arnold	Fitzsimons	Knutson	Ogdahl	Solon
Ashbach	Gearty	Kowalczyk	Olhoft	Spear
Bang	Hansen, Mel	Krieger	Olson, A. G.	Stassen
Bernhagen	Hanson, R.	Larson	Olson, H. D.	Stokowski
Blatz	Hughes	Laufenburger	Perpich, A. J.	Tennessen
Borden	Humphrey	Lewis	Pillsbury	Thorup
Chenoweth	Jensen	Lord	Renneke	Ueland
Chmielewski	Keefe, J.	Milton	Schaaf	Willet

Those who voted in the negative were:

Frederick	Hansen, Baldy	Josefson	Schrom	Wegener
-----------	---------------	----------	--------	---------

So the bill passed and its title was agreed to.

H. F. No. 1716: A bill for an act relating to wild animals; limiting the use of certain firearms in relation to firearm deer seasons; amending Minnesota Statutes 1971, Section 100.29, Subdivisions 3 and 9.

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 40 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Humphrey	Lord	Sillers
Arnold	Conzemius	Jensen	Ogdahl	Solon
Ashbach	Fitzsimons	Josefson	Olhoft	Stokowski
Bang	Frederick	Keefe, J.	Olson, H. D.	Tennessen
Bernhagen	Gearty	Keefe, S.	Perpich, A. J.	Thorup
Blatz	Hansen, Mel	Krieger	Pillsbury	Ueland
Borden	Hanson, R.	Larson	Renneke	Wegener
Chenoweth	Hughes	Laufenburger	Schaaf	Willet

Messrs. Hansen, Baldy; Lewis; Novak; and Spear voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 242: A bill for an act relating to highway traffic regulations; television in motor vehicles; prohibiting the use of certain listening devices while operating a motor vehicle; amending Minnesota Statutes 1971, Section 169.471.

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 47, and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Keefe, S.	Olhoft	Spear
Arnold	Gearly	Knutson	Olson, A. G.	Stassen
Bang	Hansen, Baldy	Kowalczyk	Olson, H. D.	Stokowski
Bernhagen	Hansen, Mel	Krieger	Perpich, A. J.	Tennessen
Blatz	Hanson, R.	Larson	Pillsbury	Thorup
Borden	Hughes	Laufenburger	Renneke	Wegener
Chenoweth	Humphrey	Lewis	Schaaf	Willet
Chmielewski	Jensen	Lord	Schrom	
Conzemius	Josefson	Novak	Sillers	
Fitzsimons	Keefe, J.	Ogdahl	Solon	

So the bill passed and its title was agreed to.

H. F. No. 3060: A bill for an act relating to retirement; transferring duties of the state auditor and treasurer in connection with legislator's, constitutional officer's and judge's retirement to the executive director of the Minnesota state retirement system; amending Minnesota Statutes 1971, Sections 3A.01, by adding a subdivision; 3A.02, Subdivision 3; 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; 3A.05; 352C.03, Subdivision 2; 352C.04, Subdivision 3; 352C.05; 352C.09; 490.025, Subdivision 8; 490.102, Subdivisions 4 and 8; and 490.12, Subdivisions 2 and 8; and Minnesota Statutes, 1973 Supplement, Sections 3A.02, Subdivisions 1 and 2; 3A.03, Subdivision 1; 3A.11, Subdivisions 1 and 4; and 490.025, 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, J.	Ogdahl	Solon
Arnold	Frederick	Keefe, S.	Olhoft	Spear
Ashbach	Gearly	Knutson	Olson, A. G.	Stassen
Bang	Hansen, Baldy	Kowalczyk	Olson, H. D.	Stokowski
Bernhagen	Hansen, Mel	Krieger	Perpich, A. J.	Tennessen
Blatz	Hanson, R.	Larson	Pillsbury	Thorup
Borden	Hughes	Laufenburger	Renneke	Ueland
Chenoweth	Humphrey	Lewis	Schaaf	Wegener
Chmielewski	Jensen	Lord	Schrom	Willet
Conzemius	Josefson	Novak	Sillers	

So the bill passed and its title was agreed to.

H. F. No. 3372: A bill for an act relating to Independent School District No. 141; exempting Independent School District No. 141 from application of certain liquor laws.

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 39 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Jensen	Ogdahl	Spear
Arnold	Fitzsimons	Keefe, J.	Olson, A. G.	Stassen
Ashbach	Frederick	Keefe, S.	Olson, H. D.	Tennessen
Bang	Gearty	Kowalczyk	Perpich, A. J.	Thorup
Blatz	Hansen, Baldy	Krieger	Pillsbury	Ueland
Borden	Hanson, R.	Larson	Schaaf	Wegener
Chenoweth	Hughes	Lewis	Sillers	Willet
Chmielewski	Humphrey	Lord	Solon	

Those who voted in the negative were:

Bernhagen	Josefson	Novak	Renneke	Schrom
Hansen, Mel	Knutson	Olhoff		

So the bill passed and its title was agreed to.

H. F. No. 268: A bill for an act relating to court; initiation of paternity proceedings; amending Minnesota Statutes 1971, Section 257.253.

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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kowalczyk	Olhoff	Solon
Arnold	Doty	Krieger	Olson, A. G.	Spear
Bang	Fitzsimons	Larson	Olson, H. D.	Stassen
Berg	Gearty	Laufenburger	Perpich, A. J.	Stokowski
Bernhagen	Hansen, Mel	Lewis	Pillsbury	Tennessen
Blatz	Hanson, R.	Lord	Purfeerst	Thorup
Borden	Jensen	Milton	Renneke	Ueland
Brown	Josefson	Nelson	Schaaf	Wegener
Chenoweth	Keefe, S.	Novak	Schrom	Willet
Chmielewski	Knutson	Ogdahl	Sillers	

So the bill passed and its title was agreed to.

H. F. No. 1692: A bill for an act relating to labor and industry; boiler and pressure vessel fees to be paid to the state of Minnesota; amending Minnesota Statutes 1971, Sections 183.545, Subdivisions 3 and 4; and 183.57, Subdivision 2.

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 45 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	Novak	Schrom
Arnold	Doty	Kowalczyk	Ogdahl	Sillers
Ashbach	Dunn	Krieger	Olhoff	Solon
Bang	Fitzsimons	Larson	Olson, A. G.	Spear
Berg	Gearty	Laufenburger	Perpich, A. J.	Stassen
Blatz	Hansen, Mel	Lewis	Pillsbury	Stokowski
Borden	Hanson, R.	Lord	Purfeerst	Thorup
Brown	Hughes	Milton	Renneke	Ueland
Chmielewski	Jensen	Nelson	Schaaf	Willet

Messrs. Bernhagen and Olson, H. D. voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 2725: A bill for an act relating to education; requiring a good faith attempt to make up time lost by school districts on account of calamity; amending Minnesota Statutes 1971, Section 124.16.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Novak	Schrom
Arnold	Dunn	Knutson	Ogdahl	Sillers
Ashbach	Fitzsimons	Kowalczyk	Olhoft	Solon
Bang	Gearty	Krieger	Olson, A. G.	Spear
Berg	Hansen, Mel	Larson	Olson, H. D.	Stassen
Bernhagen	Hanson, R.	Laufenburger	Perpich, A. J.	Stokowski
Blatz	Hughes	Lewis	Pillsbury	Thorup
Borden	Humphrey	Lord	Purfeerst	Ueland
Brown	Jensen	Milton	Renneke	Wegener
Chmielewski	Josefson	Nelson	Schaaf	Willet

So the bill passed and its title was agreed to.

H. F. No. 2715: A bill for an act relating to elections; prohibiting the scheduling of athletic events on a precinct caucus day; amending Minnesota Statutes 1971, Chapter 202, by adding a section.

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 46 and nays 4, as follows:

Those who voted in the affirmative were:

Arnold	Gearty	Larson	Perpich, A. J.	Stokowski
Bang	Hansen, Mel	Laufenburger	Pillsbury	Tennessen
Berg	Hanson, R.	Lewis	Purfeerst	Thorup
Bernhagen	Hughes	Lord	Renneke	Ueland
Blatz	Humphrey	Milton	Schaaf	Wegener
Borden	Jensen	Nelson	Schrom	Willet
Brown	Josefson	Novak	Sillers	
Chenoweth	Keefe, S.	Ogdahl	Solon	
Chmielewski	Kowalczyk	Olhoft	Spear	
Doty	Krieger	Olson, A. G.	Stassen	

Messrs. Anderson, Ashbach, Dunn and Olson, H. D. voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 2477: A bill for an act relating to water pollution control; authorizing municipalities to let individual contracts for the joint design and construction of sewage treatment facilities.

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 46 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Olson, A. G.	Stokowski
Arnold	Dunn	Kowalczyk	Olson, H. D.	Tennessen
Berg	Fitzsimons	Krieger	Perpich, A. J.	Thorup
Bernhagen	Gearty	Larson	Pillsbury	Ueland
Blatz	Hansen, Mel	Laufenburger	Purfeerst	Wegener
Borden	Hanson, R.	Lord	Schaaf	Willet
Brown	Hughes	Milton	Sillers	
Chenoweth	Humphrey	Novak	Solon	
Chmielewski	Jensen	Ogdahl	Spear	
Davies	Josefson	Olhoft	Stassen	

Those who voted in the negative were:

Ashbach	Lewis	Nelson	Renneke	Schrom
---------	-------	--------	---------	--------

So the bill passed and its title was agreed to.

H. F. No. 2458: A bill for an act relating to soil and water conservation districts; authorizing membership in state and national associations; amending Minnesota Statutes 1971, Section 40.07, by adding a subdivision.

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 53 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Josefson	Novak	Sillers
Arnold	Doty	Keefe, S.	Ogdahl	Solon
Ashbach	Dunn	Knutson	Olhoft	Spear
Bang	Fitzsimons	Kowalczyk	Olson, A. G.	Stassen
Berg	Gearty	Krieger	Olson, H. D.	Stokowski
Bernhagen	Hansen, Baldy	Larson	Perpich, A. J.	Thorup
Blatz	Hansen, Mel	Laufenburger	Pillsbury	Ueland
Borden	Hanson, R.	Lewis	Purfeerst	Wegener
Brown	Hughes	Lord	Renneke	Willet
Chenoweth	Humphrey	Milton	Schaaf	
Chmielewski	Jensen	Nelson	Schrom	

Mr. Tennessen voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 2937: A bill for an act relating to subdivided lands; application for registration; annual reports; amending Minnesota Statutes, 1973 Supplement, Sections 83.20, Subdivision 5; 83.23, Subdivisions 2, 3 and 4; 83.30, Subdivision 1; and 83.38, by adding a subdivision.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Josefson	Novak	Solon
Arnold	Doty	Keefe, S.	Ogdahl	Spear
Ashbach	Dunn	Knutson	Olhoft	Stassen
Bang	Fitzsimons	Kowalczyk	Olson, A. G.	Stokowski
Berg	Gearty	Krieger	Olson, H. D.	Tennesen
Bernhagen	Hansen, Baldy	Larson	Perpich, A. J.	Thorup
Blatz	Hansen, Mel	Laufenburger	Purfeerst	Ueland
Borden	Hanson, R.	Lewis	Renneke	Wegener
Brown	Hughes	Lord	Schaaf	Willet
Chenoweth	Humphrey	Milton	Schrom	
Chmielewski	Jensen	Nelson	Sillers	

So the bill passed and its title was agreed to.

H. F. No. 1386: A bill for an act relating to insurance; requiring insurance agents to issue written memoranda with respect to new or altered insurance coverage; providing a penalty; amending Minnesota Statutes 1971, Section 60A.17, 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 52 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Keefe, S.	Ogdahl	Spear
Arnold	Davies	Knutson	Olhoft	Stassen
Ashbach	Doty	Kowalczyk	Olson, A. G.	Stokowski
Bang	Dunn	Krieger	Olson, H. D.	Tennesen
Berg	Fitzsimons	Larson	Perpich, A. J.	Thorup
Bernhagen	Gearty	Laufenburger	Purfeerst	Ueland
Blatz	Hansen, Mel	Lewis	Renneke	Wegener
Borden	Hanson, R.	Lord	Schaaf	Willet
Brown	Hughes	Milton	Schrom	
Chenoweth	Jensen	Nelson	Sillers	
Chmielewski	Josefson	Novak	Solon	

Mr. Hansen, Baldy voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 2129: A bill for an act relating to labor; regulating the employment of child labor; prescribing penalties; repealing Minnesota Statutes 1971, Sections 181.18 to 181.27; 181.31 to 181.51; 181.69; and 181.72.

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 32 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kowalczyk	Olhoft	Tennesen
Arnold	Doty	Laufenburger	Olson, A. G.	Thorup
Borden	Gearty	Lewis	Perpich, A. J.	Wegener
Brown	Hansen, Mel	Lord	Purfeerst	Willet
Chenoweth	Hanson, R.	Milton	Spear	
Chmielewski	Hughes	North	Stassen	
Coleman	Keefe, S.	Novak	Stokowski	

Those who voted in the negative were:

Ashbach	Dunn	Knutson	Olson, H. D.	Schrom
Bang	Fitzsimons	Krieger	O'Neill	Sillers
Berg	Hansen, Baldy	Larson	Pillsbury	Solon
Bernhagen	Jensen	Nelson	Renneke	Ueland
Blatz	Josefson	Ogdahl	Schaaf	

So the bill failed to pass.

H. F. No. 3023: A bill for an act relating to retirement; actuarial valuations and experience studies of various public retirement funds; amending Minnesota Statutes 1971, Chapter 356, by adding a section; and Sections 356.22, Subdivisions 1 and 3; and 356.23; repealing Minnesota Statutes 1971, Sections 356.21, as amended; 356.211; and 356.212.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 2745: A bill for an act relating to municipalities; allowing municipalities to set minimum labor standards in awarding contracts; amending Minnesota Statutes 1971, Section 471.345, by adding a subdivision.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Pillsbury voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 3013: A bill for an act relating to the city of Beaver Bay; authorizing the issuance of on-sale liquor licenses.

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 50 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Hughes	Nelson	Sillers
Arnold	Coleman	Jensen	North	Solon
Ashbach	Davies	Keefe, S.	Ogdahl	Spear
Bang	Doty	Knutson	Olson, A. G.	Stassen
Berg	Dunn	Kowalczyk	Olson, H. D.	Stokowski
Bernhagen	Fitzsimons	Larson	O'Neill	Tennessen
Blatz	Gearty	Laufenburger	Perpich, A. J.	Thorup
Borden	Hansen, Baldy	Lewis	Pillsbury	Ueland
Brown	Hansen, Mel	Lord	Purfeerst	Wegener
Chenoweth	Hanson, R.	Milton	Schaaf	Willet

Messrs. Josefson, Novak, Olhoft and Renneke voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 2065: A bill for an act relating to the promotion of tourism in the state; providing for the financing of tourist and related recreational facilities; amending Minnesota Statutes 1971, Section 474.02, by adding a subdivision.

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 49 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Jensen	Milton	Renneke
Arnold	Coleman	Josefson	Nelson	Sillers
Ashbach	Doty	Keefe, S.	North	Solon
Bang	Dunn	Knutson	Novak	Stassen
Berg	Fitzsimons	Kowalczyk	Ogdahl	Stokowski
Bernhagen	Gearty	Krieger	Olhoft	Thorup
Blatz	Hansen, Baldy	Larson	O'Neill	Ueland
Borden	Hansen, Mel	Laufenburger	Perpich, A. J.	Wegener
Brown	Hanson, R.	Lewis	Pillsbury	Willet
Chenoweth	Hughes	Lord	Purfeerst	

Those who voted in the negative were:

Davies	Olson, H. D.	Schrom	Spear	Tennessen
Olson, A. G.	Schaaf			

So the bill passed and its title was agreed to.

