

## ONE HUNDRED TWELFTH DAY

St. Paul, Minnesota, Monday, March 25, 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	Kowalczyk	Olson, J. L.	Stassen
Arnold	Fitzsimons	Larson	O'Neill	Stokowski
Ashbach	Frederick	Laufenburger	Patton	Tennessen
Bang	Gearty	Lewis	Perpich, A. J.	Thorup
Bernhagen	Hansen, Baldy	Milton	Perpich, G.	Ueland
Blatz	Hansen, Mel	North	Pillsbury	Wegener
Chmielewski	Hanson, R.	Novak	Purfeerst	
Coleman	Humphrey	Ogdahl	Schrom	
Conzemius	Keefe, S.	Olhoft	Solon	
Doty	Kirchner	Olson, A. G.	Spear	

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.	Novak	Schaaf
Arnold	Doty	Kirchner	Ogdahl	Schrom
Ashbach	Dunn	Knutson	Olhoft	Sillers
Bang	Fitzsimons	Kowalczyk	Olson, A. G.	Solon
Berg	Frederick	Krieger	Olson, H. D.	Spear
Bernhagen	Gearty	Larson	Olson, J. L.	Stassen
Blatz	Hansen, Baldy	Laufenburger	O'Neill	Stokowski
Borden	Hansen, Mel	Lewis	Patton	Tennessen
Brown	Hanson, R.	Lord	Perpich, A. J.	Thorup
Chenoweth	Hughes	Milton	Perpich, G.	Ueland
Chmielewski	Humphrey	Moe	Pillsbury	Wegener
Coleman	Josefson	Nelson	Purfeerst	Willet
Conzemius	Keefe, J.	North	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 McCutcheon were excused from the Session of today. Mr. Jensen was excused from the early part of today's Session. Mr. Berg was excused from the Session of today, beginning at 11:45 o'clock a.m. Messrs. Olson, J. L. and Pillsbury

were excused from the Session of today from 12:45 until 1:45 o'clock p.m.

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

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

#### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The Honorable Martin O. Sabo  
Speaker of the House of Representatives

The Honorable Alec G. Olson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1974 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation pursuant to the State Constitution, Article IV, Section 11:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1974	Date Filed 1974
498		177	March 21, 1974	March 21, 1974
	892	178	March 21, 1974	March 21, 1974
	1795	179	March 21, 1974	March 21, 1974
	1952	180	March 21, 1974	March 21, 1974
	1966	181	March 21, 1974	March 21, 1974
	1967	182	March 21, 1974	March 21, 1974
	1986	183	March 21, 1974	March 21, 1974
	2043	184	March 21, 1974	March 21, 1974
	2144	185	March 21, 1974	March 21, 1974
	2553	186	March 21, 1974	March 21, 1974
	2595	187	March 21, 1974	March 21, 1974
	2829	188	March 21, 1974	March 21, 1974
	2833	189	March 21, 1974	March 21, 1974
	2926	190	March 21, 1974	March 21, 1974
	2936	191	March 21, 1974	March 21, 1974
	3009	192	March 21, 1974	March 21, 1974
	3041	193	March 21, 1974	March 21, 1974
	3055	194	March 21, 1974	March 21, 1974
	3086	195	March 21, 1974	March 21, 1974
	3121	196	March 21, 1974	March 21, 1974
	3142	197	March 21, 1974	March 21, 1974
	3233	198	March 21, 1974	March 21, 1974
	3264	199	March 21, 1974	March 21, 1974
	3322	200	March 21, 1974	March 21, 1974
	3331	201	March 21, 1974	March 21, 1974
	3384	202	March 21, 1974	March 21, 1974
	3394	203	March 21, 1974	March 21, 1974
1558		204	March 21, 1974	March 21, 1974
1865		205	March 21, 1974	March 21, 1974
1877		206	March 21, 1974	March 21, 1974

Sincerely,  
Arlen Erdahl, Secretary of State

The Honorable Martin O. Sabo  
Speaker of the House of Representatives

The Honorable Alec G. Olson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1974 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation pursuant to the State Constitution, Article IV, Section 11:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1974	Date Filed 1974
1902		207	March 21, 1974	March 21, 1974
2450		208	March 21, 1974	March 21, 1974
2498		209	March 21, 1974	March 21, 1974
2568		210	March 21, 1974	March 21, 1974
2607		211	March 21, 1974	March 21, 1974
2781		212	March 21, 1974	March 21, 1974
2949		213	March 21, 1974	March 21, 1974
2951		214	March 21, 1974	March 21, 1974
2953		215	March 21, 1974	March 21, 1974
2972		216	March 21, 1974	March 21, 1974
3169		217	March 21, 1974	March 21, 1974
3249		218	March 21, 1974	March 21, 1974
3426		219	March 21, 1974	March 21, 1974
3432		220	March 21, 1974	March 21, 1974

Sincerely,  
Arlen Erdahl, Secretary of State

#### 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. 2866:

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.

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

Vento, Dieterich and Pavlak, R. L., have been appointed as such committee on the part of the House.

House File No. 2866 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 22, 1974

Mr. North moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2866, and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S. F. No. 3301: A bill for an act relating to crime and criminals; requiring the commissioner of corrections to develop a program to aid rape victims.

Senate File No. 3301 is herewith returned to the Senate.

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

#### CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate do now concur in the amendments by the House to S. F. No. 3301 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 3301: A bill for an act relating to crime and criminals; requiring the commissioner of corrections to develop a program to aid victims of sexual attacks.

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 48 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	Olhoft	Solon
Arnold	Dunn	Kowalczyk	Olson, A. G.	Spear
Ashbach	Frederick	Krieger	Olson, J. L.	Stassen
Bang	Gearty	Larson	O'Neill	Stokowski
Bernhagen	Hansen, Baldy	Laufenburger	Patton	Tennessee
Blatz	Hansen, Mel	Milton	Perpich, A. J.	Thorup
Borden	Hanson, R.	Moe	Perpich, G.	Ueland
Brown	Humphrey	North	Pillsbury	Wegener
Chenoweth	Keefe, J.	Novak	Renneke	
Coleman	Keefe, S.	Ogdahl	SchAAF	

Messrs. Chmielewski and Schrom 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. 2690: A bill for an act relating to the supreme court; authorizing the court to promulgate rules of criminal procedure which supersede certain statutes; amending Minnesota Statutes 1971, Section 480.059, Subdivision 7.

Senate File No. 2690 is herewith returned to the Senate.

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

### CONCURRENCE AND REPASSAGE

Mr. Tennesen moved that the Senate do now concur in the amendments by the House to S. F. No. 2690 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2690: A bill for an act relating to the supreme court; authorizing the court to promulgate rules of criminal procedure which supersede certain statutes; amending Minnesota Statutes 1971, Section 480.059, Subdivisions 6 and 7.

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 8, as follows:

Those who voted in the affirmative were:

Anderson	Hanson, R.	Moe	O'Neill	Stassen
Arnold	Humphrey	Nelson	Patton	Stokowski
Bang	Keefe, S.	North	Perpich, A. J.	Tennesen
Blatz	Kirchner	Novak	Perpich, G.	Thorup
Borden	Kowalczyk	Ogdahl	Pillsbury	Ueland
Brown	Krieger	Olhoft	Purfeerst	Wegener
Chenoweth	Larson	Olson, A. G.	Schaaf	
Doty	Laufenburger	Olson, H. D.	Sillers	
Gearty	Milton	Olson, J. L.	Solon	

Those who voted in the negative were:

Bernhagen	Dunn	Hansen, Baldy	Keefe, J.	Schrom
Chmielewski	Frederick	Hansen, Mel		

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. 2703: A bill for an act relating to metropolitan public transit; directing the metropolitan transit commission to plan an automated small vehicle fixed guideway system; establishing a joint metropolitan transit planning legislative review commission; authorizing tax levies upon property within the metropolitan transit taxing district.

Senate File No. 2703 is herewith returned to the Senate.

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

Mr. Chenoweth moved that the Senate do not concur in the amendments by the House to S. F. No. 2703 and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3023.

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.

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

Moe, Patton and Larson have been appointed as such committee on the part of the House.

House File No. 3023 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 22, 1974

Mr. Chenoweth moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 3023, and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S. F. No. 2885: A bill for an act relating to metropolitan transportation; directing the metropolitan transit commission to promote the use of car pools and employer vans; requiring freeways constructed after a certain date to include provision for exclusive lanes for vans and other multipassenger vehicles; authorizing tax levies.

Senate File No. 2885 is herewith returned to the Senate.

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

#### CONCURRENCE AND REPASSAGE

Mr. North moved that the Senate do now concur in the amend-

ments by the House to S. F. No. 2885 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2885 was read the third time, as amended by the House, and placed on its repassage.

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

And the roll being called, there were yeas 54 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ashbach	Hansen, Baldy Schrom	Sillers	Willet
Blatz	Krieger		

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

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

House File No. 978 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. 978

A bill for an act relating to tort liability of political subdivisions; extending governmental immunity from tort liability for certain towns; amending Minnesota Statutes 1971, Section 466.12, Subdivision 4.

March 21, 1974

Honorable Martin O. Sabo  
Speaker of the House of Representatives

Honorable Alec G. Olson  
President of the Senate

We, the undersigned conferees on the part of the House and the Senate, upon the disagreeing votes as to H. F. No. 978, report that

we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 978 be further amended as follows:

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

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

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

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

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

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

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

House Conferees: (Signed) Harry Peterson, Robert Culhane, Richard Wigley

Senate Conferees: (Signed) Myrton O. Wegener, Hubert Humphrey III, John Keefe

Mr. Wegener moved that the foregoing recommendations and Conference Committee Report on H. F. No. 978 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. 978: A bill for an act relating to tort liability of towns; extending governmental immunity from tort liability for certain towns; authorizing certain towns to purchase insurance and authorizing a levy of taxes therefor; amending Minnesota Statutes 1971, Section 466.12, Subdivision 4.