H. F. No. 3032: A bill for an act relating to the department of human rights; providing that no bids be accepted or contracts be awarded on public contracts until a certificate of compliance is ob-

tained from the department of human rights or an application is made therefor; amending Minnesota Statutes 1971, Section 363.-073, Subdivision 1.

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 52 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Josefson	Ogdahl	Solon
Arnold	Davies	Keefe, S.	Olhott	Spear
Ashbach	Doty	Kowalczyk	Olson, A. G.	Stokowski
Bang	Dunn	Krieger	Olson, H. D.	Tennessen
Berg	Fitzsimons	Larson	O'Neill	Thorup
Bernhagen	Gearty	Lewis	Perpich, A. J.	Ueland
Blatz	Hansen, Baldy	Lord	Pillsbury	Wegener
Borden	Hansen, Mel	Milton	Purfeerst	Willet
Brown	Hanson, R.	Nelson	Renneke	
Chenoweth	Hughes	North	Schaaf	
Chmielewski	Jensen	Novak	Sillers	

Messrs. Knutson and Schrom voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 2324: A bill for an act relating to manpower services; unemployment compensation; administration fund; amending Minnesota Statutes 1971, Section 268.15, Subdivision 1.

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

So the bill passed and its title was agreed to.

H. F. No. 3089: A bill for an act relating to the city of Detroit Lakes; authorizing the issuance of an on-sale liquor license.

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 6, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	Ogdahl	Stassen
Arnold	Doty	Knutson	Olson, A. G.	Stokowski
Ashbach	Dunn	Kowalczyk	Olson, H. D.	Tennessen
Bang	Fitzsimons	Krieger	O'Neill	Thorup
Berg	Gearty	Larson	Perpich, A. J.	Ueland
Bernhagen	Hansen, Baldy	Laufenburger	Pillsbury	Wegener
Blatz	Hansen, Mel	Lewis	Purfeerst	Willet
Borden	Hansen, R.	Lord	Schaaf	
Brown	Hughes	Milton	Sillers	
Chenoweth	Humphrey	Nelson	Solon	
Coleman	Jensen	North	Spear	

Those who voted in the negative were:

Chmielewski	Novak	Olhoft	Renneke	Schrom
Josefson				

So the bill passed and its title was agreed to.

H. F. No. 3436: A bill for an act relating to public safety; authorizing the commissioner of public safety to promulgate a uniform fire code; adopting the uniform fire code, 1971 edition, promulgated by the international conference of building officials and the western fire chiefs association, until the commissioner promulgates a code.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1192: A bill for an act relating to utilities; private and publicly owned companies; providing for regulations as to customer deposits.

With the unanimous consent of the Senate, Mr. Bernhagen moved to amend H. F. No. 1192, the printed bill, as follows:

Page 1, after line 11, insert:

"(d) Advance payments or voluntary pre-payments shall not be construed as being a deposit."

The motion prevailed. So the amendment was adopted.

H. F. No. 1192 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 39 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	Novak	Solon
Arnold	Doty	Krieger	Ogdahl	Spear
Ashbach	Dunn	Larson	Olhoft	Stassen
Borden	Gearty	Laufenburger	Olson, H. D.	Tennessen
Brown	Hansen, Mel	Lewis	O'Neill	Thorup
Chenoweth	Hughes	Lord	Perpich, A. J.	Wegener
Chmielewski	Humphrey	Milton	Purfeerst	Willet
Coleman	Josefson	North	Schaaf	

Those who voted in the negative were:

Bang	Blatz	Hanson, R.	Pillsbury	Sillers
Berg	Fitzsimons	Jensen	Renneke	Ueland
Bernhagen	Hansen, Baldy	Nelson	Schrom	

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

H. F. No. 2605: A bill for an act relating to the village of Grand Rapids; authorizing the issuance of on-sale licenses for the sale of intoxicating liquor.

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 49 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Humphrey	North	Solon
Arnold	Davies	Jensen	Ogdahl	Spear
Ashbach	Doty	Keefe, S.	Olson, A. G.	Stassen
Bang	Dunn	Kirchner	Olson, H. D.	Stokowski
Berg	Fitzsimons	Kowalczyk	Perpich, A. J.	Tennessen
Bernhagen	Gearty	Krieger	Pillsbury	Thorup
Blatz	Hansen, Baldy	Larson	Purfeerst	Ueland
Borden	Hansen, Mel	Lord	Schaaf	Wegener
Brown	Hanson, R.	Milton	Schrom	Willet
Chmielewski	Hughes	Nelson	Sillers	

Those who voted in the negative were:

Josefson	Novak	Olhoft	Olson, J. L.	Renneke
----------	-------	--------	--------------	---------

So the bill passed and its title was agreed to.

H. F. No. 1382: A bill for an act relating to insurance; deposits by domestic insurance companies; defining the kind of securities which domestic insurance companies must keep on deposit for the protection of policyholders; requiring all securities to be deposited in a state or national bank in Minnesota; amending Minnesota Statutes 1971, Sections 60A.10, Subdivisions 1 and 4, and by adding a subdivision; 60A.19, Subdivision 5; 61A.41; 63.02; 65A.22; 66A.08, Subdivision 1; and 68A.01, 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 2813: A bill for an act relating to student associations; authorizing the student associations at all state colleges and the Minnesota state college student association to expend money assigned to them to fund a legal counseling and service program for students; amending Laws 1973, Chapter 488, Section 1.

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

So the bill passed and its title was agreed to.

H. F. No. 3357: A bill for an act relating to the city of Thief River Falls; authorizing the issuance of on-sale liquor licenses.

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 52 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Knutson	Ogdahl	Spear
Arnold	Doty	Kowalczyk	Olson, A. G.	Stassen
Ashbach	Dunn	Krieger	Olson, H. D.	Stokowski
Bang	Fitzsimons	Larson	O'Neill	Tennesen
Berg	Gearty	Laufenburger	Perpich, A. J.	Thorup
Bernhagen	Hansen, Baldy	Lewis	Perpich, G.	Ueland
Blatz	Hansen, Mel	Lord	Pillsbury	Wegener
Borden	Hughes	Milton	Purfeerst	Willet
Brown	Jensen	Moe	Schaaf	
Chenoweth	Keefe, S.	Nelson	Sillers	
Coleman	Kirchner	North	Solon	

Those who voted in the negative were:

Chmielewski	Novak	Olson, J. L.	Renneke	Schrom
Josefson	Olhoft			

So the bill passed and its title was agreed to.

H. F. No. 2919: A bill for an act relating to Koochiching county; authorizing the issuance of additional on-sale intoxicating liquor licenses.

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 55 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Kirchner	Nelson	Schrom
Arnold	Davies	Knutson	North	Sillers
Ashbach	Doty	Kowalczyk	Ogdahl	Solon
Bang	Dunn	Krieger	Olson, A. G.	Spear
Berg	Fitzsimons	Larson	Olson, H. D.	Stassen
Bernhagen	Gearty	Laufenburger	O'Neill	Stokowski
Blatz	Hansen, Baldy	Lewis	Perpich, A. J.	Tennesen
Borden	Hansen, Mel	Lord	Perpich, G.	Thorup
Brown	Hughes	McCutcheon	Pillsbury	Ueland
Chenoweth	Jensen	Milton	Purfeerst	Wegener
Chmielewski	Keefe, S.	Moe	Schaaf	Willet

Those who voted in the negative were:

Josefson	Novak	Olhoft	Olson, J. L.	Renneke
----------	-------	--------	--------------	---------

So the bill passed and its title was agreed to.

H. F. No. 2854: A bill for an act relating to eminent domain proceedings; court appointed commissioners; amending Minnesota Statutes 1971, Section 117.075.

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 43 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kirchner	North	Solon
Arnold	Gearty	Larson	Novak	Spear
Ashbach	Hansen, Baldy	Laufenburger	Olhoff	Stassen
Borden	Hansen, Mel	Lewis	Olson, H. D.	Stokowski
Brown	Hughes	Lord	O'Neill	Tennessen
Chenoweth	Humphrey	McCutcheon	Perpich, A. J.	Wegener
Coleman	Jensen	Milton	Perpich, G.	Willet
Davies	Josefson	Moe	Schaaf	
Dunn	Keefe, S.	Nelson	Schrom	

Those who voted in the negative were:

Bang	Chmielewski	Krieger	Pillsbury	Ueland
Berg	Doty	Ogdahl	Purfeerst	
Bernhagen	Knutson	Olson, A. G.	Renneke	
Blatz	Kowalczyk	Olson, J. L.	Sillers	

So the bill passed and its title was agreed to.

H. F. No. 3248: A bill for an act relating to education; area vocational-technical schools; providing for traffic and parking regulation by the school boards or joint school boards.

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 49 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Kirchner	Novak	Schaaf
Arnold	Doty	Knutson	Ogdahl	Sillers
Ashbach	Dunn	Kowalczyk	Olhoff	Solon
Bang	Fitzsimons	Krieger	Olson, A. G.	Spear
Berg	Gearty	Larson	Olson, H. D.	Stassen
Bernhagen	Hughes	Laufenburger	Olson, J. L.	Thorup
Blatz	Humphrey	Milton	O'Neill	Ueland
Borden	Jensen	Moe	Perpich, A. J.	Wegener
Brown	Josefson	Nelson	Perpich, G.	Willet
Chenoweth	Keefe, S.	North	Renneke	

Those who voted in the negative were:

Coleman	Lewis	McCutcheon	Purfeerst	Tennessen
Davies	Lord	Pillsbury	Schrom	

So the bill passed and its title was agreed to.

H. F. No. 3223: A bill for an act relating to the governor's citizens council on aging; duties of council; authority over funds; amending Minnesota Statutes 1971, Sections 256.01, Subdivision 10; and 256.975, 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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 2764: A bill for an act relating to private pensions; imposing an obligation upon certain employers who terminate pension plans; providing for the enforcement and method of payment of such obligations.

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 39 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Lord	Olson, A. G.	Solon
Arnold	Gearty	McCutcheon	Olson, H. D.	Spear
Berg	Hughes	Milton	Olson, J. L.	Stassen
Chenoweth	Humphrey	Moe	Perpich, A. J.	Stokowski
Chmielewski	Jensen	North	Perpich, G.	Tennessee
Coleman	Keefe, S.	Novak	Purfeerst	Thorup
Davies	Laufenburger	Ogdahl	Schaaf	Willet
Doty	Lewis	Olhoft	Schrom	

Those who voted in the negative were:

Bang	Hansen, Baldy	Knutson	Larson	Renneke
Bernhagen	Hansen, Mel	Kowalczyk	O'Neill	Sillers
Blatz	Josefson	Krieger	Pillsbury	Ueland

So the bill passed and its title was agreed to.

H. F. No. 677: A bill for an act relating to recreational motor vehicles; providing limitations on the operation of such vehicles while on property not owned by the operator; providing penalties; amending Minnesota Statutes 1971, Chapter 84, by adding a section.

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 43 and nays 7, as follows:

Those who voted in the affirmative were:

Arnold	Brown	Doty	Hansen, Mel	Jensen
Bang	Chmielewski	Dunn	Hanson, R.	Josefson
Bernhagen	Coleman	Fitzsimons	Hughes	Keefe, S.
Blatz	Davies	Gearty	Humphrey	Kirchner

Krieger	Milton	Olhoft	Perpich, G.	Solon
Larson	Moe	Olson, H. D.	Purfeerst	Ueland
Laufenburger	Nelson	Olson, J. L.	Renneke	Willet
Lord	North	O'Neill	Schaaf	
McCutcheon	Ogdahl	Perpich, A. J.	Sillers	

Those who voted in the negative were:

Ashbach	Knutson	Olson, A. G.	Pillsbury	Schrom
Hansen, Baldy	Kowalczyk			

So the bill passed and its title was agreed to.

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

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

So the bill passed and its title was agreed to.

H. F. No. 3313: A bill for an act regarding concession facilities at the Minnesota zoological garden; amending Minnesota Statutes 1971, Section 85A.03, 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 45 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	Moe	Renneke
Arnold	Doty	Kirchner	Ogdahl	Schaaf
Bang	Dunn	Knutson	Olhoft	Sillers
Berg	Fitzsimons	Kowalczyk	Olson, A. G.	Solon
Bernhagen	Gearty	Krieger	Olson, H. D.	Spear
Blatz	Hansen, Mel	Larson	Olson, J. L.	Stassen
Chmielewski	Hanson, R.	Laufenburger	Perpich, A. J.	Thorup
Coleman	Hughes	Lewis	Perpich, G.	Ueland
Conzemius	Jensen	Lord	Pillsbury	Wegener

Those who voted in the negative were:

Hansen, Baldy	McCutcheon	North	Schrom
Josefson	Nelson	Novak	Willet

So the bill passed and its title was agreed to.

CALENDAR OF ORDINARY MATTERS

H. F. No. 2704: A bill for an act relating to the department of natural resources; appropriating money for the improvement of a certain road leading to a state park; and providing for the transfer of the road to the town of Camp Release.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 3352: A bill for an act relating to agriculture; grain weighing, sampling and analysis; providing penalties; amending Minnesota Statutes 1971, Sections 232.08; and 235.01; repealing Minnesota Statutes 1971, Sections 232.05; 233.135; 233.137; 233.17 to 233.21; 233.25 to 233.32; 233.34 to 233.40; 235.03; 235.11; 235.12; 235.14 to 235.17; and 235.19.

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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Gearty	Krieger	Olson, A. G.	Sillers
Bang	Hansen, Baldy	Larson	Olson, H. D.	Solon
Berg	Hansen, Mel	Laufenburger	Olson, J. L.	Spear
Bernhagen	Hanson, R.	Lord	O'Neill	Stassen
Blatz	Hughes	McCutcheon	Perpich, A. J.	Thorup
Brown	Jensen	Moe	Perpich, G.	Ueland
Chmielewski	Josefson	Nelson	Pillsbury	Wegener
Coleman	Keefe, J.	North	Purfeerst	Willet
Davies	Kirchner	Novak	Renneke	
Dunn	Knutson	Ogdahl	Schaaf	
Fitzsimons	Kowalczyk	Olhoff	Schrom	

So the bill passed and its title was agreed to.

H. F. No. 1075: A bill for an act creating a housing development authority in Washington county; applying the provisions of the municipal housing and redevelopment act to Washington county.

With the unanimous consent of the Senate, Mr. Brown moved to amend H. F. No. 1075, the printed bill as follows:

Page 2, after line 8, insert:

"Sec. 4. Notwithstanding the provisions of Minnesota Statutes, Section 365.19, the governing body of the town of Forest Lake may levy in any one year a tax for fire protection authorized under Minnesota Statutes, Sections 365.15 to 365.18, in an amount determined to be adequate and reasonable at the annual town meeting."

Page 2, line 9, after "effect" insert "as to Washington county"

Page 2, line 10, after "and" insert "as to the town of Forest Lake when approved by a majority of the members of the town board and"

Renumber the sections in sequence

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

"A bill for an act relating to local government in Washington county and the town of Forest Lake; creating a housing and redevelopment authority in Washington county; applying the provisions of the municipal housing and redevelopment act in Washington county; exempting the town of Forest Lake from limitation on tax levies for fire protection."

The motion prevailed. So the amendment was adopted.

H. F. No. 1075: A bill for an act creating a housing development authority in Washington county; applying the provisions of the municipal housing and redevelopment act to Washington county.

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 46 and nays 1, as follows:

Those who voted in the affirmative were:

Arnold	Coleman	Jensen	Laufenburger	Ogdahi
Bang	Davies	Josefson	Lewis	Olson, A. G.
Berg	Dunn	Keefe, J.	Lord	Olson, H. D.
Bernhagen	Gearty	Kirchner	McCutcheon	Olson, J. L.
Blatz	Hansen, Baldy	Knutson	Moe	O'Neill
Brown	Hansen, Mel	Krieger	Nelson	Perpich, A. J.
Chmielewski	Hughes	Larson	North	Perpich, G.

Pillsbury
Purfeerst
Renneke

Schaaf
Sillers

Solon
Spear

Thorup
Ueland

Wegener
Willet

Mr. Olhoft voted in the negative.

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

H. F. No. 2844: A bill for an act relating to the Minnehaha creek watershed district; providing for taxes.

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 47 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Kowalczyk	Noack	Schaaf
Arnold	Hansen, Baldy	Krieger	Ogdahl	Sillers
Berg	Hansen, Mel	Larson	O'hoft	Solon
Bernhagen	Hanson, R.	Laufenburger	Olson, A. G.	Thorup
Brown	Hughes	Lewis	Olson, H. D.	Ueland
Chmielewski	Jensen	Lord	Olson, J. L.	Wegener
Coleman	Josefson	McCutcheon	O'Neill	Willet
Conzemius	Keefe, J.	Moe	Perpich, A. J.	
Davies	Kirchner	Nelson	Perpich, G.	
Dunn	Knutson	North	Renneke	

Messrs. Pillsbury, Schrom, Spear and Stassen voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 2866: A bill for an act relating to the city of Saint Paul; providing for and authorizing said city to issue its general obligation bonds for urban renewal development purposes and for rehabilitation loans; amending Laws 1963, Chapter 881, Sections 1, as amended; 2; and 3; and repealing Laws 1973, Chapter 395, Section 2.

With the unanimous consent of the Senate, Mr. North moved to amend H. F. No. 2866, as amended by the Committee on Metropolitan and Urban Affairs, adopted by the Senate March 13, 1974, as follows:

Before section 4 insert:

"Sec. 4. Laws 1973, Chapter 326, Section 2, is amended to read:

Sec. 2. The swimming pools shall be situated at approximately the following locations, provided that no bonds issued hereunder shall be invalidated if the proceeds are insufficient to pay the cost of completing them at all such locations:

- (1) ~~West 7th Boundaries~~
~~North of: West 7th Street~~
~~South of: 35E~~
~~East of: Milton~~
~~West of: Richmond~~
Monroe High School

- (2) **Merriam Park**
~~North of: Lincoln~~
~~South of: I-04~~
~~East of: Cleveland~~
~~West of: Snelling~~
Longfellow Elementary School
- (3) **Northeast Boundaries**
~~North of: BN Tracks (north of Como)~~
~~South of: Maryland~~
~~East of: Como~~
~~West of: 35E~~
Washington High School
- (4) **Payne Area Boundary**
~~Within a one (1) mile radius of Hamm's Brewery~~
Cleveland Junior High School
- (5) **Battle Creek Boundary**
~~Within a one (1) mile radius of Battle Creek School~~
~~West of: McKnight~~
Battle Creek Junior High School

Renumber the sections in sequence

Further, amend the title amendment as follows:

In the title amendment to line 2, after "providing" insert "for the location and"

In the title amendment to line 3, strike "Section" and insert "Sections 2 and"

The motion prevailed. So the amendment was adopted.

H. F. No. 2866 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 47 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Larson	Olson, A. G.	Sillers
Arnold	Gearty	Laufenburger	Olson, H. D.	Solon
Bang	Hansen, Baldy	Lewis	Olson, J. L.	Stassen
Berg	Hansen, Mel	Lord	O'Neill	Thorup
Bernhagen	Hughes	McCutcheon	Perpich, A. J.	Ueland
Blatz	Jensen	Moe	Perpich, G.	Wegener
Coleman	Josefson	Nelson	Pillsbury	Willet
Conzemius	Kirchner	North	Renneke	
Davies	Kowalczyk	Novak	Schaaf	
Dunn	Krieger	Olhoft	Schrom	

Mr. Chmielewski voted in the negative.

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

Pursuant to Rule 21, Mr. Hansen, Baldy moved that the following members be excused for a Conference Committee on H. F. No. 2120:

Messrs. Bang, Milton and Hansen, Baldy. The motion prevailed.

Pursuant to Rule 21, Mr. Conzemius moved that the following members be excused for a Conference Committee on H. F. No. 1810:

Messrs. Conzemius, Frederick and Keefe, J. The motion prevailed.

Pursuant to Rule 21, Mr. Keefe, S. moved that the following members be excused for a Conference Committee on H. F. No. 951:

Messrs. Keefe, S.; Tennessen and Ashbach. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Dunn moved that S. F. No. 734 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Dunn moved that the Senate do now concur in the amendments by the House to S. F. No. 734 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 734: A bill for an act relating to water and related land resources; imposing certain duties in relation thereto on the commissioner of natural resources, counties, and municipalities; providing for the development of state, regional, and local water and related land resources plans; providing standards for permits for appropriation and use of public waters, and for changing the course, current, or cross-section of public waters; changing the controlling statute for planning and development in Mower county; amending Minnesota Statutes 1971, Sections 105.44, by adding a subdivision; and 105.49; Minnesota Statutes, 1973 Supplement, Sections 105.41, Subdivision 1, and by adding subdivisions; and 105.42, by adding a subdivision; repealing Minnesota Statutes 1971, Sections 113.01 to 113.06; and Laws 1959, Chapter 101, as amended.

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

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

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

Those who voted in the affirmative were:

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

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

RECESS

Mr. Coleman moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MEMBERS EXCUSED

Mr. Nelson was excused from the Session of today beginning at 2:00 o'clock p.m.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved to revert to the Order of Business of Messages from the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills, remaining on the Order of Business of Motions and Resolutions. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

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

1 and 2; 720, Section 31, Subdivision 2; repealing Minnesota Statutes 1971, Section 176.611, Subdivisions 5 and 6; Minnesota Statutes, 1973 Supplement, Section 176.601.

There has been appointed as such committee on the part of the House:

Messrs. Norton; Haugerud; Voss; Anderson, D. and Andersen, R.

Senate File No. 3580 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 22, 1974

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. 636, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 636: A bill for an act relating to establishing a metropolitan transportation commission; assumption by commission of Twin City area metropolitan transit commission powers; granting authority to commission to approve highway designs and locations; establishing budget procedure; amending Minnesota Statutes 1971, Chapter 473A, by adding sections; and Sections 473A.01, Subdivisions 2 and 3, and by adding a subdivision; 473A.02; 473A.03; 473A.04, by adding subdivisions; 473A.05, Subdivision 10, and by adding a subdivision; 473A.16; 473.18; repealing Minnesota Statutes 1971, Sections 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; 473A.06, Subdivision 1; and 473A.065.

House File No. 636 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 22, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 636

A bill for an act relating to establishing a metropolitan transportation commission; assumption by commission of Twin City area metropolitan transit commission powers; granting authority to commission to approve highway designs and locations; establishing budget procedure; amending Minnesota Statutes 1971, Chapter 473A, by adding sections; and Sections 473A.01, Subdivisions 2 and 3, and by adding a subdivision; 473A.02; 473A.03; 473A.04, by adding subdivisions; 473A.05, Subdivision 10, and by adding a subdivision; 473A.16; 473A.18; repealing Minnesota Statutes 1971, Sections 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; 473A.06, Subdivision 1; and 473A.065.

March 20, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives

Honorable Alec G. Olson
President of the Senate

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

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

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

“ARTICLE I

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

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

[473B.011] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 15, the terms defined in this section shall have the meanings given them unless otherwise provided or indicated by the context.*

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

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

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

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

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

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

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

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

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

473B.02 [METROPOLITAN COUNCIL.] Subdivision 1. [CREATION.] A metropolitan council with jurisdiction in the metropolitan area consisting of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, is created. It shall be under the supervision and control of 16 17 members, all of whom shall be residents of the metropolitan area.

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

Subd. 2. [TERMS.] The first members of the metropolitan council appointed by the governor shall be appointed as follows: the chairman as provided in subdivision 4; four for terms ending the first Monday in January 1969; five for terms ending the first Monday in January 1971; and five for terms ending the first Monday in January 1973. Thereafter the term of each member shall be for a term of six years and until his successor is appointed and qualified.

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

Members of the council serving as of the first Monday in January, 1975 shall continue to serve the district described in subdivision 3 in which they reside for the term herein prescribed for that district, provided that if more than one such member resides in

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

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

Subd. 3. [MEMBERSHIP.] ~~Fourteen~~ *Sixteen* members of the metropolitan council shall be appointed by the governor on a nonpartisan basis, after consulting with all members of the legislature from the area composing the council district for which the member is to be appointed, by and with the advice and consent of the senate. Each such council member shall reside in the council district which he represents. ~~Council districts consist of combinations of legislative and representative districts established by Extra Session Laws 1966, Chapter 1, as prescribed herein.~~ Each council district shall be represented by one member of the council. Council districts are hereby created as follows:

(1) The first council district consists of legislative district 12, ~~that part of representative district 6A within Dakota county, and representative district 14A, and that part of representative district 14B within Scott county~~ *that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwesterly, westerly, and northerly along the main channel of the Mississippi river to the west city limits, and extending northerly along the west city limits to the point of origin.*

(2) The second council district consists of legislative districts 8 ~~and 50~~ *that part of the county of Ramsey consisting of the villages of Lauderdale, Falcon Heights, and Roseville; and that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending northerly along the center line of Rice street to the Burlington Northern railroad right of way, extending easterly along the Burlington Northern railroad right of way to the center line of Sylvan street, extending northerly along the center line of Sylvan street to the center line of Magnolia*

lia avenue west, extending easterly along the center line of Magnolia avenue west to the center line of Agate street, extending northerly along the center line of Agate street to the center line of Jessamine avenue west extended, extending easterly along the center line of Jessamine avenue west extended to the center line of Interstate 35E, extending northerly along the center line of Interstate 35E to the north city limits, and extending westerly, southerly, westerly, southerly, westerly, northerly, westerly, and southerly along the city limits to the point of origin.

(3) The third council district consists of legislative districts 49 and 57, and representative district 32B that part of the city of St. Paul described as follows: commencing at the intersection of the center line of Interstate 35E with the north city limits, extending southerly along the center line of Interstate 35E to the center line of Jessamine avenue west extended; extending westerly along the center line of Jessamine avenue west extended to the center line of Agate street, extending southerly along the center line of Agate street to the center line of Magnolia avenue west, extending westerly along the center line of Magnolia avenue west to the center line of Sylvan street, extending southerly along the center line of Sylvan street to the Burlington Northern railroad right of way, extending westerly along the Burlington Northern railroad right of way to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwestly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwestly along the main channel of the Mississippi river to the south city limits, extending easterly, northerly, easterly, southerly, easterly, southeasterly, easterly, northerly, and westerly along the city limits to the point of origin.

(4) The fourth council district consists of legislative district 33 and representative districts 13A and 21A that part of the county of Ramsey consisting of the town of White Bear; the villages of Arden Hills, Gem Lake, Little Canada, Mounds View, New Brighton, North Oaks, North St. Paul, Shoreview, and Vadnais Heights; that part of the city of White Bear Lake lying in the county of Ramsey; and that part of the village of Maplewood lying north of the center line of Larpenteur Avenue.

(5) The fifth council district consists of legislative districts 30 and 31 and representative district 32A that part of the county of Hennepin consisting of the city of Robbinsdale; that part of the village of Golden Valley described as follows: commencing at the intersection of the center line of trunk highway No. 100 with the north village limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east village limits, and extending northerly, westerly, northerly, and westerly along the village limits to the

point of origin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north village limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and Sixth street north to the center line of Hennepin avenue, extending southwestwardly along the center line of Hennepin avenue to the center line of Franklin avenue west, extending westerly along the center line of Franklin avenue west to the center line of Lake of the Isles boulevard east, extending southerly along the center line of Lake of the Isles boulevard east to the center line of Lake Calhoun boulevard east, extending southerly along the center line of Lake Calhoun boulevard east to the center line of Lake street west, extending westerly along the center line of Lake street west to the west city limits, and extending northerly, easterly, northerly, and easterly along the city limits to the point of origin.

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

of that part of the village of St. Anthony lying in the county of Ramsey .

(7) The seventh council district consists of legislative districts 27 and 28 that part of the city of Minneapolis described as follows: commencing at the intersection of the center line of Lake street west with the west city limits, extending easterly along the center line of Lake street west to the center line of Lake Calhoun boulevard east, extending northerly along the center line of Lake Calhoun boulevard east to the center line of Lake of the Isles boulevard east, extending northerly along the center line of Lake of the Isles boulevard east to the center line of Franklin avenue west, extending easterly along the center line of Franklin avenue west to the center line of Hennepin avenue, extending north-easterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyn-dale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending westerly, northerly, westerly, and northerly to the point of origin .

(8) The eighth council district consists of legislative districts 34 and 35 that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the east city limits, extending northwesterly along the main channel of the Mississippi river to the center line of Twenty-seventh avenue south extended, extending southerly along the center line of Twenty-seventh avenue south extended to the center line of Sixth street south, extending westerly along the center line of Sixth street south to the center line of Cedar avenue south, extending southerly along the center line of Cedar avenue south to the center line of Twenty-fourth street east, extending westerly along the center line of Twenty-fourth street east to the

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

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

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

north village limits, and extending easterly along the north village limits to the point of origin .

(11) The eleventh council district consists of legislative districts 41 and 42 that part of the county of Hennepin consisting of the villages of Edina, Medicine Lake, Minnetonka, and Plymouth; the cities of Hopkins and Wayzata; and that part of the village of Golden Valley described as follows: commencing at the intersection of the center line of Winnetka avenue north and the north village limits, extending southerly along the center line of Winnetka avenue north to the center line of Olson Memorial Highway; extending westerly along the center line of Olson Memorial highway to the west village limits, and extending northerly and easterly along the village limits to the point of origin .

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

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

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

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

(16) The sixteenth council district consists of the counties of Carver and Scott; that part of the county of Dakota consisting of the village of Lakeville; and that part of the county of Hennepin

consisting of the villages of Deephaven, Eden Prairie, Excelsior, Greenwood, Long Lake, Mound, Orono, Shorewood, Spring Park, Tonka Bay, and Woodland; the city of Minnetonka Beach; that part of the village of Chanhassen lying in the county of Hennepin; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue south, extending southerly along the center line of Johnson avenue south to the Minneapolis, Northfield, and Southern railroad right of way, extending southwestly along the Minneapolis, Northfield and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, and extending westerly, northerly, and easterly, along the city limits to the point of origin.

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

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

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

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

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

In the performance of its duties the metropolitan council may promulgate rules governing its operation, establish committees, divisions, departments and bureaus and staff the same as neces-

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

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

[473B.021] [MEMBERSHIP, PROCEDURES, OFFICERS AND EMPLOYEES OF METROPOLITAN COMMISSIONS.]

Subdivision 1. [GENERAL.] Metropolitan commissions shall be organized, structured and administered as prescribed in this section.

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

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

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

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

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

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

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

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

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

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

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

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

tions as it deems proper, and may order the payment to the employee of compensation lost as a result of the demotion, suspension or dismissal.

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

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

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

(b) He shall appoint and remove, subject to the provisions of the personnel code adopted pursuant to subdivision 9 of this section, upon the basis of merit and fitness, all subordinate officers and regular employees of the commission.

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

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

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

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

Subd. 12. [PUBLIC EMPLOYEES.] All persons employed by the chief administrator shall be public employees, and shall have all rights and duties conferred on public employees under sections

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

Subd. 13. [COMMISSION OPERATING PROCEDURES.]

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

(b) The commission and the council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by Minnesota Statutes, Section 471.59; provided that no commission shall enter into any contract with the council which would assign any operations authority, responsibility or function, other than planning or making studies, from the commission to the council.