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 47 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kowalczyk	Olhoff	Solon
Arnold	Gearity	Krieger	Olson, A. G.	Stassen
Bang	Hansen, Baldy	Larson	Olson, H. D.	Stokowski
Berg	Hansen, Mel	Laufenburger	Olson, J. L.	Thorup
Borden	Hanson, R.	Lord	Patton	Ueland
Brown	Hughes	Moe	Perpich, A. J.	Wegener
Chmielewski	Humphrey	Nelson	Perpich, G.	Willet
Conzemius	Keefe, J.	North	Pillsbury	
Doty	Keefe, S.	Novak	Purfeerst	
Dunn	Kirchner	Ogdahl	Schaaf	

Those who voted in the negative were:

Ashbach	Chenoweth	Josefson	O'Neill	Spear
Bernhagen	Davies	Lewis	Renneke	Tennessee
Blatz	Frederick	Milton	Sillers	

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

#### REPORTS OF COMMITTEES

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

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

H. F. No. 47: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 1; providing the majority necessary to pass constitutional amendments.

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:

"Section 1. The following amendment to the Minnesota Constitution is proposed to the people.

Sec. 2. If the amendment is adopted and the proposed general revision of the structure of the constitution is not adopted, Article XIV, Section 1, will read as follows:

Section 1. Whenever a majority of ~~both~~ *each of the* houses of the legislature ~~shall~~ deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection at any general election; ~~and if it shall appear, in a manner to be provided by law, that~~ *If 55 percent of all the electors voting on the question or a majority of all the electors voting at said the election shall have*

voted vote for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

Sec. 3. If the amendment is adopted and the proposed general revision of the structure of the constitution is also adopted, Article IX, Section 1, will read as follows:

Section 1. A majority of the members elected to each house of the legislature may propose amendments to this constitution. Proposed amendments shall be published with the laws passed at the same session and submitted to the people for their approval or rejection at a general election. If 55 percent of all the electors voting on the question or a majority of all the electors voting at the election vote to ratify an amendment, it becomes a part of this constitution. If two or more amendments are submitted at the same time, voters shall vote for or against each separately.

Sec. 4. The proposed amendment shall be submitted to the people at the 1974 general election. The question submitted to the people shall be:

"Shall the Minnesota constitution be amended so future constitutional amendments will pass if approved by 55 percent of the voters voting on the issue or a majority of those voting in the election?"

Yes....."  
No....."

Further, strike the title and insert in lieu thereof:

"A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 1, or Article IX, Section 1 of the proposed revised constitution; providing the majority necessary to pass constitutional amendments."

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 under Joint Rule 20, together with the committee report thereon,

S. F. No. 2296: A bill for an act relating to the policemen's relief association in the city of Columbia Heights; membership of certain police personnel in the public employees police and fire fund.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations be adopted and the bill be placed on the Calendar of Ordinary Matters. Report adopted.

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. 2334: A bill for an act relating to child welfare; requiring agency placement prior to adoption; amending Minnesota Statutes 1971, Section 259.22.

Reports the same back with the recommendation that the report from the Committee on Health, Welfare and Corrections be adopted and the bill be placed on the General Orders Calendar. Report adopted.

### **SECOND READING OF SENATE BILLS**

S. F. No. 2296 was read the second time.

### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 47 and 2334 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Mr. Perpich, A. J. moved that the name of Mr. Perpich, G. be added as co-author to S. F. No. 2131. The motion prevailed.

Mr. Gearty moved that H. F. 2978, No. 25 on General Orders, be stricken and re-referred to the Committee on Metropolitan and Urban Affairs. The motion prevailed.

Mr. Gearty moved that H. F. No. 1403, No. 32 on General Orders, be stricken and re-referred to the Committee on Governmental Operations. The motion prevailed.

Mr. Kowalczyk moved that H. F. No. 2182, No. 9 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Tennessen moved that S. F. No. 3581, No. 75 on General Orders, be stricken and indefinitely postponed. The motion prevailed.

Mr. Hanson, R. moved that S. F. No. 2896, No. 12 on General Orders, be stricken and re-referred to the Committee on Natural Resources and Agriculture. The motion prevailed.

Mr. Frederick moved that H. F. No. 1338, No. 6 on General Orders, be stricken and re-referred to the Committee on Local Government. The motion prevailed.

Mr. Dunn moved that S. F. No. 3229, No. 11 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. O'Neill moved that S. F. No. 2298, No. 10 on General Orders, be stricken and re-referred to the Committee on Labor and Commerce. The motion prevailed.

Mr. Borden moved that H. F. No. 159, No. 5 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Laufenburger moved that H. F. No. 858 be taken from the table. The motion prevailed.

H. F. No. 858: A bill for an act relating to the organization and operation of state government; creating a department of transportation; prescribing its duties and responsibilities; amending Minnesota Statutes 1971, Sections 123.18, Subdivision 1; 123.39, Subdivision 1; and 473A.06, Subdivision 3; repealing Minnesota Statutes 1971, Sections 4.20; 161.03; and 360.014.

Mr. Laufenburger moved to amend H. F. No. 858, the printed bill as follows:

Page 6, strike line 25 through line 26 and insert:

*"Actual construction by the Department of Transportation shall not be undertaken until the design plans of the project have been approved by the affected regional development commission or the metropolitan council."*

Mr. Ashbach questioned whether or not the amendment was in order.

### CALL OF THE SENATE

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

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

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

The question being taken on whether or not the amendment was in order,

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

And the roll being called, there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Arnold	Davies	Lewis	Olhoft	Schaaf
Borden	Gearty	Lord	Olson, A. G.	Sillers
Chenoweth	Hughes	Milton	Olson, H. D.	Solon
Chmielewski	Humphrey	Moe	Perpich, A. J.	Tennessen
Coleman	Keefe, S.	North	Perpich, G.	Wegener
Conzemius	Laufenburger	Novak	Purfeerst	Willet

Those who voted in the negative were:

Anderson	Doty	Josefson	Ogdahl	Spear
Ashbach	Dunn	Keefe, J.	Olson, J. L.	Stassen
Bang	Fitzsimons	Kirchner	O'Neill	Thorup
Berg	Frederick	Kowalczyk	Patton	Ueland
Bernhagen	Hansen, Baldy	Krieger	Pillsbury	
Blatz	Hansen, Mel	Larson	Renneke	
Brown	Hanson, R.	Nelson	Schrom	

The amendment was declared not in order.

Mr. Ogdahl moved to amend H. F. No. 858, the printed bill, as follows:

Page 6, line 14 after "laws" and before "the" insert ", except Minnesota Statutes, Sections 161.17, 161.172, and 162.02, Subdivision 8,"

The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

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

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

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

H. F. No. 858 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 30 and nays 34, as follows:

Those who voted in the affirmative were:

Arnold	Coleman	Humphrey	Moe	Perpich, G.
Ashbach	Conzemius	Keefe, S.	North	Pillsbury
Borden	Fitzsimons	Laufenburger	Novak	Purfeerst
Brown	Gearty	Lewis	Olhott	Schaaf
Chenoweth	Hansen, Mel	Lord	Olson, A. G.	Solon
Chmielewski	Hughes	Milton	Perpich, A. J.	Wegener

Those who voted in the negative were:

Anderson	Dunn	Knutson	Olson, J. L.	Stassen
Bang	Frederick	Kowalczyk	O'Neill	Stokowski
Berg	Hansen, Baldy	Krieger	Patton	Tennessen
Bernhagen	Hanson, R.	Larson	Renneke	Thorup
Blatz	Josefson	Nelson	Schrom	Ueland
Davies	Keefe, J.	Ogdahl	Sillers	Willet
Doty	Kirchner	Olson, H. D.	Spear	

So the bill failed to pass.

### RECONSIDERATION

Mr. Dunn renewed his motion that the vote whereby H. F. No. 2236 failed to pass the Senate on March 21, 1974, be now reconsidered.

The question being taken on the adoption of the motion,

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

And the roll being called, there were yeas 44 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olson, J. L.	Solon
Ashbach	Fitzsimons	Knutson	O'Neill	Spear
Bang	Frederick	Kowalczyk	Patton	Stassen
Berg	Gearty	Krieger	Perpich, A. J.	Stokowski
Bernhagen	Hansen, Mel	Larson	Perpich, G.	Tennessen
Blatz	Hanson, R.	Lord	Pillsbury	Thorup
Brown	Hughes	Milton	Purfeerst	Ueland
Chmielewski	Humphrey	Nelson	Renneke	Wegener
Doty	Josefson	Olson, H. D.	Sillers	

Those who voted in the negative were:

Arnold	Hansen, Baldy	Moe	Olson, A. G.	Schrom
Coleman	Keefe, S.	North	Schaaf	Willet
Conzemius	Laufenburger	Novak		
Davies	Lewis	Olhoft		

The motion prevailed. So the vote was reconsidered.

H. F. No. 2236: A bill for an act relating to courts; salaries of county court judges; amending Minnesota Statutes 1971, Section 487.05.

Mr. Thorup moved to amend the Conzemius amendment to H. F. No. 2236, section 1, subdivision 2, clause (1), adopted by the Senate on March 21, 1974, as follows:

Strike "\$27,000" and insert "*Not less than \$25,000 nor more than \$29,000, as determined by resolution of the county board or boards.*"

The motion prevailed. So the amendment was adopted.