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

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

473B.04 [REPORTS.] On or before January 15th, of each ~~odd~~ ^{numbered} year the metropolitan council shall report to the legislature. The report shall include:

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

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

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

(4) Summaries of any studies and the recommendations result-

ing therefrom made by the metropolitan council, and a listing of all applications for federal moneys made by governmental units within the metropolitan area submitted to the metropolitan council;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Assistance in the preparation, as a guide for long-range

development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities together with long-range fiscal plans for such development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) *Previously approved policy plans and development programs and areas of operational authority of the metropolitan commissions shall not be subject to review under this section, except as specifically provided in paragraphs (b) and (c) of subdivision 3.*

(c) *Once the development of all of the regulations has been completed by the council and the committee, and no later than 30 days prior to the date specified for their adoption, the council shall hold a public hearing for the purpose of considering the developed regulations and receiving comments and recommendations thereon. Notice of the hearing, containing the developed regulations and such other comments as are deemed appropriate, shall be published in a newspaper or newspapers circulated*

throughout the metropolitan area and mailed to all state agencies and all local governmental units which may be affected by these regulations no later than 30 days prior to the hearing. Following the hearing, the council may revise the proposed regulations, giving consideration to all comments received, and thereafter the council shall finally adopt these regulations.

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

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

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

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

Subd. 4. [COUNCIL REVIEW; COMPREHENSIVE PLANS, LAND USE PLANS.] Each city, town, and county all or part of which lies within the metropolitan area, shall submit to the metropolitan council for written comment and recommendation thereon its proposed long-term comprehensive plans, including but not limited to plans for land use. The proposed plans shall be submitted to the council after their approval by the planning commission of the local government unit and before final approval by the governing body of the city, town or county. The council shall maintain such plans in its files available for inspection by members of the public. No local government action shall be taken to place any such plan or part thereof into effect until 90 days have elapsed after its submission to the council. Promptly after submission, the council shall notify each city, town, county, or special district which may be affected by the plans submitted, of the

general nature of the plan, the date of submission, and the identity of the submitting unit. Political subdivisions contiguous to the submitting unit shall be notified in all cases. Within 30 days after receipt of such notice any governmental unit so notified or the local governmental unit submitting the plan may request the council to conduct a hearing at which the submitting unit and any other governmental unit or subdivision may present its views. The council may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans submitted. If within 90 days the council fails to complete its written comments and recommendations the plans shall be deemed approved and may be placed into effect. Any major alteration to a plan subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan. The written comments and recommendations of the council shall be filed with the plan of the local government unit at all places where the plan is required by law to be kept on file.

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

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

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

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

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

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

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

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

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

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

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

Subd. 2. [SUBMISSION TO AND APPROVAL BY COUNCIL.] *The development program prepared by the commission shall be submitted to the council for review and approval or disapproval. The council shall complete its review within 90 days after receipt of the proposed development program. If the council determines that the program is consistent with the policy plan it shall approve the program as submitted. If it determines that the program is inconsistent with the policy plan, it shall disapprove it and return it to the submitting commission with comments and the commission shall make appropriate revisions in the program and resubmit it to the council for review and approval or disapproval. Before approving a program or returning it to the submitting commission, the council shall hold a public hearing for the purpose of considering the program and the council's comments thereon, if requested to do so by the affected commission. The council may approve or disapprove a development program in whole or in part. Within two years of the approval of its first development program by the council and at least biennially thereafter each commission shall review the program, make such revisions as are necessary, including an updating of the five year capital improvement program, and submit the program to the council for its review and approval or disapproval as herein provided.*

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

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

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

(a) *the estimated operating revenues from all sources including*

funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service; and

(b) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year; all in such detail and form as the council may prescribe. Between August 1 and September 1 of each year, the commission shall hold a public hearing on the proposed budget. Not less than 14 days before the hearing, the commission shall publish notice thereof in a newspaper having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed budget may be examined by any interested person. Those parts of the budget relating to revenues and expenditures for capital improvements shall be submitted to the council on or before August 1 of each year and shall be subject to approval by the council. The council shall act to approve or disapprove by October 1 of each year. Before December 15 of each year the commission, after obtaining approval of the council for any changes in the capital improvements budget, shall by resolution adopt a final budget. Each commission shall file its final budget with the council on or before December 20 of each year. Except in an emergency, for which procedures shall be established by the commission, the commission and its officers, agents and employees shall not spend money for any purpose, other than debt service, without an appropriation by the commission or in excess of the amount appropriated therefor, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. The commission may, after obtaining approval of the council, amend the capital improvements budget at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose. The council shall file the budgets of all commissions with the secretary of the senate and the clerk of the house of representatives not later than January 15 of each year.

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

Subd. 3. [REVIEW OF USER CHARGES.] Thirty days prior to the establishment of or change in any user charges or fees or schedule of user charges or fees the commission shall forthwith

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

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

ARTICLE II

METROPOLITAN WASTE CONTROL COMMISSION

Section 1. Minnesota Statutes 1971, Section 473D.02, Subdivision 9, is amended to read:

Subd. 9. "Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials *and waste sludges* resulting from industrial, commercial and agricultural operations, and from community activities, but does not include earthen fill, boulders, broken rock ~~and other materials normally handled in construction operations~~, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Sec. 2. Minnesota Statutes 1971, Section 473C.03, Subdivision 1, is amended to read:

473C.03 [METROPOLITAN WASTE CONTROL COMMISSION.] Subdivision 1. [ESTABLISHMENT; APPOINTMENTS.] A metropolitan sewer service board *waste control commission* is established as an agency of the council comprised of not fewer than seven members who shall be appointed by the metropolitan council as hereinafter provided. The council shall combine the council districts into precincts, each comprised of at least two contiguous council districts, and shall then appoint one board member for each precinct. If the boundaries of the council districts are at any time relocated, the boundaries of the precincts shall also be relocated. Not more than half of the board members may be appointed from among the residents of any one sewer service area established pursuant to section 473C.08 and shall be organized, structured and administered as provided in chapter 473B, sections 1 to 14 of article I.

Sec. 3. Minnesota Statutes 1971, Section 473C.06, Subdivision 3, is amended to read:

Subd. 3. [MUNICIPAL PLANS AND PROGRAMS.] As soon as practicable after the adoption of the first ~~comprehensive~~ *policy* plan by the council as provided in ~~subdivision 1~~ *article I, section 10*, and before undertaking the construction of any extensions or additions to its disposal system or the substantial alteration or improvement of its existing disposal system, each local government unit shall adopt a similar ~~comprehensive~~ *policy* plan for the collection, treatment and disposal of sewage for which the local government unit is responsible, coordinated with the council's plan, and may revise the same as often as it deems necessary. Each such plan shall be submitted forthwith to the ~~sewer service board~~ *waste control commission* for review and shall be subject to the approval of the ~~board~~ *commission* as to those features affecting the ~~board's commission's~~ responsibilities as determined by the ~~board commission~~. Any such features disapproved by the ~~board commission~~ shall be modified in accordance with the ~~board's commission's~~ recommendations. No construction of new sewers or other disposal facilities, and no substantial alteration or improvement of any existing sewers or other disposal facilities involving such features, shall be undertaken by any local government unit unless its governing body shall first find the same to be in accordance with its comprehensive plan and program as approved by the ~~board commission~~. *At the time each local government unit makes application to the agency for a permit to alter or improve its disposal system it shall file with the commission a copy of the application together with design data and a location map of the project.*

Sec. 4. Minnesota Statutes 1971, Section 473C.10, is amended to read:

473C.10 [WASTE CONTROL COMMISSION BUDGET.] The ~~sewer service board~~ *waste control commission* shall prepare and submit to the council for approval on or before September 1 in 1970 and each year thereafter, a budget showing, for the following calendar year or other fiscal year determined by the council, estimated receipts of money from all sources including but not limited to payments by each local government unit, federal or state grants, taxes on property, and funds on hand at the beginning of the year, and estimated expenditures for costs of (a) operation, administration, and maintenance of the metropolitan disposal system, including credits to each local government unit under section 473C.05, subdivision 4, and deferments under section 473C.09, subdivision 7, (b) acquisition and betterment of treatment works and interceptors, and (c) debt service, including principal and interest on general obligation bonds and certificates issued pursuant to section 473C.12, obligations assumed under section 473C.05, subdivisions 2 and 3, and any money judgment entered by a court of competent jurisdiction. Appropriations for purposes within these general categories shall be itemized in such detail as the council shall prescribe. The board and its officers, agents and employees shall not spend money for any purpose, other than debt service, without an appropriation or in excess of the amount ap-

appropriated therefor, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it, whether or not specifically included in any annual budget. The council may, at the board's request, amend the budget at any time by transferring from one purpose to another any appropriation except appropriations of bond proceeds and of money for debt service and adopt a budget at the time and in the manner provided in and otherwise comply with article I, section 14.

Sec. 5. Minnesota Statutes 1971, Section 473C.16, Subdivision 3, is amended to read:

Subd. 3. The ~~board~~ *commission* shall prepare and submit to the council for ~~approval~~ *review and comment*, plans and specifications for the acquisition or betterment of interceptors or treatment works authorized by the council's ~~comprehensive policy plan and the commission's development program~~, and after ~~approval~~ *review and comment* by the council, and approval by the agency if required, may advertise for bids for all work and materials called for by such plans and specifications, and award a contract to the lowest responsible bidder.

Sec. 6. Minnesota Statutes 1971, Section 473C.18, is amended to read:

473C.18 [RELATION TO EXISTING LAWS.] The provisions of sections 473C.01 to 473C.17 *and article I of this act* shall be given full effect notwithstanding the provisions of any law not consistent therewith; ~~including but not limited to section 473B.06, subdivision 6.~~ The powers conferred on the council and the ~~board~~ *commission* under sections 473C.01 to 473C.17 shall in no way diminish or supersede the powers conferred on the agency by chapters 115 and 116.

Sec. 7. [REVISOR DUTIES.] In the next edition of Minnesota Statutes, the revisor of statutes shall make such changes in terminology as may be necessary to reflect the change of name made by this article.

Sec. 8. [REPEALER.] Minnesota Statutes 1971, Sections 473C.03, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 473C.04; 473C.06, Subdivisions 1 and 2, are repealed.

ARTICLE III THE METROPOLITAN TRANSIT COMMISSION

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

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

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

Subd. 3. "Metropolitan transit commission" or "transit commission" or "commission" means the ~~Twin Cities~~ area metropolitan transit commission hereinafter created.

Sec. 3. Minnesota Statutes 1971, Section 473A.01, is amended by adding a subdivision to read:

Subd. 12. "Metropolitan council" or "council" means the metropolitan council created by Minnesota Statutes 1971, Section 473B.02.

Sec. 4. Minnesota Statutes 1971, Section 473A.02, is amended to read:

473A.02 [LEGISLATIVE DETERMINATION, POLICY AND PURPOSE.] The legislature finds and determines that nearly half the people of the state live in the metropolitan transit area hereinafter established. The population of that area is growing faster than in any other area of the state, and it is continually visited by large numbers of people from other parts of the state, resulting in a heavy and steadily increasing concentration of resident and transient population and creating serious problems of public transit and public highway traffic in the area. The present public transit systems in the area consist largely of bus lines using the public highways and streets. These systems are inadequate to meet the needs for public transit in the area. A major part of the transportation of people in the area is provided by private motor vehicles. All of the foregoing adds heavily to the traffic load on the state highways which constitute the main routes of travel to, from, and through the area, aggravating the congestion and danger of accidents thereon, polluting the surrounding air, intensifying the wear and tear on those highways and streets, increasing the cost of maintenance thereof, and the number, size, and cost of new highways that must be constructed in the area. These effects will progressively grow worse as the population of the area increases, imposing serious handicaps on the business, industry, property development, recreation, and other beneficial activities of the residents of the area and visitors thereto, and causing severe and widespread harm to the public health, safety and welfare of the area and the entire state. It is beyond the capacity of the present operators of public transit systems and other existing public and private agencies unassisted to make adequate provisions for public transit in the area or for dealing effectively with the aforesaid problems and conditions therein. The legislature therefore declares as the public policy of the state that for the protection and advancement of the public health, safety, and welfare of the metropolitan transit area and the entire state, and in order to provide for adequate public transit within the area, reduce the traffic congestion and hazards on the state and other highways and streets therein, and relieve the other harmful conditions aforesaid, there is urgent need for the establishment of that area as herein defined, for the creation of a metropolitan transit commission therefor with the powers and

duties herein prescribed, *for the implementation of a comprehensive transportation policy plan for the area and for the other measures herein provided for.*

Sec. 5. Minnesota Statutes 1971, Section 473A.03, is amended to read:

473A.03 [METROPOLITAN TRANSIT AREA; ESTABLISHMENT.] There is hereby established a ~~Twin Cities~~ metropolitan public transit area comprising the counties of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver.

Sec. 6. Minnesota Statutes 1971, Section 473A.04, Subdivision 1, is amended to read:

473A.04 [METROPOLITAN TRANSIT COMMISSION.] Subdivision 1. [COMMISSION; CREATION AND COMPOSITION.] There is hereby created a ~~Twin Cities~~ area metropolitan transit commission for the *metropolitan* area, composed of nine members, herein called commissioners ; ~~selected and serving as hereinafter provided or members, which commission shall be organized, structured and administered as provided in this chapter and article I of this act .~~

Sec. 7. Minnesota Statutes 1971, Section 473A.05, Subdivision 10, is amended to read:

Subd. 10. [COMMISSION BUDGET; APPROVAL THEREOF.] During the month of June in each year, the commission shall at its regular meeting establish a budget consisting of an operating expense budget for the current fiscal year, a capital expense budget for the current fiscal year, and a capital improvement program for the five fiscal years past the current fiscal year. The capital expense budget and the capital improvement program shall be submitted to the metropolitan council for its approval or disapproval and comment which shall be given within 60 days after submission. The absence of such approval or comment as to the items contained therein shall constitute approval of such items. If circumstances require a significant change in the budget or program, the commission shall submit the matter to the council for its approval within 30 days upon the above terms.

The commission and the council shall cooperate in such manner and provide such information so as to make possible meaningful evaluation of these items and of the comments thereon in implementation of the purposes of Minnesota Statutes 1967, Section 473B.02. *The commission shall prepare, submit and adopt a budget in the manner provided in, and otherwise comply with, the provisions of article I, section 14 of this act .*

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

[473A.051] [TRANSPORTATION POLICY PLANS; FEDERAL PROGRAMS.] Subdivision 1. [TRANSPORTATION POLICY PLAN.] *The council shall adopt a transportation policy plan as a part of its comprehensive development guide as in article I, section 10 hereof, which shall include policies, relating to all*

transportation forms. The plan shall be designed to promote the legislative determinations, policies and purposes set forth in section 4 of this article to the end of providing the area an integrated and efficient transportation system. In addition to the requirements of Article I, Section 10 of this act regarding the use of the expertise of the commission, the state highway department and affected counties and municipalities may provide such technical assistance as may be requested by the council.

Subd. 2. The metropolitan council shall be the designated planning agency for any long-range comprehensive transportation planning required by Section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and such other federal transportation laws as may hereinafter be enacted. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities, and together with the commission shall establish such an advisory body consisting of citizen representatives, commission, municipality, county and appropriate state agency representatives in fulfillment of the planning responsibilities of the council and the commission.

Subd. 3. [FEDERAL AID.] For the purposes of this subdivision the term "governmental subdivision" includes municipalities, counties and other political subdivisions generally. If federal aid for transportation programs and projects is otherwise unavailable to an existing agency or governmental subdivision, the metropolitan council may cooperate with the government of the United States and any agency or department thereof and the affected agency or other governmental subdivision in establishing metropolitan area eligibility to receive federal aid, and may comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys upon such projects as are proposed for federal assistance. If necessary to meet federal requirements, the council and the commission may be considered a single eligible unit to carry out their respective responsibilities. The metropolitan council may accept federal aid and other aid, either public or private, for and in behalf of the metropolitan area or any governmental subdivision of the state, for transportation programs and projects within the metropolitan area upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder, and is authorized to act as agent of any governmental subdivision of the state with jurisdiction in the metropolitan area upon request of such subdivision in accepting the aid in its behalf for such programs or projects financed either in whole or in part by federal aid. The governing body of any such subdivision is authorized to designate the metropolitan council as its agent for such purposes and to enter into an agreement with the council prescribing the terms and conditions of the agency relationship in accordance with state and federal laws, rules and regulations. The metropolitan council is authorized to designate an appropriate state agency as its agent for such purposes and to enter into an agreement with such agency prescribing the terms

and conditions of the agency relationship in accordance with state and federal laws, rules and regulations.

Nothing contained herein shall limit any separate authority of agencies or governmental subdivisions of the state to contract for and receive federal aid.

Sec. 9. Minnesota Statutes 1971, Section 473A.06, is amended by adding a subdivision to read:

Subd. 1a. [DEVELOPMENT PROGRAM.] The commission shall prepare and submit in the manner provided in and satisfying the requirements of article I, section 13 of this act, a transportation development program, providing for the implementation of the policy plan adopted by the council. In preparing the program, the commission shall consult with counties and municipalities in the metropolitan area, the state highway department and the state planning agency, and for that purpose may create such advisory committees as may be necessary.

Such program shall provide for coordination of routes and operations of all publicly and privately owned transportation facilities within the area to the end that combined efficient and rapid transportation may be provided for the use of the public in the entire area. The commission may designate a segment of the system planned as a pilot or demonstration transportation project using, without limitation, new technology including airborne systems, or traditional systems of evolved or modern form. The transportation development program shall include the general alignment and profile, approximate points of access, facility classification, approximate cost, relation to other existing and planned transportation routes and facilities, and a statement of the expected general effect on present and future use of the property within the corridor. The program shall be accompanied with a statement of need for the proposed construction or improvement, a description of alternate routes which were considered, and an explanation of the advantages and disadvantages in the selection of any route considered. The transportation development program shall also contain a description of the type of right of way or routes required; the type of transit service to be provided in each portion of the system; designation of transit mode; and appropriate general operating criteria. The program may include such other information as the council or the commission deems necessary.

Sec. 10. Minnesota Statutes 1971, Section 473A.05, is amended by adding a subdivision to read:

Subd. 11. [APPROVAL OF HIGHWAY PROJECTS.] Before acquiring land for or constructing a controlled access highway in the area, hereinafter a project, the state highway department or local government unit proposing such acquisition or construction shall submit to the council a statement describing the proposed project. The statement shall be in the form and detail required by the council. Immediately upon receipt of the statement, the council shall transmit a copy to the commission, which shall review and evaluate the project in relationship to the development program

and report its recommendations and comments to the council. The council shall also review the statement to ascertain its consistency with its policy plan and the development guide. No such project may be undertaken unless the council determines that it is consistent with the policy plan and development program. This approval shall be in addition to the requirements of any other statute, ordinance or regulation.

Sec. 11. Minnesota Statutes 1971, Section 473A.16, is amended to read:

473A.16 [ACT EXCLUSIVE.] The exercise by the commission of the powers provided in sections 473A.01 to 473A.18 shall not be subject to regulation by or the jurisdiction or control of any other public body or agency, either state, county, or municipal, except as specifically provided in sections 473A.01 to 473A.18, and further except that in the event a public body or agency shall be created to exercise the powers of the commission as provided in sections 473A.01 to 473A.10, such powers shall be exercised by such other public body or agency and article I of this act.

Sec. 12. Minnesota Statutes 1971, Section 473A.18, is amended to read:

473A.18 [CITATION.] Sections 473A.01 to 473A.18 may be cited as the ~~Twin Cities area metropolitan transit commission act of 1967~~ *metropolitan transit commission act of 1974*.

Sec. 13. [REPEALER.] Minnesota Statutes 1971, Sections 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 473A.05, Subdivisions 1, 2, 3, 4, 5 and 6; 473A.06, Subdivision 1; and 473A.065 are repealed.

ARTICLE IV

Section 1. [METROPOLITAN REORGANIZATION ACT OF 1974; CITATION.] This act shall be known and may be cited as the Metropolitan Reorganization Act of 1974.

Sec. 2. [EFFECTIVE DATE.] Except for article I, sections 10, 11 and 12 which are effective on the day following final enactment, this act is effective January 1, 1975."

Further, amend by striking the title and inserting in lieu thereof:

"A bill for an act relating to metropolitan government; prescribing powers and duties for the metropolitan council; establishing the metropolitan waste control commission and prescribing powers and duties; prescribing powers and duties of the metropolitan transit commission; amending Minnesota Statutes 1971, Chapters 473A, by adding a section and 473B, by adding sections; Section 473A.01, Subdivisions 2 and 3 and by adding a subdivision; 473A.02; 473A.03; 473A.04, Subdivision 1; 473A.05, Subdivision 10 and by adding a subdivision; 473A.06, by adding a subdivision; 473A.16; 473A.18; 473B.01, Subdivision 3; 473B.02, Subdivisions 1, 2, 4, and 5; 473B.04; 473B.06, by adding subdivisions;

473C.03, Subdivision 1; 473C.06, Subdivision 3; 473C.10; 473C.16, Subdivision 3; 473C.18; and 473D.02, Subdivision 9; repealing Minnesota Statutes 1971, Section 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 473A.05, Subdivisions 1, 2, 3, 4, 5, and 6; 473A.06, Subdivision 1; 473A.065; 473B.06, Subdivisions 7 and 8; 473C.03, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 473C.04 and 473C.06, Subdivisions 1 and 2."

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

House Conferees: (Signed) Tom Berg, Robert C. Bell, Richard J. Menke, Fred C. Norton, John J. Salchert

Senate Conferees: (Signed) Robert North, John C. Chenoweth, Hubert H. Humphrey III, William G. Kirchner, Harmon T. Ogdahl

Mr. North moved that the foregoing recommendations and Conference Committee Report on H. F. No. 636 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. 636: A bill for an act relating to metropolitan government; prescribing powers and duties for the metropolitan council; establishing the metropolitan waste control commission and prescribing powers and duties; prescribing powers and duties of the metropolitan transit commission; amending Minnesota Statutes 1971, Chapters 473A, by adding a section and 473B, by adding sections; Section 473A.01, Subdivisions 2 and 3 and by adding a subdivision; 473A.02; 473A.03; 473A.04, Subdivision 1; 473A.05, Subdivision 10 and by adding a subdivision; 473A.06, by adding a subdivision; 473A.16; 473A.18; 473B.01, Subdivision 3; 473B.02, Subdivisions 1, 2, 4, and 5; 473B.04; 473B.06, by adding subdivisions; 473C.03, Subdivision 1; 473C.06, Subdivision 3; 473C.10; 473C.16, Subdivision 3; 473C.18; and 473D.02, Subdivision 9; repealing Minnesota Statutes 1971, Section 473A.04, Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; 473A.05, Subdivisions 1, 2, 3, 4, 5, and 6; 473A.06, Subdivision 1; 473A.065; 473B.06, Subdivisions 7 and 8; 473C.03, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 473C.04 and 473C.06, Subdivisions 1 and 2.

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 38 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, J.	Ogdahl	Purfeerst
Bang	Doty	Kirchner	Olhoft	Spear
Berg	Dunn	Kowalczyk	Olson, A. G.	Stassen
Bernhagen	Fitzsimons	Larson	Olson, H. D.	Stokowski
Chenoweth	Hanson, R.	Laufenburger	Olson, J. L.	Tennessen
Chmielewski	Hughes	Lord	Perpich, A. J.	Willet
Coleman	Humphrey	North	Perpich, G.	
Conzemius	Josefson	Novak	Pillsbury	

Those who voted in the negative were:

Hansen, Baldy Knutson
Hansen, Mel

Renneke

Thorup

Ueland

So the bill, as amended by the Conference Committee, 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. 2785, 2928 and 3182.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 22, 1974

FIRST READING OF HOUSE BILLS

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

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

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

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

Which was read the first time.

SUSPENSION OF RULES

Mr. Tennesen moved that an urgency be declared within the meaning of Article IV, Section 20, of the Constitution of Minnesota, with respect to H. F. No. 2928 and that the rules of the Senate be so far suspended as to give H. F. No. 2928 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 2928 was read the second time.

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

Mr. Tennesen moved to amend H. F. No. 2928, the printed bill, as follows:

Strike everything after the enacting clause and insert:

"Section 1. The unexpended balances of the appropriation made by Laws 1971, Chapter 963, Section 4, Clause (2) [a] are hereby appropriated for the purposes enumerated in this act.

Sec. 2. Subdivision 1. To the regents of the University of Minnesota:

Subd. 2. Working drawings for the construction and equipping of a law school building at a cost to the state not to exceed \$12,250,000\$500,000.

Subd. 3. Construction and equipment for expansion of kidney dialysis unit at university of Minnesota hospital\$750,000.

Sec. 3. Neither the commissioner of administration nor the board of regents shall prepare final plans and specifications for any building authorized in this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and they have made their recommendations thereon. Such recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 4. This act is in effect the day following final enactment."

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

"A bill for an act reappropriating moneys for capital and related improvements for university and college purposes; and establishing a kidney dialysis center at university of Minnesota hospitals and appropriating moneys therefor."

The motion prevailed. So the amendment was adopted.

Mr. Stokowski moved that H. F. No. 2928 be re-referred to the Committee on Finance.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 16 and nays 32, as follows:

Those who voted in the affirmative were:

Borden	Davies	Kowalczyk	Olson, H. D.	Spear
Chmielewski	Hansen, Baldy	Milton	Schaaf	Stokowski
Coleman	Josefson	Ogdahl	Schrom	Wegener
Conzemius				

Those who voted in the negative were:

Bang	Dunn	Keefe, S.	Novak	Stassen
Berg	Fitzsimons	Kirchner	Olthoff	Tennessen
Bernhagen	Gearty	Krieger	Olson, J. L.	Thorup
Blatz	Hansen, Mel	Larson	O'Neill	Ueland
Brown	Hanson, R.	Lewis	Pillsbury	
Chenoweth	Hughes	Lord	Sillers	
Doty	Humphrey	North	Solon	

The motion did not prevail.

Mr. Milton moved to amend the Tennessen amendment to H. F. No. 2928, the printed bill, adopted by the Senate March 22, 1974, as follows:

Page 1, Section 2 of the amendment, strike all of subdivision 2

Renumber the remaining subdivision

The question being taken on the adoption of the amendment to the Tennessen amendment,

Mr. Hansen, Baldy moved that those not voting be excused from voting.

The question being taken on the adoption of the motion to excuse,

And the roll being called, there were yeas 32 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	McCutcheon	Olson, J. L.	Spear
Arnold	Davies	Milton	Perpich, A. J.	Stokowski
Berg	Doty	North	Perpich, G.	Wegener
Brown	Hansen, Baldy	Ogdahl	Pillsbury	Willet
Chenoweth	Keefe, S.	Olthoff	Schaaf	
Chmielewski	Lewis	Olson, A. G.	Schrom	
Coleman	Lord	Olson, H. D.	Solon	

Those who voted in the negative were:

Ashbach	Fitzsimons	Hughes	O'Neill	Tennessen
Bernhagen	Frederick	Humphrey	Purfeerst	Thorup
Blatz	Gearty	Kirchner	Renneke	Ueland
Borden	Hansen, Mel	Kowalczyk	Sillers	
Dunn	Hanson, R.	Krieger	Stassen	

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

The question recurred on the adoption of the Milton amendment to the Tennessen amendment,

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

Those who voted in the affirmative were:

Anderson	Chmielewski	Kowalczyk	Olthoff	Schrom
Arnold	Coleman	Lewis	Olson, A. G.	Spear
Bang	Conzemius	McCutcheon	Olson, H. D.	Stokowski
Berg	Davies	Milton	Perpich, A. J.	Wegener
Blatz	Hansen, Baldy	North	Perpich, G.	Willet
Brown	Josefson	Ogdahl	Schaaf	

Those who voted in the negative were:

Ashbach	Fitzsimons	Humphrey	Moe	Sillers
Bernhagen	Frederick	Keefe, S.	Olson, J. L.	Solon
Borden	Gearty	Kirchner	O'Neill	Stassen
Chenoweth	Hansen, Mel	Krieger	Pillsbury	Tennessen
Doty	Hanson, R.	Larson	Purfeerst	Thorup
Dunn	Hughes	Lord	Renneke	Ueland

The motion did not prevail. So the amendment to the Tennessen amendment was not adopted.

H. F. No. 2928 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 29 and nays 29, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Humphrey	Olson, J. L.	Solon
Bernhagen	Fitzsimons	Keefe, S.	O'Neill	Stassen
Borden	Frederick	Kirchner	Pillsbury	Tennessen
Chenoweth	Gearty	Krieger	Purfeerst	Thorup
Davies	Hansen, Mel	Lord	Renneke	Ueland
Doty	Hughes	Novak	Sillers	

Those who voted in the negative were:

Anderson	Chmielewski	Larson	Olhoft	Schrom
Arnold	Coleman	Lewis	Olson, A. G.	Spear
Pang	Conzemius	McCutcheon	Olson, H. D.	Stokowski
Berg	Hansen, Baldy	Milton	Perpich, A. J.	Wegener
Blatz	Hanson, R.	North	Perpich, G.	Willet
Brown	Kowalczyk	Ogdahl	Schaaft	

So the bill, as amended, failed to pass.

MEMBERS EXCUSED

Messrs. Jensen and Laufenburger were excused from the Session of today beginning at 3:00 o'clock p.m. Mr. Knutson was excused from the Session of today, beginning at 4:00 o'clock p.m. Messrs. Frederick and Berg were excused from the Session of today beginning at 6:00 o'clock p.m. Messrs. Davies and Fitzsimons were excused from the Session of today beginning at 6:10 o'clock p.m.

Pursuant to Rule 21, Mr. Keefe S., moved that the following members be excused for a Conference Committee on H. F. No. 951:

Messrs. Keefe, S.; Ashbach and Tennessen. The motion prevailed.

REPORTS OF COMMITTEES

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

Mr. Perpich, A. J. from the Committee on Taxes and Tax Laws, to which was re-referred

H. F. No. 3707: A bill for an act relating to taxation; providing for the taxation of oleomargarine and liquor; amending Minnesota Statutes 1971, Section 33.10, Subdivision 1 and by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Section 340.47, 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 the following:

"Section 1. [PUBLIC POLICY.] It is declared to be the public policy of the state of Minnesota that taxation of the income of individuals who do not earn enough to support themselves or their dependents adequately is unfair. To remedy this, a tax credit shall be granted to these individuals sufficient to offset their income tax liability.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 2 and 3, the terms defined in this section have the meanings given them unless the context clearly requires otherwise.

Subd. 2. "Claimant" means the individual taxpayer whose income, together with that of his spouse, if any, brings him within the provisions of sections 2 and 3.

Subd. 3. "Dependent" means an individual dependent upon and receiving his chief support from the claimant. Payments for support of minor children as provided in section 290.072, subdivision 3, shall be considered as payments by the claimant for the support of a dependent. For the purposes of section 3, a spouse except a divorced or separated spouse shall be considered to be a dependent.

Subd. 4. "Income" means the sum of gross income as defined in Minnesota Statutes, Section 290.01, Subdivision 20, net income from sources outside the state, alimony, support money, cash public assistance and relief, not including relief granted under sections 290.0601 to 290.0618, unemployment compensation, the gross amount of any pension or annuity, including railroad retirement benefits, all payments received under the federal social security act, and veterans disability pensions, nontaxable interest received from the state or federal governments or any of their instrumentalities, and the gross amount of "loss of time" insurance. It does not include gifts from nongovernmental sources, or surplus food or other relief in kind supplied by a governmental agent.