H. F. No. 2236 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 15, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Josefson	Olson, H. D.	Sillers
Arnold	Dunn	Kirchner	Olson, J. L.	Solon
Ashbach	Fitzsimons	Krieger	O'Neill	Spear
Berg	Frederick	Larson	Patton	Stassen
Bernhagen	Gearty	Lewis	Perpich, A. J.	Stokowski
Blatz	Hansen, Mel	Lord	Pillsbury	Thorup
Borden	Hanson, R.	Nelson	Purfeerst	Ueland
Brown	Hughes	Ogdahl	Renneke	Wegener
Chmielewski	Humphrey	Olhoft	Schrom	Willet

Those who voted in the negative were:

Bang	Davies	Keefe, S.	Moo	Perpich, G.
Coleman	Hansen, Baldy	Knutson	North	Schaaf
Conzemius	Keefe, J.	Kowalczyk	Novak	Tennessen

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 3123

A bill for an act relating to commerce; regulating health clubs, social referral clubs and buying clubs; permitting members to cancel contracts under certain circumstances; limiting the term of membership; providing for bonding; and prescribing penalties.

March 21, 1974

Honorable Alec G. Olson  
President of the Senate

Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 3123, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 3123 be amended as follows:

Page 3, line 28, strike "one year" and insert "18 months"

Page 4, line 3, strike "one year" and insert "18 months"

Page 4, line 28, strike "a breach of contract,"

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

Senate Conferees: (Signed) Stephen Keefe, Al Kowalczyk,  
Allan H. Spear

House Conferees: (Signed) Russell P. Stanton, Rodney N. Searle,  
Mike Jaros

Mr. Keefe, S. moved that the foregoing recommendations and Conference Committee Report on S. F. No. 3123 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.

S. F. No. 3123: A bill for an act relating to commerce; regulating health clubs, social referral clubs and buying clubs; permitting members to cancel contracts under certain circumstances; limiting the term of membership; providing for bonding; and prescribing penalties.

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

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 3311

A bill for an act relating to cities of the first class; the municipal housing and redevelopment act; authorizing a redevelopment company to be organized as a limited partnership; amending Minnesota Statutes 1971, Sections 462.421, Subdivision 20; and 462.605.

March 21, 1974

Honorable Alec G. Olson  
President of the Senate

Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 3311, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments.

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

Senate Conferees: (Signed) John C. Chenoweth, Joseph T. O'Neill, Bill McCutcheon

House Conferees: (Signed) John D. Tomlinson, Robert J. Ferderer



Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on S. F. No. 3311 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.

S. F. No. 3311: A bill for an act relating to cities of the first class; the municipal housing and redevelopment act; authorizing a redevelopment company to be organized as a limited partnership; amending Minnesota Statutes 1971, Sections 462.421, Subdivision 20; and 462.605.

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

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Stassen moved that his name be added as co-author to S. F. No. 3460. The motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 2818

A bill for an act relating to elections; stating the constitutional residency requirement for candidates; amending Minnesota Statutes, 1973 Supplement, Section 202.04, Subdivision 1.

March 21, 1974

Honorable Alec G. Olson  
President of the Senate

Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 2818, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments.

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

Senate Conferees: (Signed) Wayne Olhoft, Baldy Hansen, Roger Hanson.

House Conferees: (Signed) Dave Cleary, Harry A. Sieben, Gary W. Laidig.

Mr. Olhoft moved that the foregoing recommendations and Conference Committee Report on S. F. No. 2818 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.

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

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### RECONSIDERATION

Mr. Perpich, G. moved that the vote whereby H. F. No. 2928 failed to pass the Senate on March 22, 1974, be now reconsidered.

### CALL OF THE SENATE

Mr. Perpich, G. imposed a call of the Senate for the proceedings on H. F. No. 2928. The following Senators answered to their names:

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

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

The question recurred on the motion of Mr. Perpich, G. to reconsider the vote whereby H. F. No. 2928 failed to pass. The motion prevailed. So the vote was reconsidered.

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

Mr. Spear moved to amend H. F. No. 2928, as amended by the Senate on March 22, 1974, as follows:

Page 1 of the Senate amendment, after Subdivision 2, add a new subdivision to read as follows:

"Subd. 3. Prior to final obligation of these funds and no later than January 1, 1975, the board of regents shall complete a detailed study of present and future utilization of existing and proposed space on the Twin Cities campus. A report of the findings, alternatives and recommendations shall be submitted to the house appropriations and senate finance committees no later than January 1, 1975."

Renumber the remaining subdivision

The motion prevailed. So the amendment was adopted.

Mr. Milton moved to amend H. F. No. 2928, as amended by the Senate on March 22, 1974, as follows:

After subdivision 3, insert:

"Subd. 4. Planning funds for phase I and II for St. Paul library/learning resources center . . \$140,000"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 17 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Hansen, Baldy	Lewis	North	Spear
Bernhagen	Josefson	Lord	Olhoft	
Fitzsimons	Keefe, S.	Milton	Olson, H. D.	
Frederick	Kowalczyk	Nelson	Sillers	

Those who voted in the negative were:

Arnold	Conzemius	Humphrey	Olson, J. L.	Schrom
Ashbach	Davies	Kirchner	O'Neill	Solon
Bang	Doty	Krieger	Patton	Stassen
Blatz	Dunn	Larson	Perpich, A. J.	Stokowski
Borden	Gearthy	Moe	Perpich, G.	Tennessee
Brown	Hansen, Mel	Novak	Pillsbury	Ueland
Chenoweth	Hanson, R.	Ogdahl	Renneke	Willet
Chmielewski	Hughes	Olson, A. G.	Schaaf	

The motion did not prevail. So the 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 47 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Krieger	Olhott	Solon
Bang	Gearthy	Larson	Olson, H. D.	Spear
Bernhagen	Hansen, Mel	Laufenburger	Olson, J. L.	Stassen
Blatz	Hanson, R.	Lewis	O'Neill	Stokowski
Borden	Hughes	Lord	Patton	Tennessee
Chenoweth	Humphrey	Moe	Perpich, G.	Thorup
Chmielewski	Keefe, S.	Nelson	Pillsbury	Ueland
Doty	Kirchner	North	Renneke	
Dunn	Knutson	Novak	Schaaf	
Fitzsimons	Kowalczyk	Ogdahl	Sillers	

Those who voted in the negative were:

Anderson	Coleman	Hansen, Baldy	Perpich, A. J.	Wegener
Arnold	Conzemius	Josefson	Schrom	Willet
Brown	Davies	Olson, A. G.		

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 1759

A bill for an act relating to outdoor recreation; providing for a regional recreation open space system; authorizing the metropolitan council to issue bonds therefor and levy taxes; authorizing grants to park districts, counties and municipalities for acquisition and development of the system; authorizing a tax levy therefor and appropriating money.

March 21, 1974

Honorable Alec G. Olson  
President of the Senate

Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 1759, report that we have agreed upon the items in dispute and recommend as follows:

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

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

"Section 1. [PURPOSE.] The legislature finds that the pressure of urbanization and development threatens the most valuable remaining large recreational open space areas in the metropolitan area at the same time as the need for such areas is increased. Immediate action is therefore necessary to provide funds to acquire, preserve, protect and develop regional recreational open space for public use.

Sec. 2. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 10, the terms defined in this section have the meanings given them.

Subd. 2. "Metropolitan area" means the area comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Subd. 3. "Metropolitan Council" or "council" means the metropolitan council created by Minnesota Statutes, Section 473B.02.

Subd. 4. "Park district" means a park district created under Minnesota Statutes, Chapter 398.

Subd. 5. "Regional recreation open space" means the land and water areas determined by the metropolitan council to be of regional significance in providing for a balanced system of public outdoor recreation for the metropolitan area, including but not limited to park reserves, major linear parks, and large recreation parks.

Subd. 6. "Policy plan" means a plan adopted by the council pursuant to section 4 generally describing the extent, type and location of regional recreation open space needed for the metropolitan area and the timing of its acquisition and development.

Subd. 7. "Master plan" means a plan describing the boundaries of specific parks or other regional recreation open space and the nature of their development and use.

Subd. 8. "Commission" means the Metropolitan Parks and Open Space Commission created by section 3 of this act.

Subd. 9. "Municipality" means any city or town exercising municipal powers located in the metropolitan area, except where there exists in a city of the first class an elected park and recreation board having control of parks, parkways, playgrounds, and trees, for purposes of this act, that board shall be considered a municipality.

Sec. 3. [METROPOLITAN PARKS AND OPEN SPACE COMMISSION.] Subdivision 1. [GENERAL.] A metropolitan parks and open space commission is established as an agency of the council and shall be organized and structured as provided in this section.

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

- (1) Precinct A, consisting of council districts 1 and 2;
- (2) Precinct B, consisting of council districts 3 and 14;
- (3) Precinct C, consisting of council districts 4 and 13;
- (4) Precinct D, consisting of council districts 5 and 6;
- (5) Precinct E, consisting of council districts 7 and 8;
- (6) Precinct F, consisting of council districts 9 and 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 the commission shall be appointed by the council and shall be the ninth member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. The commission chairman shall serve at the pleasure of the council for a four year term. 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. The 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 terms of office as a commission member hold the office of metropolitan council member, or be a member of the metropolitan transit commission, metropolitan sewer board, or metropolitan airports commission; or any other metropolitan agency, board, or commission hereafter established by the legislature or hold any judicial office.

Subd. 5. [TERMS, REMOVAL.] Commencing in April 1974 the terms of members of the 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 the chairman shall be for a term of four years and until his successor is appointed and qualified. If the office of any commission member or the chairman becomes vacant, the vacancy shall be filled by appointment in the same manner the original appointment was made.

Sec. 4. [REGIONAL RECREATION OPEN SPACE SYSTEM POLICY PLAN.] Subdivision 1. The metropolitan council after consultation with the commission, municipalities, park districts and counties in the metropolitan area, and after appropriate pub-

lic hearings, shall prepare and adopt not later than January 1, 1975, a long range system policy plan for regional recreation open space as part of the council's metropolitan development guide. The plan 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. The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area and shall establish priorities for acquisition and development. In preparing or amending the policy plan the council shall consult with and make maximum use of the expertise of the commission. The policy plan shall include a five year capital improvement program, which shall be revised periodically, and shall establish criteria and priorities for the allocation of funds for such acquisition and development.

Subd. 2. [PROCEDURE.] Before adopting the policy plan, the council shall submit the proposed plan to the commission for its review, and the commission shall report its comments to the council within 60 days. 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 hearing, 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 the policy plan may be proposed by the council or by the 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 subdivision 1 which have been adopted by the council.

Sec. 5. [MASTER PLAN.] Subdivision 1. [ADOPTION.] Each park district located wholly or partially within the metropolitan area, and each county in the metropolitan area not wholly within a park district, shall prepare, after consultation with all affected municipalities, and submit to the metropolitan council, and from time to time revise and resubmit to the council, a master plan and annual budget for the acquisition and development of regional recreation open space located within the district or county, consistent with the council's policy plan.

Subd. 2. [COUNCIL REVIEW.] The metropolitan council shall

review with the advice of the commission, each master plan to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall return the plan with its comments to the municipalities, park district or county for revision and resubmittal.

Sec. 6. [GRANTS.] Subdivision 1. The metropolitan council with the advice of the commission may make grants, from any funds available to it for recreation open space purposes, to any municipality, park district or county located wholly or partially within the metropolitan area to cover the cost, or any portion of the cost, of acquiring or developing regional recreation open space in accordance with the policy plan; and all such agencies may enter into contracts for this purpose or rights or interests therein. The cost of acquisition shall include any payments required for relocation pursuant to Minnesota Statutes, 1973 Supplement, Sections 117.50 to 117.56. No more than 80 percent of the funds available under this act shall be used for acquisition of regional recreation open space and no more than 30 percent shall be used for development of regional recreation open space.

Subd. 2. In order to avoid further delays in acquisition and development of regional recreational open spaces heretofore identified by the council and within existing metropolitan development guidelines, the metropolitan council is authorized to immediately make grants to acquire or develop such areas. The existing development guide sections on regional recreation open space shall continue in force and effect and shall constitute the policy plan until the adoption of revisions or modifications pursuant to section 4.

Sec. 7. [SALES OF BONDS.] Subdivision 1. The metropolitan council may by resolution authorize the issuance of general obligation bonds of the council such that the amount outstanding and undischarged at any time shall not exceed \$40,000,000, for which its full faith and credit and taxing powers shall be pledged, for the acquisition and betterment of regional recreation open space in accordance with this act. The metropolitan council may also issue general obligation bonds for the purpose of refunding outstanding obligations issued hereunder. The amount of refunding bonds that may be issued from time to time shall not be subject to the dollar limitation contained in this subdivision nor shall such refunding bonds be included in computing the amount of bonds that may be issued within such dollar limitation.

Subd. 2. The metropolitan council shall sell and issue such bonds in the manner provided in Minnesota Statutes, Chapter 475, and shall have the same powers and duties as a municipality issuing bonds under that law, except that the approval of a majority of the electors shall not be required and the net debt limitations therein shall not apply. The terms of each series of such bonds shall be fixed so that the amount of principal and interest on all outstanding and undischarged bonds, together with the bonds proposed to be issued, due in any year shall not exceed .5 mills times the assessed value of all taxable property in the metropolitan area as last finally equalized prior to a proposed



issue. The bonds shall be secured in accordance with Minnesota Statutes, Section 475.61, Subdivision 1, and any taxes required for their payment shall be levied by the council, shall not affect the amount or rate of taxes which may be levied by the council for other purposes, shall be spread against all taxable property in the metropolitan area and shall not be subject to limitation as to rate or amount. Any taxes certified by the council to the county auditors for collection shall be reduced by the amount received by the council from the state auditor or the federal government for the purpose of paying the principal and interest on bonds to which the levy relates. The council shall certify the fact and amount of all money so received to the county auditors, and the auditors shall reduce the levies theretofore made for such bonds in the manner and to the extent provided in Minnesota Statutes, Section 475.61, Subdivision 3.

Subd. 3. [IMMEDIATE LOANS.] The metropolitan council shall have the power, after the authorization of bonds pursuant to this section, to provide funds immediately required for the purposes of this act, by effecting temporary loans upon such terms as it shall by resolution determine, evidenced by notes due in not exceeding 24 months from the date thereof, payable to the order of the lender or to the bearer, to be repaid with interest from the proceeds of such bonds when issued and delivered to the purchaser thereof. Such temporary loans may be made without public advertisement.

Subd. 4. In the event that the full faith and credit pledge of the metropolitan council for the payment of principal and interest on the bonds issued under this section is superseded and replaced by the full faith and credit pledge of the state of Minnesota, by binding and irrevocable legislation, such action shall extinguish the full faith and credit pledge theretofore made for all bonds and the interest thereon issued pursuant to this section.

Subd. 5. [INTERIM APPROPRIATION.] From the funds appropriated by Laws 1973, Chapter 720, Section 43, Subdivision 2, Paragraph h, which could be used for grants in aid for recreational and natural areas located within the jurisdiction of the council, not committed for such purposes on April 1, 1974, the amount needed but not to exceed \$2,000,000 is hereby re-appropriated to the council for the fiscal year commencing July 1, 1974, to pay principal and interest coming due in such fiscal year on bonds issued pursuant to this section.

Sec. 8. [LOCAL ACQUISITION.] Any park district or municipality wholly or partially within the metropolitan area, and any county in the metropolitan area not wholly within a park district, may acquire, develop and manage any land or water area, or any interests, easements or other rights therein, comprising regional recreation open space in the same manner as it is authorized to do for other park and recreation purposes, and such area or other rights shall constitute a part of the park and recreation system of the acquiring agency.

Sec. 9. [COUNCIL ACQUISITION.] The metropolitan council

shall have the same powers as a county under Minnesota Statutes, Section 398.32, Subdivision 1, to acquire any land or water area, or any interests, easements or other rights therein, which are included in the policy plan whenever such areas have not been acquired for recreation open space purposes within the period of time hereinafter specified; provided that the council shall not have the power of eminent domain.

Before proceeding with the acquisition of any such area or other rights, the council shall by resolution offer a grant covering the full cost of acquisition to the municipality, park district or county in which the area or other rights are situated. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within 12 months after the adoption of the resolution, the council may by resolution offer such a grant to another park district or county or to a municipality in the metropolitan area. If the acquisition process has not been initiated within 60 days or if the area or other rights have not been acquired within six months after the adoption of the resolution, the council may direct the commission to proceed with acquisition. The council may, in its discretion, direct the commission to contract with a municipality, park district or county for such services as may be needed to complete such acquisition. The council shall direct the commission to manage such areas so as to preserve them for future recreation open space purposes and may contract with a municipality, park district or county for such management. The council shall convey such areas to a municipality, park district or county for development and operation consistent with an approved recreation open space master plan.

Sec. 10. [TAX EQUIVALENTS.] In each of the four years after the metropolitan council or park district, county or municipality acquires fee simple title to any real property included in the regional recreation open space system, the metropolitan council shall pay to the municipality or township in which the property is situated an amount equal to the total amount of the taxes levied thereon for municipal or township purposes for collection in the year in which title passed, diminished by 20 percent for each subsequent year to and including the year of payment; provided that for any year in which taxes on the property, or on the privilege of using or possessing it, are paid this tax equivalent shall not be paid. All amounts paid pursuant to this section are costs of acquisition of the property with respect to which they are paid.

Sec. 11. [EFFECTIVE DATE.] This act is effective the day following enactment."

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

"A bill for an act relating to outdoor recreation, providing for a regional recreation open space system; authorizing the metropolitan council to issue bonds therefor and levy taxes; authorizing grants to park districts, counties and municipalities for acquisition and development of the system; authorizing a tax levy therefor and appropriating money."

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

Senate Conferees: (Signed) John Chenoweth, John Keefe, David Schaaf

House Conferees: (Signed) James Casserly, Richard Andersen, Gordon Voss

Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1759 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.

S. F. No. 1759: A bill for an act relating to outdoor recreation; providing for a regional recreation open space system; authorizing the metropolitan council to issue bonds therefor and levy taxes; authorizing grants to park districts, counties and municipalities for acquisition and development of the system; authorizing a tax levy therefor and appropriating money.

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 37 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Novak	Spear
Bang	Fitzsimons	Laufenburger	Ogdahl	Stassen
Borden	Gearity	Lewis	Olhott	Stokowski
Chenoweth	Hanson, R.	Lord	Olson, A. G.	Tennessen
Coleman	Hughes	Milton	O'Neill	Ueland
Conzemius	Humphrey	Moe	Perpich, A. J.	
Davies	Keefe, J.	Nelson	Perpich, G.	
Doty	Keefe, S.	North	Schaaf	

Those who voted in the negative were:

Ashbach	Chmielewski	Josefson	Olson, H. D.	Schrom
Bernhagen	Frederick	Kowalczyk	Olson, J. L.	Sillers
Blatz	Hansen, Baldy	Krieger	Patton	Wegener
Brown	Hansen, Mel	Larson	Renneke	Willet

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

### RECESS

Mr. Coleman moved that the Senate do now recess until 2:15 o'clock p.m. The motion prevailed.