Sec. 3. Minnesota Statutes 1971, Section 290.06, is amended by adding a subdivision to read:

Subd. 3d. [CREDITS AGAINST TAX.] The taxes due as computed in accordance with section 290.06, subdivisions 2c and 3c shall be credited with the following amounts:

(1) *A credit equal to his tax liability in the case of:*

(a) *An unmarried claimant with an income of \$3,200 or less;*

(b) A claimant with one dependent, with an income of \$3,800 or less;

(c) A claimant with two dependents, with an income of \$4,600 or less;

(d) A claimant with three dependents, with an income of \$5,400 or less;

(e) A claimant with four dependents, with an income of \$6,000 or less; and

(f) A claimant with five or more dependents, with an income of \$6,400 or less.

(2) In the case of a claimant with an income in excess of that set forth in the appropriate category of clause (1), he may pay a tax equal to 15 percent of that portion of his income that is in excess of the amount set forth in the appropriate category of clause (1), or his tax obligation as it would have been in the absence of sections 2 and 3, whichever is less.

(3) The total income of the claimant and his spouse, if any, shall be the figure employed for the purposes of this subdivision. No dependent may be a claimant under sections 2 and 3. The commissioner of revenue shall prescribe the additional forms or alterations in existing forms as necessary to comply with the provisions of sections 2 and 3. All claimants shall submit their returns on these forms.

Sec. 4. Minnesota Statutes 1971, Section 33.10, Subdivision 1, is amended to read:

33.10 [TAX ON OLEOMARGARINE.] Subdivision 1. There is hereby imposed, levied, and assessed an inspection fee and excise tax of ~~ten cents~~ in the amount specified in section 2 upon each pound of oleomargarine which: (1) is artificially colored to a shade of yellow which has a tint containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, as measured in terms of the Lovibond tintometer scale, and (2) is sold, offered or exposed for sale, or given or delivered to a consumer. Such fee and tax shall be paid to the commissioner of taxation prior to any such sale, gift, or delivery, except where otherwise provided in cases where tax metering devices are used.

Sec. 5. Minnesota Statutes 1971, Section 33.10, is amended by adding a subdivision to read:

Subd. 3. The inspection fee and excise tax on oleomargarine provided for in subdivisions 1 and 2 of this section shall be in the amounts and for the periods of time set out in the following schedule:

<i>Period of Time</i>	<i>Tax per pound</i>
<i>July 1, 1974 to June 30, 1975</i>	<i>5 cents</i>
<i>July 1, 1975 and thereafter</i>	<i>none</i>

Sec. 6. Minnesota Statutes 1971, Section 297A.251, is amended to read:

297A.251 [TACONITE PLANT MATERIAL; EXEMPTIONS.] Notwithstanding the provisions of chapter 297A, there shall be exempt from the tax imposed therein, all materials and supplies or equipment consumed in constructing or incorporated into the construction of a new taconite plant or the expansion of an existing plant the construction of which is commenced prior to July 1, 1974 1975, which are purchased and used or consumed in connection with such construction, or incorporated into such taconite plant prior to July 1, 1978, provided that in the case of the expansion of an existing plant, such construction results in an increase in productive capacity of at least 10 percent.

Sec. 7. Minnesota Statutes 1971, Section 298.03, is amended to read:

298.03 [VALUE OF ORE; HOW ASCERTAINED.] The valuation of iron or other ores for the purposes of determining the amount of tax to be paid under the provisions of section 298.01 shall be ascertained by subtracting from the value of such ore, at the place where the same is brought to the surface of the earth, such value to be determined by the commissioner of ~~taxation~~ *revenue* :

(1) The reasonable cost of supplies used and labor performed at the mine in separating the ore from the ore body, including hoisting, elevating, or conveying the same to the surface of the earth;

(2) If the ore is taken from an open pit mine, an amount for each ton of ore mined or produced during the year equal to the cost of removing the overburden, divided by the number of tons of ore uncovered, the number of tons of ore uncovered in each case to be determined by the commissioner of ~~taxation~~ *revenue* ;

(3) If the ore is taken from an underground mine, an amount for each ton of ore mined or produced during the year equal to the cost of sinking and constructing shafts and running drifts, divided by the number of tons of ore than can be advantageously taken out through such shafts and drifts, the number of tons of ore than can be advantageously taken out in each case to be determined by the commissioner of ~~taxation~~ *revenue* ;

(4) The amount of royalties paid on the ore mined or produced during the year;

(5) A percentage of the ad valorem taxes levied for such year against the realty in which the ore is deposited equal to the percentage that the tons mined or produced during such year bears to the total tonnage in the mine;

(6) In the case of taconite, semi-taconite and iron sulphide operations, the tax payable under Minnesota Statutes, Sections 298.24 and 298.35, on the concentrates produced in said year and any taxes paid under Laws 1955, Chapters 391, 429, 514, 576 or 540, or any other law imposing on such taconite operations a specific tax for school or other governmental purposes;

(7) The amount or amounts of all the foregoing subtractions shall be ascertained and determined by the commissioner of ~~taxation~~ revenue. *Deductions for interest on plant investment shall not exceed the greater of (a) two percent of book value, or (b) the amount actually paid but not exceeding six percent of book value. No subtraction shall be allowed for the shrinkage of iron ore except that which can be measured in a manner determined by the commissioner of revenue.*

Sec. 8. Minnesota Statutes 1971, Section 273.02, is amended by adding a subdivision to read:

Subd. 4. [IRON ORE.] Newly discovered iron ore shall be entered on the assessment books for the six years immediately preceding the year of discovery and taxed as omitted property. The tax on such omitted property shall be determined by applying the rates of levy for the respective years in which the property was omitted. The taxes paid on such omitted property for the six years immediately preceding the year of its discovery shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation commission account in the special revenue fund and are hereby appropriated for the statutory purposes of the commission. This subdivision shall not apply to any iron ore discovered in the course of mining operations, which has not been known to exist by drillings or operations in previous years, provided that the company that would otherwise be taxed therefor is not a company that would be disqualified from receiving discount credits pursuant to Minnesota Statutes, Section 298.031, Subdivision 3.

Sec. 9. [EFFECTIVE DATE.] Sections 1 to 3 of this act shall apply to all taxable years beginning after December 31, 1973. Sections 4 and 5 are effective July 1, 1974. Section 6 is effective the day following its final enactment. Sections 7 and 8 are effective for the calendar year 1974 and subsequent years."

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

"A bill for an act relating to taxation; providing an income tax credit for persons with small incomes; repealing the excise tax on oleomargarine; exempting certain taconite plant construction materials from the sales tax; disallowing certain interest costs and certain deductions to determine occupation tax due; taxing newly discovered iron ore as omitted property; amending Minnesota Statutes 1971, Section 33.10, Subdivision 1, and by adding a subdivision; 273.02, by adding a subdivision; 290.06, by adding a subdivision; 297A.251; and 298.03."

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

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

S. F. No. 3581: A bill for an act appropriating money and authorizing the issuance of Minnesota state building bonds for the acquisition and betterment of public land, buildings, and capital improvements by the regents of the university of Minnesota.

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

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

"Section 1. The unexpended balances of the appropriation made by Laws 1971, Chapter 963, Section 4, Clause (2) [a] are hereby appropriated for the purposes enumerated in this act.

Sec. 2. Subdivision 1. To the regents of the university of Minnesota:

Subd. 2. Working drawings for the construction and equipping of a law school building at a cost to the state not to exceed \$12,250,000\$500,000

Subd. 3. Construction and equipment for expansion of kidney dialysis unit at university of Minnesota hospital.\$750,000

Sec. 3. Neither the commissioner of administration nor the board of regents shall prepare final plans and specifications for any building authorized in this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and they have made their recommendations thereon. Such recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 4. This act is in effect the day following final enactment."

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

"A bill for an act reappropriating moneys for capital and related improvements for university and college purposes; and establishing a kidney dialysis center at university of Minnesota hospitals and appropriating moneys therefor."

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

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

H. F. No. 2900: A bill for an act relating to the commission on judicial standards; providing that certain members of the commission receive a per diem compensation; amending Minnesota Statutes, 1973 Supplement, Section 490.15.

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

SECOND READING OF SENATE BILLS

S. F. No. 3581 was read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3707 and 2900 were read the second time.

SUSPENSION OF RULES

Mr. Coleman moved that an urgency be declared within the meaning of Article IV, Section 20, of the Constitution of Minnesota, with respect to H. F. No. 3707 and that the rules of the Senate be so far suspended as to give H. F. No. 3707 its third reading and place it on its final passage. The motion prevailed.

H. F. No. 3707: A bill for an act relating to taxation; providing an income tax credit for persons with small incomes; repealing the excise tax on oleomargarine; exempting certain taconite plant construction materials from the sales tax; disallowing certain interest costs and certain deductions to determine occupation tax due; taxing newly discovered iron ore as omitted property; amending Minnesota Statutes 1971, Section 33.10, Subdivision 1, and by adding a subdivision; 273.02, by adding a subdivision; 290.06, by adding a subdivision; 297A.251; and 298.03.

Mr. Frederick moved to amend H. F. No. 3707, the unofficial engrossment, as follows:

Page 6, line 24, strike "a subdivision" and insert "subdivisions"

Page 7, line 2, strike "*The taxes paid on*"

Page 7, strike lines 3 to 7

Page 7, line 8, strike "*of the commission.*"

Page 7, after line 14, insert:

"Subd. 5. The proceeds of the tax imposed in subdivision 4 hereof shall be deposited in a special state fund to be used to the extent necessary to make refunds on taxes previously paid on valuations of commercially mineable iron ore believed to have existed which said material is found not to exist as commercially mineable iron ore. Any taxpayer who has paid taxes on such valuations may apply to the commissioner of revenue for a refund as provided herein; provided, however, that no refund for such taxes paid more than six years previous to the date of said application shall be made."

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 23 and nays 26, as follows:

Those who voted in the affirmative were:

Bang	Dunn	Hanson, R.	Krieger	Renneke
Berg	Fitzsimons	Josefson	Larson	Stassen
Bernhagen	Frederick	Keefe, J.	Ogdahl	Ueland
Blatz	Hansen, Baldy	Kirchner	O'Neill	
Brown	Hansen, Mel	Kowalczyk	Pillsbury	

Those who voted in the negative were:

Anderson	Gearty	North	Perpich, G.	Wegener
Arnold	Hughes	Novak	Purfeerst	Willet
Borden	Humphrey	Olhoft	Schrom	
Coleman	Lewis	Olson, A. G.	Solon	
Conzemius	Lord	Olson, H. D.	Spear	
Davies	Milton	Perpich, A. J.	Thorup	

The motion did not prevail. So the amendment was not adopted.

Mr. Wegener moved to amend H. F. No. 3707, the unofficial engrossment, as follows:

Page 7, after line 14, insert:

"Sec. 4. Minnesota Statutes 1971, Section 290.086, is amended by adding a subdivision to read:

Subd. 9. The commissioner shall not require reimbursement or restitution of any such credits or refunds previously granted, where such recipients were legally entitled thereto under laws in effect at the time such claim was filed by the applicant, or to seek recovery of any such amounts by legal action."

Renumber the sections in sequence

Further, amend the title to the unofficial engrossment, as follows:

First line, after "liquor;" insert "reimbursement of nonpublic school pupil expenditures in certain cases;"

Second line, strike "Section" and insert "Sections"

Second line, after "subdivision;" insert "290.086, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Bernhagen moved to amend H. F. No. 3707, the unofficial engrossment, as follows:

Page 7, after line 14, insert:

"Sec. 9. Minnesota Statutes, 1973 Supplement, Section 124.03, Subdivision 3, is amended to read:

Subd. 3 (a) The county auditor shall compute the tax levy that would be produced by applying a rate of 25 mills to the valuation determined on the January 2, 1971 assessment and 8.3 mills on the January 2, 1972 assessment and subsequent assessments on all the agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, within the several school districts for which the tax levy is required to be certified to him. The amounts so computed by the county auditor shall be submitted to the commissioner of taxation by November 15 of each year for verification.

(b) If the commissioner of taxation agrees with the computation, he shall deliver to the state auditor his certificate to that effect. In the event that the commissioner deems the computation to be erroneous, he may make the necessary corrections and deliver to the state auditor his certificate reflecting the amounts he deems to be correct. The county auditor or any school district aggrieved thereby may appeal the commissioner's revised certification to the Minnesota tax court in accordance with chapter 271.

(c) On or before May 31, 1972, the state auditor shall issue his warrant upon the state treasurer in favor of the school district in an amount equal to one half the amount certified by the commissioner shown to be due to the district. On or before October 31, 1972, the state auditor shall issue his warrant upon the state treasurer in favor of the school district distributing the remainder of the amount certified by the commissioner shown to be due to the school district for the year 1972. The state auditor in the same manner shall make distribution for the year 1973 and subsequent years in the same manner with respect to amounts shown to be due in accordance with the commissioner's certification. ~~For the year 1974 and subsequent years, the state auditor shall issue his warrant in an amount equal to one half the amount certified on or before July 15, but no earlier than July 1.~~ The remainder shall be distributed as provided herein.

(d) In the event that a final judicial determination is not in agreement with the amount certified by the commissioner, the state auditor shall either increase or decrease the amount of the following payment required to be made to the school district in accordance with such judicial determination.

(e) There is hereby appropriated to the school districts entitled to such payments from the general fund, an amount sufficient to make the payments.

(f) The county auditor shall reduce the dollars levied for school maintenance by each district by the amount determined in (a) and (b). The amounts paid to the county treasurer pursuant to (c) shall be transmitted by the county treasurer to the school district at the same time the real estate settlement is made."

Renumber the sections in sequence

Further, amend the title to the unofficial engrossment, as follows:

Page 1, line 11, after "property;" insert "providing for disbursement of funds derived from tax assessments on agricultural and certain recreational lands to school districts on or before certain dates each year;"

Page 1, line 15, before the period insert "; and Minnesota Statutes, 1973 Supplement, Section 124.03, Subdivision 3"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 24 and nays 25 as follows:

Those who voted in the affirmative were:

Bang	Dunn	Josefson	Larson	Renneke
Berg	Fitzsimons	Keefe, J.	Ogdahl	Sillers
Bernhagen	Frederick	Kirchner	Olson, H. D.	Stassen
Blatz	Hansen, Mel	Kowalczyk	O'Neill	Ueland
Brown	Hanson, R.	Krieger	Pillsbury	

Those who voted in the negative were:

Anderson	Conzemius	Lewis	Olhoft	Schrom
Arnold	Davies	Lord	Olson, A. G.	Spear
Borden	Gearty	Milton	Perpich, A. J.	Thorup
Chenoweth	Hughes	North	Purfeerst	Wegener
Coleman	Humphrey	Novak	Schaaf	Willet

The motion did not prevail. So the amendment was not adopted.

Mr. Bang moved to amend H. F. No. 3707, the unofficial engrossment, as follows:

Pages 3 and 4, strike sections 4 and 5 and insert:

"Sec. 4. Minnesota Statutes 1971, Section 33.171, is amended to read:

33.171 [PENALTY.] Any person violating any of the provisions of sections 33.10 to 33.16, or any rule or regulation prescribed by the commissioner of taxation thereunder section 33.111, shall be punished by a fine of not less then \$25 nor more than \$100 or by imprisonment for not more than 30 days in the county jail; and such violation shall be cause for the immediate cancellation of any license issued to such person by the commissioner of taxation.

Sec. 5. Minnesota Statutes 1971, Sections 33.10; 33.11; 33.12; 33.13; 33.14; 33.15; 33.17; and 270.051, Subdivision 1, are repealed."