The hour of 2:15 o'clock p.m. having arrived, the President called the Senate to order.

### MEMBERS EXCUSED

Mr. Schrom was excused from the Session of today from 4:00

until 5:00 o'clock p.m. Mr. Olson, J. L. was excused from the Session of today from 6:30 until 7:30 o'clock p.m. Mr. Jensen was excused from the afternoon's and evening's Session. Mr. Doty was excused from this evening's Session at 5:55 o'clock p.m.

### CALL OF THE SENATE

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

Anderson	Fitzsimons	Keefe, S.	Novak	Schrom
Arnold	Frederick	Kirchner	Olson, A. G.	Sillers
Bang	Gearty	Knutson	Olson, J. L.	Spear
Bernhagen	Hansen, Baldy	Kowalczyk	O'Neill	Stassen
Borden	Hansen, Mel	Larson	Patton	Stokowski
Chenoweth	Hanson, R.	Laufenburger	Perpich, G.	Wegener
Coleman	Hughes	Lewis	Purfeerst	Willet
Conzemius	Humphrey	Milton	Renneke	
Davies	Josefson	North	Schaaf	

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

### CONFERENCE COMMITTEE REPORT ON 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.

March 22, 1974

Honorable Alec G. Olson  
President of the Senate

Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 3246, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 3246 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. The county boards of Chisago county and Pine county, in order to implement the powers granted under Minnesota Statutes, 1973 Supplement, Section 378.31, may issue obligations and levy special assessments against property within the limits of their respective counties benefited by facilities constructed pursuant to that section in the manner provided by Minnesota Statutes, Chapter 429.

Sec. 2. In Chisago county, the authority of the county board to establish water or sewer or combined water and sewer systems pursuant to Minnesota Statutes, 1973 Supplement, Section 444.075, shall extend to areas of the county organized into cities when requested by resolution of the governing body of the affected city or when ordered by the Minnesota pollution control agency after notice and

hearing. For the purpose of any petition filed or special assessment levied with respect to any system, the entire area to be served within any city shall be treated as if it were owned by a single person, and the governing body shall exercise all the rights and be subject to all the duties of an owner of the area, and shall have power to provide for the payment of all special assessments and other charges imposed upon the area with respect to the system by the appropriation of money, the collection of service charges, or the levy of taxes, which shall be deemed special levies within the meaning of Minnesota Statutes, Section 275.50, Subdivision 5, and shall be subject to no limitation of rate or amount.

Sec. 3. [DEFINITIONS.] Subdivision 1. For the purposes of sections 3 to 19 the terms defined in this section have the meanings given them.

Subd. 2. "Moose Lake and Windemere area sanitary sewer district" and "district" mean the area over which the sanitary sewer board has jurisdiction which shall include all of the town of Moose Lake in Carlton county and the town of Windemere in Pine county.

Subd. 3. "Sanitary sewer board" or "board" means the sanitary sewer board established for the Moose Lake and Windemere area sanitary sewer district as provided in section 2.

Subd. 4. "Person" means any individual, partnership, corporation, cooperative or other organization or entity, public or private.

Subd. 5. "Local government unit" or "government unit" means the town of Moose Lake and the town of Windemere.

Subd. 6. "Acquisition" and "betterment" shall have the meanings given to them in Minnesota Statutes, Chapter 475.

Subd. 7. "Agency" means the Minnesota pollution control agency created and established by Minnesota Statutes, Chapter 116.

Subd. 8. "Sewage" means all liquid or water-carried waste products from whatever sources derived, together with such ground water infiltration and surface water as may be present.

Subd. 9. "Pollution of water" and "sewer system" shall have the meanings given them in Minnesota Statutes, Section 115.01.

Subd. 10. "Treatment works" and "disposal system" shall have the meanings given them in Minnesota Statutes, Section 115.01.

Subd. 11. "Interceptor" means any sewer and necessary appurtenances thereto, including but not limited to, mains, pumping stations, and sewage flow regulating and measuring stations, which is designed for or used to conduct sewage originating in more than one local government unit, or which is designed or used to conduct all or substantially all the sewage originating in a single local government unit from a point of collection in that unit to an interceptor or treatment works outside that unit, or which is determined by the board to be a major collector of sewage used or designed to serve a substantial area in the district.

Subd. 12. "District disposal system" means any and all of the

interceptors or treatment works owned, constructed or operated by the board unless designated by the board as local sanitary sewer facilities.

Subd. 13. "Municipality" means any city or town.

Subd. 14. "Total costs of acquisition and betterment" and "costs of acquisition and betterment" mean all acquisition and betterment expenses which are permitted to be financed out of bond proceeds issued in accordance with section 13, whether or not the expenses are in fact financed out of the bond proceeds.

Subd. 15. "Current costs of acquisition, betterment and debt service" means interest and principal estimated to be due during the budget year on bonds issued to finance said acquisition and betterment and all other costs of acquisition and betterment estimated to be paid during the year from funds other than bond proceeds and federal or state grants.

Sec. 4. [SANITARY SEWER BOARD.] Subdivision 1. [ESTABLISHMENT.] A sewer district is established for the towns of Moose Lake in Carlton county and Windemere in Pine county, to be known as the Moose Lake and Windemere area sanitary sewer district. The sewer district shall be under the control and management of a sanitary sewer board. The board is established as a public corporation and political subdivision of the state with perpetual succession and all the rights, powers, privileges, immunities, and duties which may be validly granted to or imposed upon a municipal corporation, as provided in this act.

Subd. 2. [MEMBERS AND SELECTION.] The board shall be composed of five members selected as follows: The town boards of the government units shall meet jointly to appoint the members of the board and each town board member shall have one vote. The town boards at the joint meeting shall also designate the term of the first board members according to subdivision 5.

Subd. 3. [TIME LIMITS FOR SELECTION.] The board members shall be selected as provided in subdivision 2 within 60 days after this act becomes effective. The successor to each board member shall be selected at any time within 60 days before the expiration of his term in the same manner as his predecessor was selected. Any vacancy on the board shall be filled within 60 days after it occurs.

Subd. 4. [VACANCIES.] If the office of any board member becomes vacant, the vacancy shall be filled for the unexpired term in like manner as provided for selection of the member who vacated the office. The office shall be deemed vacant under the conditions specified in Minnesota Statutes, Section 351.02.

Subd. 5. [TERMS OF OFFICE.] The term of each of the first board members shall expire on January 1 in a calendar year to be determined in accordance with subdivision 2 by the governing body selecting the member, provided that the term shall not expire any later than January 1, 1978. Succeeding terms of all board members shall be for one, two, three or four years to be determined in ac-

cordance with subdivision 2, except that each member shall serve until his successor has been duly selected and qualified.

Subd. 6. [REMOVAL.] A board member may be removed by the unanimous vote of the governing body appointing him, with or without cause, or by the governor for malfeasance or nonfeasance in the performance of his official duties as provided by Minnesota Statutes, Sections 351.03 and 351.04.

Subd. 7. [QUALIFICATIONS.] Each board member shall be a resident of the district and may but need not be an elected public official.

Subd. 8. [CERTIFICATES OF SELECTION; OATH OF OFFICE.] A certificate of selection of every board member selected under subdivision 2 stating the term for which he was selected, shall be made by the respective town clerks. The certificates, with the approval appended by other authority, if required, shall be filed with the secretary of state. Counterparts thereof shall be furnished to the board member and the secretary of the board. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 8. The oath, duly certified by the official administering the same, shall be filed with the secretary of state and the secretary of the board.

Subd. 9. [BOARD MEMBERS' COMPENSATION.] Each board member, except the chairman, shall be paid a per diem compensation of \$35 for meetings and for other services as are specifically authorized by the board, not to exceed \$1,000 in any one year. The chairman shall be paid a per diem compensation of \$45 for meetings and for such other services as are specifically authorized by the board, not to exceed \$1,500 in any one year. All members of the board shall be reimbursed for all reasonable expenses incurred in the performance of their duties as determined by the board.

Sec. 5. [GENERAL PROVISIONS FOR ORGANIZATION AND OPERATION OF BOARD.] Subdivision 1. [ORGANIZATION; OFFICERS; MEETINGS; SEAL.] After the selection and qualification of all board members, they shall meet to organize the board at the call of any two board members, upon seven days notice by registered mail to the remaining board members, at a time and place within the district specified in the notice. A majority of the members shall constitute a quorum at that meeting and all other meetings of the board, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members. At the first meeting the board shall select its officers as hereinafter provided and conduct such other organizational business as may be necessary. Thereafter the board shall meet regularly at such time and place as the board shall by resolution designate. Special meetings may be held at any time upon call of the chairman or any two members, upon written notice sent by mail to each member at least three days prior to the meeting, or upon such other notice as the board by resolution may 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. Except as

otherwise provided in this act, any action within the authority of the board may be taken by the affirmative vote of a majority of the board and may be taken by regular or adjourned regular meeting or at a duly held special meeting, but in any case only if a quorum is present. All meetings of the board shall be open to the public. The board may adopt a seal, which shall be officially and judicially noticed, to authenticate instruments executed by its authority, but omission of the seal shall not affect the validity of any instrument.

Subd. 2. [CHAIRMAN.] The board shall elect a chairman from its membership. The term of the first chairman of the board shall expire on January 1, 1976, and the terms of successor chairmen shall expire on January 1 of each succeeding year. The chairman shall preside at all meetings of the board, if present, and shall perform all other duties and functions usually incumbent upon such an officer, and all administrative functions assigned to him by the board. The board shall elect a vice chairman from its membership to act for the chairman during his temporary absence or disability.

Subd. 3. [SECRETARY AND TREASURER.] The board shall select a person or persons who may but need not be a member or members of the board, to act as its secretary and treasurer. The secretary and treasurer shall hold office at the pleasure of the board, subject to the terms of any contract of employment which the board may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the board, and shall be custodian of all books and records of the board except such as the board shall entrust to the custody of a designated employee. The treasurer shall be the custodian of all moneys received by the board except such as the board shall entrust to the custody of a designated employee. The board may appoint a deputy to perform any and all functions of either the secretary or the treasurer. No secretary or treasurer who is not a member of the board or a deputy of either shall have any right to vote.

Subd. 4. [EXECUTIVE DIRECTOR.] The board shall appoint an executive director who shall be selected solely upon the basis of his training, experience and other qualifications and who shall serve at the pleasure of the board and at a compensation to be determined by the board. The executive director need not be a resident of the district. He may also be selected by the board to serve as either secretary or treasurer, or both, of the board. As executive director, he shall attend all meetings of the board, 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 board are enforced.

(b) He shall appoint and remove, upon the basis of merit and fitness, all subordinate officers and regular employees of the board except the secretary and the treasurer and their deputies.

(c) He shall present to the board plans, studies and other reports prepared for board purposes and recommend to the board for adoption such measures as he deems necessary to enforce or



carry out the powers and duties of the board, or the efficient administration of the affairs of the board.

(d) He shall keep the board fully advised as to its financial condition, and he shall prepare and submit to the board, and to the governing bodies of the local government units, the board's annual budget and other financial information as the board may request.

(e) He shall recommend to the board for adoption such rules and regulations as he deems necessary for the efficient operation of the district disposal system.

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

Subd. 5. [PUBLIC EMPLOYEES.] The executive director and all persons employed by him shall be public employees, and shall have all the rights and duties conferred on public employees under Minnesota Statutes, Sections 179.61 to 179.76. The board may elect to have employees become members of either the public employees retirement association or the Minnesota state retirement system. The compensation and conditions of employment of the employees shall not be governed by any rule applicable to state employees in the classified service nor to any of the provisions of Minnesota Statutes, Chapter 15A, unless the board so provides.

Subd. 6. [PROCEDURES.] The board shall adopt resolutions or bylaws establishing procedures for board action, personnel administration, keeping records, approving claims, authorizing or making disbursements, safekeeping funds, and audit of all financial operations of the board.

Subd. 7. [SURETY BONDS AND INSURANCE.] The board may procure surety bonds for its officers and employees and in amounts as are deemed necessary to assure proper performance of their duties and proper accounting for funds in their custody. It may procure insurance against risks to property and liability of the board and its officers, agents, and employees for personal injuries or death and property damage and destruction and in amounts as may be deemed necessary or desirable, with the force and effect stated in Minnesota Statutes, Chapter 466.

Sec. 6. [GENERAL POWERS OF BOARD.] Subdivision 1. The board shall have all powers which may be necessary or convenient to discharge the duties imposed upon it by law. The powers shall include those herein specified, but the express grant or enumeration of powers shall not be deemed to limit the generality or scope of the grant of power contained in this subdivision.

Subd. 2. The board may sue or be sued.

Subd. 3. The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 4. The board may adopt rules and regulations relating to the board's responsibilities and may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor, and the cost of prosecution may be added to the penalties imposed. Any rule or regulation prescribing a penalty for viola-

tion shall be published at least once in a newspaper having general circulation in the district. The violations may be prosecuted before any court in the district having jurisdiction of misdemeanors, and every court having misdemeanor jurisdiction shall have jurisdiction of the violations. Any constable or other peace officer of any government unit in the district may make arrests for violations committed anywhere in the district in like manner and with like effect as for violations of city ordinances or for statutory misdemeanors. All fines collected in cases arising under this subdivision shall be deposited in the treasury of the board, or may be allocated between the board and the government unit in which such prosecution occurs on such basis as the board and the government unit agree.

Subd. 5. The board may accept gifts, apply for and accept grants or loans of money or other property from the United States, the state, or any person for any of its purposes, enter into any agreement required in connection herewith, and hold, use and dispose of such money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto; and, with respect to any loans or grants of funds or real or personal property or other assistance from any state or federal government or any agency or instrumentality thereof, the board may contract to do and perform all acts and things required as a condition or consideration therefor pursuant to state or federal law or regulations, whether or not included among the powers expressly granted to the board in this act.

Subd. 6. The board may act under the provisions of Minnesota Statutes, Section 471.59, or any other appropriate law providing for joint or cooperative action between governmental units.

Subd. 7. The board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with the design, construction and operation of the district disposal system.

Subd. 8. The board may employ on terms as it deems advisable, persons or firms performing engineering, legal or other services of a professional nature; require any employee to obtain and file with it an individual bond or fidelity insurance policy; and procure insurance in amounts as it deems necessary against liability of the board or its officers or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 9. The board may acquire by purchase, lease, condemnation, gift or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any interceptor, treatment works, or water facility determined to be necessary or convenient for the collection and disposal of sewage in the district. Any local government unit and the commissioners of highways and natural resources are authorized to convey to or permit the use of any of the abovementioned facilities owned or controlled by it, by the board, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation, without an election or

approval by any other government unit or agency. All powers conferred by this subdivision may be exercised both within or without the district as may be necessary for the exercise by the board of its powers or the accomplishment of its purposes. The board may hold, lease, convey or otherwise dispose of the above-mentioned property for its purposes upon terms and in a manner as it deems advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation shall be exercised in accordance with Minnesota Statutes, Sections 117.01 to 117.202, and shall apply to any property or interest therein owned by any local government unit; provided, that no property devoted to an actual public use at the time, or held to be devoted to such use within a reasonable time, shall be so acquired unless a court of competent jurisdiction shall determine that the use proposed by the board is paramount to the existing use. Except in case of property in actual public use, the board may take possession of any property on which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Subd. 10. The board may construct or maintain its systems or facilities in, along, on, under, over, or through public waters, streets, bridges, viaducts, and other public rights of way without first obtaining a franchise from a county or municipality having jurisdiction over them; but the facilities shall be constructed and maintained in accordance with the ordinances and resolutions of the county or municipality relating to construction, installation, and maintenance of similar facilities on public properties and shall not unnecessarily obstruct the public use of such rights of way.

Subd. 11. The board may sell, lease or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property may be sold in the manner provided by Minnesota Statutes, Section 458.196, insofar as practical. The board may give notice of sale as it shall deem appropriate. When the board determines that any property or any part of the district disposal system which has been acquired from a local government unit without compensation is no longer required but is required as a local facility by the government unit from which it was acquired, the board may by resolution transfer it to such government unit.

Subd. 12. The board may contract with the United States or any agency thereof, any state or agency thereof, or any regional public planning body in the state with jurisdiction over any part of the district, or any other municipal or public corporation, or governmental subdivision or agency or political subdivision in any state, for the joint use of any facility owned by the board or such entity, for the operation by such entity of any system or facility of the board, or for the performance on the board's behalf of any service, including but not limited to planning, on terms as may be agreed upon by the contracting parties. Unless designated by the board as a local sanitary sewer facility, any treatment works or interceptor jointly used, or operated on behalf of

the board, as provided in this subdivision, shall be deemed to be operated by the board for purposes of including said facilities in the district disposal system.

**Sec. 7. [COMPREHENSIVE PLAN.]** Subdivision 1. **[BOARD PLAN AND PROGRAM.]** The board shall adopt a comprehensive plan for the collection, treatment and disposal of sewage in the district for a designated period the board deems proper and reasonable. The board shall prepare and adopt subsequent comprehensive plans for the collection, treatment and disposal of sewage in the district for each succeeding designated period as the board deems proper and reasonable. The first plan, as modified by the board, and any subsequent plan shall take into account the preservation and best and most economic use of water and other natural resources in the area; the preservation, use and potential for use of lands adjoining waters of the state to be used for the disposal of sewage; and the impact such a disposal system will have on present and future land use in the area affected thereby. The plans shall include the general location of needed interceptors and treatment works, a description of the area that is to be served by the various interceptors and treatment works, a long range capital improvements program and any other details as the board shall deem appropriate. In developing the plans, the board shall consult with persons designated for the purpose by governing bodies of any government unit within the district to represent the entities and shall consider the data, resources and input offered to the board by the entities and any planning agency acting on behalf of one or more of the entities. Each plan, when adopted, shall be followed in the district and may be revised as often as the board deems necessary.

**Subd. 2. [COMPREHENSIVE PLANS; HEARING.]** Before adopting any subsequent comprehensive plan the board shall hold a public hearing on the proposed plan at such time and place in the district as it shall determine. The hearing may be continued from time to time. Not less than 45 days before the hearing, the board shall publish notice thereof in a newspaper or newspapers having general circulation in the district, stating the date, time and place of the hearing, and the place where the proposed plan may be examined by any interested person. At the hearing, all interested persons shall be permitted to present their views on the plan.