Renumber the sections in sequence

Further, amend the title to the unofficial engrossment, as follows:

Page 1, line 15, before the period, insert "; repealing Minnesota Statutes, Sections 33.10; 33.11; 33.12 to 33.17; and 270.051, Subdivision 1"

The question being taken on the adoption of the amendment,

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

And the roll being called, there were yeas 22 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Fitzsimons	Keefe, J.	Ogdahl	Stassen
Bang	Frederick	Kirchner	O'Neill	Ueland
Bernhagen	Hansen, Mel	Kowalczyk	Pillsbury	
Blatz	Hanson, R.	Krieger	Renneke	
Brown	Josefson	Larson	Sillers	

Those who voted in the negative were:

Anderson	Dunn	Lord	Perpich, A. J.	Thorup
Arnold	Gearty	Milton	Purfeerst	Wegener
Borden	Hansen, Baldy	North	Schaaf	Willet
Chenoweth	Hughes	Novak	Schrom	
Coleman	Humphrey	Olhoft	Spear	
Conzemius	Keefe, S.	Olson, A. G.	Stokowski	
Davies	Lewis	Olson, H. D.	Tennessee	

The motion did not prevail. So the amendment was not adopted.

Mr. Blatz moved to amend H. F. No. 3707, the unofficial engrossment, as follows:

Page 2, after line 15, insert:

"Sec. 3. Minnesota Statutes 1971, Section 290.06, Subdivision 3c, is amended to read:

Subd. 3c. [CREDITS AGAINST TAX.] Notwithstanding the provisions of subdivision 3a for taxable years which begin after December 31, 1971, the taxes due under the computation in accordance with section 290.06 shall be credited with the following amounts:

(1) In the case of an unmarried individual, and, except as provided in paragraph 6, in the case of the estate of a decedent, ~~21~~ \$25, and in the case of a trust, \$5;

(2) In the case of a married individual, living with husband or wife, and in the case of a head of a household, ~~42~~ \$50. If such husband and wife make separate returns the personal exemption may be taken by either or divided between them;

(3) In the case of an individual, ~~21~~ \$25 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer. One taxpayer only shall be allowed this credit with respect to any given dependent. In the case of the head of a household, a credit for one dependent shall be disallowed. A payment to a divorced or separated wife, other than a payment of the kind referred to in section 290.072, subdivision 3, shall not be considered a payment by the husband for the support of any dependent.

(4) (a) In the case of an unmarried individual who has attained the age of 65 before the close of his taxable year, an additional ~~21~~ \$25;

(b) In the case of an unmarried individual who is blind at the close of the taxable year, an additional ~~21~~ \$25;

(c) In the case of a married individual, living with husband or wife, an additional ~~21~~ \$25 for each spouse who has attained the age of 65 before the close of the individual's taxable year, and an additional \$25 for each spouse who is blind at the close of the individual's taxable year. If such husband and wife make separate returns, these credits may be taken by either or divided between them;

(d) For the purposes of sub-paragraphs (b) and (c) of paragraph (4), an individual is blind if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(5) In the case of an insurance company, it shall receive a credit on the tax computed as above equal in amount to any taxes based on premiums paid by it during the period for which the tax under Extra Session Laws 1967, Chapter 32, is imposed by virtue of any law of this state, other than the surcharge on premiums imposed by Extra Session Laws 1933, Chapter 53, as amended;

(6) If the status of a taxpayer, insofar as it affects the credits allowed under paragraphs 1, 2 and 3 shall change during the taxable year, or if the taxpayer shall either become or cease to be a resident of the state during such taxable year, such credit shall be apportioned, in accordance with the number of months before and after such change. For the purpose of such apportionment, a fractional part of a month shall be disregarded unless more than one-half of the month, in which case it shall be considered as a month. In case of death during a taxable year, a credit shall be allowed to the decedent, in proportion to the number of months before his death, and to his estate, in proportion to the number of months after his death, and in any event a minimum credit of \$5 shall be allowed to the decedent and his estate, respectively;

(7) In the case of a non-resident individual, credits under paragraphs 1, 2, 3 and 4 shall be apportioned in the proportion of the gross income from sources in Minnesota to the gross income from all sources, and in any event a minimum credit of \$5 shall be allowed."

Renumber the sections in sequence

Further, amend the title to the unofficial engrossment, as follows:

Page 1, line 4, after "incomes;" insert "increasing personal credits against income tax;"

Page 1, line 14, after "290.06," insert "Subdivision 3c, and"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 24 and nays 32, as follows:

Those who voted in the affirmative were:

Ashbach	Brown	Hansen, Mel	Kowalczyk	Pillsbury
Bang	Dunn	Hanson, R.	Krieger	Renneke
Berg	Fitzsimons	Josefson	Larson	Stassen
Bernhagen	Frederick	Keefe, J.	Ogdahl	Ueland
Blatz	Hansen, Baldy	Kirchner	O'Neill	

Those who voted in the negative were:

Anderson	Gearty	Milton	Perpich, A. J.	Tennessen
Arnold	Hughes	Moe	Perpich, G.	Thorup
Borden	Humphrey	North	Purfeerst	Wegener
Chenoweth	Keefe, S.	Novak	Schaaf	Willet
Coleman	Lewis	Olhoft	Schrom	
Conzemius	Lord	Olson, A. G.	Spear	
Davies	McCutcheon	Olson, H. D.	Stokowski	

The motion did not prevail. So the amendment was not adopted.

Mr. Krieger moved to amend H. F. No. 3707, the unofficial engrossment, as follows:

Page 7, after line 14, insert:

"Sec. 9. Minnesota Statutes 1971, Section 290.09, is amended by adding a subdivision to read:

Subd. 29. The amount the taxpayer has paid to others for board and room, transportation, tuition and book expenses of said taxpayer or any dependent taking a post-high school course of instruction in any accredited educational institution including state junior colleges, state or private colleges or universities, professional schools, vocational schools or accredited para-professional schools. The deduction for each dependent shall not exceed \$500 in one taxable year."

Further, amend the title to the unofficial engrossment, as follows:

Page 1, line 15, after "subdivision;" insert "290.09, by adding a subdivision;"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 24 and nays 30, as follows:

Those who voted in the affirmative were:

Ashbach	Brown	Hansen, Mel	Kowalczyk	Fillsbury
Bang	Dunn	Hanson, R.	Krieger	Renneke
Berg	Fitzsimons	Josefson	Larson	Stassen
Bernhagen	Frederick	Keefe, J.	Ogdahl	Ueland
Blatz	Hansen, Baldy	Kirchner	O'Neill	

Those who voted in the negative were:

Arnold	Gearty	McCutcheon	Olson, H. D.	Spear
Borden	Hughes	Moe	Perpich, A. J.	Stokowski
Chenoweth	Humphrey	North	Perpich, G.	Tennessee
Coleman	Keefe, S.	Novak	Purfeerst	Thorup
Conzemius	Lewis	Olhoff	Schaaf	Wegener
Davies	Lord	Olson, A. G.	Schrom	Willet

The motion did not prevail. So the amendment was not adopted.

H. F. No. 3707 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 53 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, J.	North	Renneke
Arnold	Davies	Keefe, S.	Novak	Schaaf
Ashbach	Dunn	Kirchner	Ogdahl	Spear
Bang	Fitzsimons	Kowalczyk	Olhoff	Stassen
Berg	Frederick	Krieger	Olson, A. G.	Tennessee
Bernhagen	Gearty	Larson	Olson, H. D.	Thorup
Blatz	Hansen, Mel	Lewis	O'Neill	Ueland
Borden	Hanson, R.	Lord	Perpich, A. J.	Wegener
Brown	Hughes	McCutcheon	Perpich, G.	Willet
Chenoweth	Humphrey	Milton	Pillsbury	
Coleman	Josefson	Moe	Purfeerst	

Messrs. Hansen, Baldy; and Schrom voted in the negative.

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

Without objection, the Senate reverted to the Order of Business of Messages from the House, remaining on the Order of Business of Motions and Resolutions.

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. 2641, 2110, 2639, 2640, 3272 and 3433.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 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. 1713: A bill for an act proposing an amendment to the Minnesota Constitution in all its articles; reforming its structure, style and form.

Senate File No. 1713 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1974

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate do now concur in the amendments by the House to S. F. No. 1713 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1713 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 42 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Larson	O'Neill	Stassen
Arnold	Hansen, Baldy	Lewis	Perpich, A. J.	Stokowski
Bernhagen	Hansen, Mel	Lord	Perpich, G.	Thorup
Blatz	Hanson, R.	McCutcheon	Pillsbury	Ueland
Borden	Hughes	Moe	Purfeerst	Wegener
Conzemius	Josefson	North	Renneke	Willet
Davies	Keefe, J.	Olhoft	Schaaf	
Dunn	Kirchner	Olson, A. G.	Schrom	
Frederick	Krieger	Olson, H. D.	Sillers	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 1888: A bill for an act relating to adoption; providing for appointment of guardian ad litem and attorney for child.

Senate File No. 1888 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1974

CONCURRENCE AND REPASSAGE

Mr. O'Neill moved that the Senate do now concur in the amendments by the House to S. F. No. 1888 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1888 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 40 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kirchner	Olson, A. G.	Schrom
Bang	Gearty	Krieger	Olson, H. D.	Sillers
Bernhagen	Hansen, Baldy	Larson	O'Neill	Snear
Blatz	Hansen, Mel	Lewis	Perpich, A. J.	Stassen
Borden	Hanson, R.	Lord	Perpich, G.	Thorun
Brown	Hughes	Moe	Pillsbury	Ueland
Conzemius	Josefson	North	Renneke	Wegener
Dunn	Keefe, J.	Olhoft	Schaaf	Willet

Messrs. McCutcheon and Novak 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. 3088: A bill for an act relating to courts, Ramsey and Chisago counties; amending Minnesota Statutes, 1973 Supple-

ment, Sections 488A.18, Subdivisions 10 and 13; 488A.20, Subdivisions 1, 2, 4, and 6; 488A.22, Subdivision 3; 488A.281; 488A.283; 488A.285, Subdivisions 1 and 2; 488A.286; 488A.30, Subdivisions 1, 2, and 4; Minnesota Statutes 1971, Sections 484.18, Subdivision 3; 488A.18, Subdivision 11; 488A.19, Subdivisions 6, 8, and 10; 488A.20, Subdivisions 3 and 7; 488A.21, Subdivision 1; 488A.23, Subdivision 1; 488A.26, Subdivisions 1, 3, 4, and 7; 488A.27, Subdivisions 3 and 7; 488A.30, Subdivision 3; 488A.31, Subdivisions 1 and 5; 488A.34, Subdivisions 2, 3, 4, 6, 9, and 12; repealing Minnesota Statutes 1971, Section 488A.23, Subdivisions 3 and 4.

Senate File No. 3088 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 22, 1974

CONCURRENCE AND REPASSAGE

Mr. O'Neill moved that the Senate do now concur in the amendments by the House to S. F. No. 3088 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 3088 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 43 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Larson	Olson, H. D.	Sillers
Arnold	Hansen, Baldy	Lewis	O'Neill	Spear
Bang	Hansen, Mel	Lord	Perpich, A. J.	Stassen
Bernhagen	Hanson, R.	McCutcheon	Perpich, G.	Thorup
Blatz	Hughes	Moe	Pillsbury	Ueland
Borden	Josefson	North	Purfeerst	Wegener
Brown	Keefe, J.	Novak	Renneke	Willet
Conzemius	Kirchner	Olhoft	Schaaf	
Dunn	Krieger	Olson, A. G.	Schrom	

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. 2590: A bill for an act relating to Anoka county; authorizing the acquisition, development, and construction of

nature centers; the operation thereof; and the issuance of bonds therefor.

Senate File No. 2590 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 22, 1974

CONCURRENCE AND REPASSAGE

Mr. Schaaf moved that the Senate do now concur in the amendments by the House to S. F. No. 2590 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2590 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 42 and nays 1, as follows:

Those who voted in the affirmative were:

Arnold	Gearty	Larson	O'Neill	Spear
Bang	Hansen, Baldy	Lewis	Perpich, A. J.	Stassen
Bernhagen	Hansen, Mel	Lord	Perpich, G.	Stokowski
Blatz	Hanson, R.	McCutcheon	Pillsbury	Thorup
Borden	Hughes	Moe	Purfeerst	Ueland
Brown	Josefson	North	Renneke	Willet
Chenoweth	Keefe, J.	Olhoft	Schaaf	
Conzemius	Kirchner	Olson, A. G.	Schrom	
Dunn	Krieger	Olson, H. D.	Sillers	

Mr. Novak 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. 3338: A bill for an act relating to commerce; banks and trust companies; authorized investments; amending Minnesota Statutes 1971, Section 48.61, by adding a subdivision.

Senate File No. 3338 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 22, 1974

CONCURRENCE AND REPASSAGE

Mr. Hansen, Baldy moved that the Senate do now concur in the amendments by the House to S. F. No. 3338 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 3338 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 40 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Krieger	Olson, H. D.	Schrom
Arnold	Hansen, Baldy	Larson	O'Neill	Sillers
Bang	Hansen, Mel	Lord	Perpich, A. J.	Spear
Bernhagen	Hanson, R.	McCutcheon	Perpich, G.	Stassen
Blatz	Hughes	Moe	Pillsbury	Stokowski
Brown	Josefson	North	Purfeerst	Thorup
Conzemius	Keefe, J.	Olhoft	Renneke	Ueland
Dunn	Kirchner	Olson, A. G.	Schaaf	Willet

Messrs. Borden and Novak 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. 3059: A bill for an act relating to the counties of Hennepin and Ramsey; providing for boards of seven members; providing for redistricting commissions; amending Minnesota Statutes 1971, Section 375.01; repealing Special Laws 1871, Chapter 73, Sections 1, 2, 3, 4, and 5; Special Laws 1891, Chapter 438, as amended; and Laws 1963, Chapter 789.

Senate File No. 3059 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1974

Mr. Stokowski moved that the Senate do not concur in the amendments by the House to S. F. No. 3059 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 to be appointed on the part of the House. The motion prevailed.

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. 1835, and repassed said bill in accordance with the report of the Committee, so adopted.

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

H. F. No. 1835 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 22, 1974

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1835

A bill for an act regulating public utilities furnishing at retail natural, manufactured or mixed gas, or electric service; prescribing the duties of the public service commission in relation thereto; prescribing penalties; increasing the membership of the public service commission; appropriating money; amending Minnesota Statutes 1971, Section 216A.03, Subdivision 1.

March 20, 1974

Honorable Martin O. Sabo
Speaker of the House of Representatives

Honorable Alec G. Olson
President of the Senate

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

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

Strike everything after the enacting clause and insert:

“Section 1. [LEGISLATIVE FINDING.] It is hereby declared to be in the public interest that public utilities be regulated as hereinafter provided in order to provide the retail consumers of natural gas and electric service in this state with adequate and reliable services at reasonable rates, consistent with the financial and economic requirements of public utilities and their need to construct facilities to provide such services or to otherwise obtain energy supplies, to avoid unnecessary duplication of facilities which increase the cost of service to the consumer and to mini-

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

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

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

Sec. 7. [RATE PREFERENCE PROHIBITED.] No public utility shall, as to rates or service, make or grant any unreason-

able preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage.

Sec. 3. [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 opinions, substantiating documents, and exhibits, supporting the change requested, and further shall state the change proposed to be made in the rates then in force, and the time when the modified rates will go into effect. The commission shall give written notice of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules on file and in force at the time.

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

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

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

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

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

Subd. 6. The commission, in the exercise of its powers under this act to determine just and reasonable rates for public utilities,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 23. [LAWFUL RATES; REASONABLE SERVICE.] Subdivision 1. Whenever upon an investigation made under the provisions of this act, the commission shall find rates, tolls, charges,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section 477A.01, subdivision 18. Franchises granted pursuant to this section shall be exempt from the provisions of Minnesota Statutes, 1973 Supplement, Chapter 80C.

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

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

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

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

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

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

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

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

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

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

which it provides electric service on the effective date of this act. Where two or more electric utilities serve a single municipality, the commission may require each utility to file with the commission a map showing its electric lines within the municipality.