**Subd. 3. [GOVERNMENT UNIT PLANS AND PROGRAMS; COORDINATION WITH BOARD'S RESPONSIBILITIES.]** Once the board's plan is adopted, no construction project involving the construction of new sewers or other disposal facilities shall be undertaken by the local government unit unless its governing body shall first find the project to be in accordance with the government unit's comprehensive plan and program as approved by the board. Prior to approval by the board of the comprehensive plan and program of any local government unit in the district, no sanitary sewer construction project shall be undertaken by the government unit unless approval of the project is first secured from the board as to those features of the project affecting the board's responsibilities as determined by the board.

Sec. 8. [SEWAGE COLLECTION AND DISPOSAL; POWERS.] Subdivision 1. [POWERS.] In addition to all other powers conferred upon the board in this act, it shall have the powers specified in this section.

Subd. 2. [DISCHARGE OF TREATED SEWAGE.] The board shall have the right to discharge the effluent from any treatment works operated by it into any waters of the state, subject to approval of the agency if required and in accordance with any effluent or water quality standards lawfully adopted by the agency, any interstate agency or any federal agency having jurisdiction.

Subd. 3. [UTILIZATION OF DISTRICT SYSTEM.] The board may require any person or local government unit to provide for the discharge of any sewage, directly or indirectly, into the district disposal system, or to connect any disposal system or a part thereof with the district disposal system wherever reasonable opportunity therefor is provided; may regulate the manner in which such connections are made; may require any person or local government unit discharging sewage into the disposal system to provide preliminary treatment therefor; may prohibit the discharge into the district disposal system of any substance which it determines will or may be harmful to the system or any persons operating it; and may require any local government unit to discontinue the acquisition, betterment, or operation of any facility for the unit's disposal system wherever and so far as adequate service is or will be provided by the district disposal system.

Subd. 4. [SYSTEM OF COST RECOVERY TO COMPLY WITH APPLICABLE REGULATIONS.] Any charges, connection fees or other cost recovery techniques imposed on persons discharging sewage directly or indirectly into the district disposal system shall comply with applicable state and federal law, including but not limited to state and federal regulations governing grant applications.

Sec. 9. [BUDGET.] The board shall prepare and adopt, on or before October 1, 1974 and on or before October 1, 1975, and each year thereafter, a budget showing for the following calendar year or other fiscal year determined by the board, sometimes referred to in this act as the budget year, 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:

- (1) cost of operation, administration and maintenance of the district disposal system;

- (2) cost of acquisition and betterment of the district disposal system; and

- (3) debt service, including principal and interest, on general obligation bonds and certificates issued pursuant to section 13, and any money judgments entered by a court of competent jurisdiction. Expenditures within these general categories, and any other categories as the board may from time to time determine,

shall be itemized in detail as the board shall prescribe. The board and its officers, agents and employees shall not spend money for any purpose other than debt service without having set forth the expense in the budget nor in excess of the amount set forth in the budget therefor, and no obligation to make an expenditure of the abovementioned type shall be enforceable except as the obligation of the person or persons incurring it; provided that the board may amend the budget at any time by transferring from one purpose to another any sums except money for debt service and bond proceeds or by increasing expenditures in any amount by which cash receipts during the budget year actually exceed the total amounts designated in the original budget. The creation of any obligation pursuant to section 13 or the receipt of any federal or state grant is a sufficient budget designation of the proceeds for the purpose for which it is authorized, and of the tax or other revenue pledged to pay the obligation and interest on it, whether or not specifically included in any annual budget.

Sec. 10. [ALLOCATION OF COSTS.] Subdivision 1. [DEFINITION OF CURRENT COSTS.] The estimated cost of administration, operation, maintenance and debt service of the district disposal system to be paid by the board in each fiscal year and the estimated costs of acquisition and betterment of the system which are to be paid during the year from funds other than state or federal grants and bond proceeds and all other previously unallocated payments made by the board pursuant to this act to be allocated in the fiscal year are referred to as current costs and shall be allocated by the board as hereinafter provided in the budget for such year.

Subd. 2. [METHOD OF ALLOCATION OF CURRENT COSTS.] All current costs shall be allocated in the district on an equitable basis as the board may from time to time determine by resolution to be in the best interests of the district. The adoption or revision of any method of allocation used by the board shall be by the affirmative vote of at least two thirds of the members of the board.

Sec. 11. [TAX LEVIES.] To accomplish any duty imposed on it the board may, in addition to the powers granted in this act and in any other law or charter, exercise the powers granted any municipality by Minnesota Statutes, Chapters 117, 412, 429, 475, Sections 115.46, 444.075 and 471.59 with respect to the area in the district. In addition, the board may levy taxes upon all taxable property in the district for all or a part of the amount payable to the board, pursuant to section 10, to be assessed and extended as a tax upon such taxable property by the county auditor for the next calendar year, free from any limitation of rate or amount imposed by law or charter. The tax shall be collected and remitted in the same manner as other general taxes.

Sec. 12. [PUBLIC HEARING AND SPECIAL ASSESSMENTS.] Subdivision 1. [PUBLIC HEARING REQUIREMENT ON SPECIFIC PROJECT.] Before the board orders any project involving the acquisition or betterment of any interceptor or treatment works, all or a part of the cost of which will be allocated

pursuant to section 10 as current costs, the board shall hold a public hearing on the proposed project following two publications in a newspaper or newspapers having general circulation in the district, stating the time and place of the hearing, the general nature and location of the project, the estimated total cost of acquisition and betterment, that portion of costs estimated to be paid out of federal and state grants, and that portion of costs estimated to be allocated. The two publications shall be a week apart and the hearing shall be at least three days after the last publication. Not less than 45 days before the hearing, notice thereof shall also be mailed to each clerk of all local government units in the district, but failure to give mailed notice or any defects in the notice shall not invalidate the proceedings. The project may include all or part of one or more interceptors or treatment works. No hearing shall be held on any project unless the project is within the area covered by the comprehensive plan adopted by the board pursuant to section 7 except that the hearing may be held simultaneously with a hearing on a comprehensive plan. A hearing is not required with respect to a project, no part of the costs of which are to be allocated as the current costs of acquisition, betterment and debt service.

Subd. 2. [NOTICE TO BENEFITTED PROPERTY OWNERS.] If the board proposes to assess against benefitted property within the district all or any part of the allocable costs of the project as provided in subdivision 5, the board shall, not less than ten days prior to the hearing provided for in subdivision 1, cause mailed notice thereof to be given to the owner of each parcel within the area proposed to be specially assessed and shall also give one week's published notice of the hearing. The notice of hearing shall contain the same information provided in the notice published by the board pursuant to subdivision 1, and in addition, a description of the area proposed to be assessed. For the purpose of giving mailed notice, owners shall be those shown to be on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. However, as to properties which are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners thereof shall be ascertained by any practicable means and mailed notice shall be given them as herein provided. Failure to give mailed notice or any defects in the notice shall not invalidate the proceedings of the board.

Subd. 3. [BOARD PROCEEDINGS PERTAINING TO HEARING.] Prior to adoption of the resolution calling for a hearing brought pursuant to this section the board shall secure from the district engineer or some other competent person of the board's selection a report advising it in a preliminary way as to whether the proposed project is feasible and as to whether it should best be made as proposed or in connection with some other project and the estimated costs of the project as recommended; but no error or omission in the report shall invalidate the proceeding. The board may also take such other steps prior to the

hearing, as will in its judgment provide helpful information in determining the desirability and feasibility of the project, including but not limited to preparation of plans and specifications and advertisement for bids thereon. The hearing may be adjourned from time to time and a resolution ordering the project may be adopted at any time within six months after the date of hearing. In ordering the project the board may reduce but not increase the extent of the project as stated in the notice of hearing and shall find that the project as ordered is in accordance with the comprehensive plan and program adopted by the board pursuant to section 7.

Subd. 4. [EMERGENCY ACTION.] If the board by resolution adopted by the affirmative vote of not less than two thirds of its members determines that an emergency exists requiring the immediate purchase of materials or supplies or the making of emergency repairs, it may order the purchase of such supplies and materials and the making of such repairs prior to any hearing required under this section, provided that the board shall set as early a date as practicable for such hearing at the time it declares such emergency. All other provisions of this section shall be followed in giving notice of and conducting such hearing. Nothing herein shall be construed as preventing the board or its agents from purchasing maintenance supplies or incurring maintenance costs without regard to the requirements of this section.

Subd. 5. [POWER OF THE BOARD TO SPECIALLY ASSESS.] The board may specially assess all or any part of the costs of acquisition and betterment as herein provided, of any project ordered pursuant to this section. The special assessments shall be levied in accordance with the provisions of Minnesota Statutes, Sections 429.051 to 429.081, except as otherwise provided in this subdivision. No other provisions of Minnesota Statutes, Chapter 429 shall apply. For purposes of levying the special assessments, the hearing on the project required in subdivision 1 shall serve as the hearing on the making of the original improvement provided for by Minnesota Statutes, Section 429.051. The area assessed may be less than but may not exceed the area proposed to be assessed as stated in the notice of hearing on the project provided for in subdivision 2.

Sec. 13. [BONDS, CERTIFICATES AND OTHER OBLIGATIONS.] Subdivision 1. [BUDGET ANTICIPATION CERTIFICATES OF INDEBTEDNESS.] At any time after adoption of its annual budget and in anticipation of the collection of tax and other revenues estimated and set forth by the board in the budget, except in the case of:

(a) Deficiency taxes levied pursuant to this subdivision, and

(b) Taxes levied for the payment of certificates issued pursuant to subdivision 2, the board may, by resolution, authorize the issuance, negotiation and sale, in accordance with subdivision 4 in the form and manner and upon terms as it may determine, of its negotiable general obligation certificates of indebtedness in aggregate principal amounts not exceeding 50 percent of the total



amount of tax collections and other revenues and maturing not later than three months after the close of the budget year in which issued. The proceeds of the sale of the certificates shall be used solely for the purposes for which the tax collections and other revenues are to be expended pursuant to the budget.