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

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

Sec. 40. [EXCLUSIVE SERVICE RIGHTS.] Except as provided in section 42, each electric utility shall have the exclusive right to provide electric service at retail to each and every present and future customer in its assigned service area and no electric utility shall render or extend electric service at retail within the assigned service area of another electric utility unless the electric utility consents thereto in writing; provided that any electric utility may extend its facilities through the assigned service area of another electric utility if the extension is necessary to facilitate the electric utility connecting its facilities or customers within its own assigned service area.

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

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

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

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

Sec. 43. [HEARINGS; COMPLAINTS.] Upon the filing of an application under section 42 or upon complaint by an affected utility that the provisions of section 39 through 42 have been violated, the commission shall hold a hearing, upon notice, within 15 days after the filing of the application of complaint, and shall render its decision within 30 days after said hearing.

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

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

Sec. 45. [MUNICIPAL PURCHASE OF PUBLIC UTILITY.] Any public utility operating in a municipality under a license, permit, right or franchise shall be deemed to have consented to

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 3. No contract or arrangement providing for the furnishing of management, supervisory, construction, engineering, accounting, legal, financial or similar services, and no contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than those above enumerated, made or entered into after the effective date of this act between a public utility and any affiliated interest as defined in this act, shall be valid or effective unless and until the contract or arrangement has received the written approval of the commission. It shall be the duty of every public utility to file with the commission a verified copy of the contract or arrangement, or a verified summary of the unwritten contract or arrangement, and also of all the contracts and arrangements, whether written or unwritten, entered into prior to the effective date of this act and in force and effect at that time. The commission shall approve the contract or arrangement made or entered into after that date only if it shall clearly appear and be established upon investigation that it is reasonable and consistent with the public interest. No contract or arrangement shall receive the commission's approval unless satisfactory proof is

submitted to the commission of the cost to the affiliated interest of rendering the services or of furnishing the property or service described herein to each public utility. No proof shall be satisfactory within the meaning of the foregoing sentence unless it includes the original or verified copies of the relevant cost records and other relevant accounts of the affiliated interest, or an abstract or summary as the commission may deem adequate, properly identified and duly authenticated, provided, however, that the commission may, where reasonable, approve or disapprove the contracts or arrangements without the submission of cost records or accounts. The burden of proof to establish the reasonableness of the contract or arrangement shall be on the public utility.

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

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

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

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

Franchises granted pursuant to this section shall be exempt

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

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

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

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

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

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

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

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

Subd. 2. The provisions of this section shall not apply to 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. [STOCK PURCHASE.] Subdivision 1. No public utility shall purchase voting stock in another public utility doing business in Minnesota without first having made application to and received the consent of the commission in writing or by order.

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

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

Sec. 52. [APPEALS.] Subdivision 1. Any party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected thereby, shall be entitled to appeal from such decision and order of the commission. The proceedings shall be instituted by serving a notice of appeal personally or by registered mail upon the commission or one of its members or upon its secretary, and by filing the notice in the office of the clerk of the district court of the county of Ramsey or of the county in which the appellant resides or maintains his principal place of business, all within 30 days after the service of the order and decision of the commission or in cases where a rehearing is requested within 30 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. 53. [SUSPENSION OF COMMISSION ORDERS.] The pendency of proceedings on appeal shall not of itself stay or suspend the operation of the order of the commission, but during the pendency of the proceedings the court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order on terms it deems just, and in accordance with the practice of courts exercising equity jurisdiction, but no stay shall be granted without notice to the parties and opportunity to be heard by the court. Any party shall have the right to secure from the court in which an appeal of an order of the commission is sought an order suspending or staying the operation of an order of the commission, pending an appeal of the order, but no commission order relating to rates or rules and regulations shall be stayed or suspended absent a finding that great or irreparable damage would otherwise result to the party seeking the stay or suspension, and any order staying or suspending a commission order shall specify the nature of the damage.

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

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

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

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

Sec. 57. [PENALTIES.] Any person who knowingly and intentionally violates any provision of this act, or who knowingly and intentionally fails, omits, or neglects to obey, observe, or comply with any lawful order, or any part or provision thereof, of the

commission is subject to a penalty of not less than \$100 nor more than \$1,000 for each violation.

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

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

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

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

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

Subd. 2. Whenever the commission, in a proceeding upon its own motion, on complaint, or upon an application to it, shall deem it necessary, in order to carry out the duties imposed by this act, to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, or to render any engineering or accounting services to any public utility, the public utility shall pay the expenses reasonably attributable to the investigation, appraisal, or service. The commission shall ascertain the expenses, and the department shall render a bill therefor to the public utility, either at the conclusion of the investigation, appraisal, or services, or from time to time during its progress, which bill shall constitute notice of the assessment and a demand for payment. The amount of the bills so rendered by the department shall be paid by the public utility into the state treasury within 30 days from the date of rendition. The total amount, in any one calendar year, for which any public utility shall become liable, by reason of costs incurred by the commission within that calendar year, shall not exceed two-fifths of one percent of the

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

Subd. 3. The department shall annually, within 90 days after the close of each fiscal year, ascertain the total of its expenditures to the performance of its duties relating to public utilities under this act, and shall deduct therefrom all amounts chargeable to public utilities under subdivision 2 of this section. The remainder shall be assessed by the commission to the several public utilities in proportion to their respective gross operating 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. 63. [INTEREST ON ASSESSMENTS.] The amounts assessed against any public utility not paid after 30 days after the mailing of a notice advising the public utility of the amount assessed against it, shall draw interest at the rate of six percent per annum, and upon failure to pay the assessment the attorney general shall proceed by action in the name of the state against the public utility to collect the amount due, together with interest and the cost of the suit.

Sec. 64. [ATTORNEY GENERAL TO REPRESENT COMMISSION.] The attorney general of the state shall, upon request of

the commission, represent and appear for the commission in all actions and proceedings involving any question under this act, and shall aid in any investigation or hearing had under the provisions of this act. The attorney general shall perform all duties and services in connection with this act and the enforcement thereof as the commission may require. He shall also bring all actions to collect penalties herein provided.

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

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

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

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

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

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

Sec. 68. [SEVERABILITY.] If any provision of this act, or any severable provision of a section of this act, or the application of any

provision to any person or circumstances, shall be held invalid, the remainder of the act, or section, and the application of the provision to persons and circumstances other than those as to which it is held invalid, shall not be affected.

Sec. 69. [CONSTRUCTION.] This act is complete in itself and other Minnesota statutes are not to be construed as applicable to the supervision or regulation of public utilities by the commission. All acts and parts of acts in conflict with this act are repealed insofar as they pertain to the regulation of public utilities as defined herein.

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

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

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

Further, strike the title and insert in lieu thereof:

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

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

House Conferees: (Signed) Richard J. Parish, William N. Kelly, Thomas W. Newcome

Senate Conferees: (Signed) Alec G. Olson, A. J. Perpich, Robert O. Ashbach

Mr. Olson, A. G. moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1835 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Chenoweth moved that the Senate refuse to adopt the Conference Committee report on H. F. No. 1835, that the Com-

mittee on Committees appoint a new Conference Committee consisting of 5 members on the part of the Senate, and that the House be advised of the Senate action and be requested to appoint a like committee to confer on the differences between the Senate and the House on H. F. No. 1835.

The question being taken on adoption of the motion of Mr. Chenoweth,

And the roll being called, there were yeas 9 and nays 37, as follows:

Those who voted in the affirmative were:

Chenoweth	Hanson, R.	McCutcheon	North	Spear
Hansen, Baldy	Hughes	Milton	O'Neill	

Those who voted in the negative were:

Anderson	Conzemius	Krieger	Perpich, G.	Stassen
Arnold	Dunn	Larson	Pillsbury	Thorup
Ashbach	Gearty	Lord	Purfeerst	Ueland
Bernhagen	Hansen, Mel	Ogdahl	Renneke	Wegener
Blatz	Humphrey	Olhoft	Schaaf	Willet
Borden	Josefson	Olson, A. G.	Schrom	
Brown	Kirchner	Olson, H. D.	Sillers	
Coleman	Kowalczyk	Perpich, A. J.	Solon	

The motion did not prevail.

The question recurred on the motion of Mr. Olson, A. G. to adopt the recommendations and Conference Committee Report on H. F. No. 1835. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1835: A bill for an act regulating public utilities furnishing at retail natural, manufactured or mixed gas, or electric service; prescribing the duties of the public service commission; 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.

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 44 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Borden	Hansen, Mel	Krieger	Olhoft
Arnold	Brown	Hughes	Larson	Olson, A. G.
Ashbach	Coleman	Josefson	Lewis	Olson, H. D.
Bang	Conzemius	Keefe, J.	Lord	O'Neill
Bernhagen	Dunn	Kirchner	North	Perpich, A. J.
Blatz	Gearty	Kowalczyk	Ogdahl	Perpich, G.

Pillsbury
Purfeerst
Renneke

Schaaf
Schrom
Sillers

Solon
Spear
Stassen

Stokowski
Thorup
Ueland

Wegener
Willet

Those who voted in the negative were:

Chenoweth
Hansen, Baldy

Hanson, R.

McCutcheon

Milton

Novak

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Kirchner moved that S. F. No. 3170, No. 68 on General Orders, be returned to its author. The motion prevailed.

Mr. Milton moved that S. F. No. 3354, No. 15 on General Orders, be returned to its author. The motion prevailed.

Mr. Milton moved that H. F. No. 543, No. 10 on General Orders, be stricken and re-referred to the Committee on Health, Welfare and Corrections. The motion prevailed.

Mr. Wegener moved that H. F. No. 577, No. 12 on General Orders, be stricken and re-referred to the Committee on Natural Resources and Agriculture. The motion prevailed.

Mr. Lord moved that S. F. No. 1464, No. 2 on General Orders, be returned to its author. The motion prevailed.

Mr. North moved that H. F. No. 862 be recalled from the House of Representatives for further consideration. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak, Chairman of the Committee on Finance, designated H. F. No. 452, No. 67 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 452: A bill for an act relating to crimes and criminals; providing compensation for victims of violent crimes; providing a penalty; appropriating money.

Mr. O'Neill moved to amend H. F. No. 452, the typewritten bill, as amended under Rule 49 and adopted by the Senate March 21, 1974, as follows:

Page 6, line 5, after "claims" insert "and by the first \$100 of economic loss"

The motion prevailed. So the amendment was adopted.

Mr. O'Neill then moved to amend H. F. No. 452, the typewritten bill, as amended under Rule 49 and adopted by the Senate March 21, 1974, as follows:

Page 11, line 28, strike "\$25,000" and insert "\$100,000"

The motion prevailed. So the amendment was adopted.

H. F. No. 452 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olson, A. G.	Sillers
Arnold	Gearty	Kowalczyk	Olson, H. D.	Solon
Bang	Hansen, Baldy	Lewis	O'Neill	Spear
Bernhagen	Hansen, Mel	Lord	Perpich, A. J.	Stassen
Blatz	Hanson, R.	McCutcheon	Pillsbury	Stokowski
Brown	Hughes	Milton	Purfeerst	Thorup
Chenoweth	Humphrey	North	Renneke	Ueland
Coleman	Josefson	Novak	Schaaf	Wegener
Conzemius	Keefe, J.	Olhoft	Schrom	Willet

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak, Chairman of the Committee on Finance, designated H. F. No. 3240, No. 70 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 3240: A bill for an act relating to the legislature; Indian affairs commission; raising the per diem pay of members; amending Minnesota Statutes 1971, Section 3.922, 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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Larson	Olson, H. D.	Solon
Arnold	Dunn	Lewis	O'Neill	Spear
Bang	Gearty	Lord	Perpich, A. J.	Stassen
Bernhagen	Hansen, Baldy	McCutcheon	Pillsbury	Stokowski
Blatz	Hansen, Mel	Milton	Purfeerst	Thorup
Borden	Hughes	North	Renneke	Ueland
Brown	Humphrey	Novak	Schaaf	Wegener
Chenoweth	Keefe, J.	Olhoft	Schrom	Willet
Coleman	Kirchner	Olson, A. G.	Sillers	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak, Chairman of the Committee

on Finance, designated H. F. No. 3151, No. 78 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 3151: A bill for an act relating to the state; creating a designers selection board to select architects and engineers for state building projects and prescribing its powers and duties.

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 43 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Lewis	O'Neill	Solon
Arnold	Dunn	Lord	Perpich, A. J.	Spear
Bang	Gearty	McCutcheon	Perpich, G.	Stassen
Bernhagen	Hansen, Baldy	Milton	Pillsbury	Stokowski
Blatz	Hanson, R.	North	Purfeerst	Thorup
Borden	Hughes	Novak	Renneke	Ueland
Brown	Humphrey	Olhoft	Schaaf	Wegener
Chenoweth	Keefe, J.	Olson, A. G.	Schrom	
Coleman	Kirchner	Olson, H. D.	Sillers	

Mr. Hansen, Mel voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak, Chairman of the Committee on Finance, designated H. F. No. 3140, No. 77 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 3140: A bill for an act relating to education; authorizing transfer of funds between Minnesota and Wisconsin for higher education reciprocity; appropriating money; amending Minnesota Statutes 1971, Section 136A.08.

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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Larson	O'Neill	Spear
Arnold	Gearty	Lewis	Perpich, A. J.	Stassen
Bang	Hansen, Baldy	Lord	Perpich, G.	Stokowski
Bernhagen	Hansen, Mel	McCutcheon	Pillsbury	Thorup
Blatz	Hanson, R.	Milton	Purfeerst	Ueland
Borden	Hughes	North	Renneke	Wegener
Brown	Humphrey	Novak	Schaaf	Willet
Chenoweth	Keefe, J.	Olhoft	Schrom	
Coleman	Kirchner	Olson, A. G.	Sillers	
Conzemius	Kowalczyk	Olson, H. D.	Solon	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak, Chairman of the Committee on Finance, designated S. F. No. 3308, No. 75 on the General Orders Calendar, a Special Order to be heard immediately.

S. F. No. 3308: A bill for an act creating a legislative commission to study and propose legislation relating to the problem of organized crime; 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Kowalczyk	Olson, H. D.	Sillers
Arnold	Dunn	Larson	O'Neill	Solon
Bang	Gearty	Lewis	Perpich, A. J.	Spear
Bernhagen	Hansen, Baldy	Lord	Perpich, G.	Stassen
Blatz	Hanson, R.	McCutcheon	Pillsbury	Stokowski
Borden	Hughes	Milton	Purfeerst	Thorup
Brown	Humphrey	North	Renneke	Ueland
Chenoweth	Keefe, J.	Novak	Schaaf	Wegener
Coleman	Kirchner	Olson, A. G.	Schrom	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak, Chairman of the Committee on Finance, designated H. F. No. 3267, No. 69 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 3267: A bill for an act relating to aeronautics; reimbursement of municipalities for operational and maintenance costs of airports; amending Minnesota Statutes, 1973 Supplement, Section 360.305, 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Krieger	Olson, H. D.	Solon
Arnold	Gearty	Larson	O'Neill	Spear
Bang	Hansen, Baldy	Lewis	Perpich, A. J.	Stassen
Bernhagen	Hansen, Mel	Lord	Perpich, G.	Stokowski
Blatz	Hanson, R.	McCutcheon	Pillsbury	Thorup
Borden	Hughes	Milton	Purfeerst	Ueland
Brown	Humphrey	North	Renneke	Wegener
Chenoweth	Keefe, J.	Novak	Schaaf	Willet
Coleman	Kirchner	Olhoft	Schrom	
Conzemius	Kowalczyk	Olson, A. G.	Sillers	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Dunn moved that the vote whereby H. F. No. 2236 failed to pass the Senate on March 21, 1974, be now reconsidered.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, March 25, 1974. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.