All the tax collections and other revenues included in the budget for the budget year, after the expenditure of the tax collections and other revenues in accordance with the budget, shall be irrevocably pledged and appropriated to a special fund to pay the principal and interest on the certificates when due. If for any reason the tax collections and other revenues are insufficient to pay the certificates and interest when due, the board shall levy a tax in the amount of the deficiency on all taxable property in the district and shall appropriate this amount when received to the special fund.

Subd. 2. [EMERGENCY CERTIFICATES OF INDEBTEDNESS.] If in any budget year the receipts of tax and other revenues should for some unforeseen cause become insufficient to pay the board's current expenses, or if any calamity or other public emergency should subject it to the necessity of making extraordinary expenditures, the board may by resolution authorize the issuance, negotiation, and sale, in accordance with subdivision 4 in the form and manner and upon such terms and conditions as it may determine, of its negotiable general obligation certificates of indebtedness in an amount sufficient to meet the deficiency, and the board shall forthwith levy on all taxable property in the district a tax sufficient to pay the certificates and interest thereon and shall appropriate all collections of the tax to a special fund created for the payment of the certificates and the interest thereon. Certificates issued under this subdivision shall mature not later than April 1 in the year following the year in which such tax is collectible.

Subd. 3. [GENERAL OBLIGATION BONDS.] The board may by resolution authorize the issuance of general obligation bonds for the acquisition or betterment of any part of the district disposal system, including but without limitation the payment of interest during construction and for a reasonable period thereafter, or for the refunding of outstanding bonds, certificates of indebtedness, or judgments. The board shall pledge its full faith and credit and taxing power for the payment of the bonds and shall provide for the issuance and sale and for the security of the bonds in the manner provided in Minnesota Statutes, Chapter 475, and shall have the same powers and duties as a municipality issuing bonds under that law, except that no election shall be required and the debt limitations of Minnesota Statutes, Chapter 475, shall not apply to the bonds. The board may also pledge for the payment of such bonds and deduct from the amount of any tax levy required under Minnesota Statutes, Section 475.61, Subdivision 1, and any revenues receivable under any state and federal grants anticipated by the board and may covenant to refund such bonds if and when and to the extent that for any reason such revenues, together with other funds properly available and appro-

priated for such purpose, are not sufficient to pay all principal and interest due or about to become due thereon, provided that such revenues have not been anticipated by the issuance of certificates under subdivision 1.

Subd. 4. [MANNER OF SALE AND ISSUANCE OF CERTIFICATES.] Certificates issued under subdivisions 1 and 2 may be issued and sold by negotiation, without public sale, and may be sold at a price equal to the percentage of the par value thereof, plus accrued interest, and bearing interest at a rate as may be determined by the board. No election shall be required to authorize the issuance of the certificates. The certificates shall bear the same rate of interest after maturity as before and the full faith and credit and taxing power of the board shall be pledged to the payment of such certificates.

Sec. 14. [DEPOSITORIES.] The board shall from time to time designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for money of the board, and thereupon shall require the treasurer to deposit all or a part of the money in such institutions. The designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, and shall be signed by the chairman and treasurer, and made a part of the minutes of the board. A bank or trust company so designated shall qualify as a depository by furnishing a corporate surety bond or collateral in the amounts required by Minnesota Statutes, Section 118.01. However, no bond or collateral shall be required to secure any deposit insofar as it is insured under federal law.

Sec. 15. [MONEYS, ACCOUNTS AND INVESTMENTS.] Subdivision 1. [RECEIPT AND APPLICATION.] All money received by the board shall be deposited or invested by the treasurer and disposed of as the board may direct in accordance with its budget; provided that any moneys that have been pledged or dedicated by the board to the payment of obligations or interest thereon or expenses incident thereto, or for any other specific purpose authorized by law, shall be paid by the treasurer into the fund to which they have been pledged.

Subd. 2. [FUNDS AND ACCOUNTS.] The board's treasurer shall establish funds and accounts as may be necessary or convenient to handle the receipts and disbursements of the board in an orderly fashion.

Subd. 3. [DEPOSIT AND INVESTMENT.] The money on hand in said funds and accounts may be deposited in the official depositories of the board or invested as hereinafter provided. The amount thereof not currently needed or required by law to be kept in cash on deposit may be invested in obligations authorized for the investment of municipal sinking funds by Minnesota Statutes, Section 475.66. Such moneys may also be held under certificates of deposit issued by any official depository of the board.

Subd. 4. [BOND PROCEEDS.] The use of proceeds of all bonds issued by the board for the acquisition and betterment of the district disposal system, and the use, other than investment, of all

money on hand in any sinking fund or funds of the board, shall be governed by the provisions of Minnesota Statutes, Chapter 475, the provisions of this act, and the provisions of resolutions authorizing the issuance of such bonds. The bond proceeds when received shall be transferred to the treasurer of the board for safekeeping, investment and payment of the costs for which they were issued.

Subd. 5. [AUDIT.] The board shall provide for and pay the cost of an independent annual audit of its official books and records by the state auditor or a public accountant authorized to perform such a function under Minnesota Statutes, Section 214.33.

Sec. 16. [SERVICE CONTRACTS WITH GOVERNMENTAL ENTITIES OUTSIDE THE JURISDICTION OF THE BOARD.] The board may contract with the United States or any agency thereof, any state or any agency thereof, or any municipal or public corporation, governmental subdivision or agency or political subdivision in any state, outside the jurisdiction of the board, for furnishing to the abovementioned entities services, including but not limited to planning for and the acquisition, betterment, operation, administration and maintenance of any or all interceptors, treatment works and local sanitary sewer facilities, provided that the board may further include as one of the terms of the contract that the entity also pay to the board an amount as may be agreed upon as a reasonable estimate of the proportionate share properly allocable to the entity of costs of acquisition, betterment and debt service previously allocated in the district. When payments are made by entities to the board, they shall be applied in reduction of the total amount of costs thereafter allocated in the district, on an equitable basis as the board deems to be in the best interests of the district, applying so far as practicable and appropriate the criteria set forth in section 10, subdivision 2. Any municipality in the state of Minnesota may enter into such contract and perform all acts and things required as a condition or consideration therefor consistent with the purposes of this act, whether or not included among the powers otherwise granted to such municipality by law or charter.

Sec. 17. [CONTRACTS FOR CONSTRUCTION, MATERIALS, SUPPLIES, AND EQUIPMENT.] Subdivision 1. [PLANS AND SPECIFICATIONS.] When the board orders a project involving the acquisition or betterment of a part of the district disposal system, it shall cause plans and specifications of the project to be made, or if previously made, to be modified, if necessary, and to be approved by the agency if required, and after any required approval by the agency, one or more contracts for work and materials called for by the plans and specification may be awarded as provided in this section.

Subd. 2. [CONTRACTS IN EXCESS OF \$5,000.] No contract for any construction work, or for the purchase of materials, supplies, or equipment, estimated to cost more than \$5,000 shall be made by the board without publishing once in a newspaper having general circulation in the district and once in a trade paper or legal newspaper published in any city of the first class, not less

than 14 days before the last day for submission of bids, notice that bids or proposals will be received. The notice shall state the nature of the work or purchase, the terms and conditions upon which the contract is to be awarded, and the time and place where such bids will be received, opened, and read publicly. After the bids have been duly received, opened, read publicly, and recorded, the board shall within a reasonable time award such contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. If the board by an affirmative vote of not less than two thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies or in making emergency repairs, at a cost estimated to be in excess of \$5,000, it shall not be necessary to advertise for bids.

Subd. 3. [CONTRACTS OR PURCHASES FOR \$5,000 OR LESS.] The board may, without advertising for bids, enter into any contract or purchase any materials, supplies or equipment of the type referred to in subdivision 2, the cost of which is estimated to be \$5,000 or less, or it may in the alternative authorize the executive director to enter into a contract on behalf of the board for such work or to make such purchases without prior approval of the board and without advertising for bids.

Subd. 4. [UNIFORM MUNICIPAL CONTRACTING LAW.] Except as otherwise provided in this section, Minnesota Statutes, Section 471.345 shall apply.

Sec. 18. [PROPERTY EXEMPT FROM TAXATION.] Any properties, real or personal, owned, leased, controlled, used, or occupied by the sanitary sewer board for any purpose under this act are declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that the properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any properties in any manner different from their use as part of a disposal system at the time shall be considered in determining the special benefit received by the properties. All assessments shall be subject to final approval by the board, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment. All bonds, certificates of indebtedness or other obligations of the board, and the interest thereon, shall be exempt from taxation by the state or any political subdivision of the state.

Sec. 19. [RELATION TO EXISTING LAWS.] The provisions of this act shall be given full effect notwithstanding the provisions of any law or charter inconsistent therewith. The powers conferred on the board under this act shall in no way diminish or supersede the powers conferred on the agency by Minnesota Statutes, Chapters 115 and 116.

Sec. 20. Subdivision 1. This act is effective as to the county of Chisago when approved by the county board and upon compliance with Minnesota Statutes, Section 645.021.

Subd. 2. This act is effective as to the county of Pine when approved by the county board and upon compliance with Minnesota Statutes, Section 645.021.

Subd. 3. This act is effective as to the towns of Moose Lake and Windemere when approved by the town boards of each town and upon compliance with Minnesota Statutes, Section 645.021."

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

"A bill for an act relating to local government in Chisago and Pine county and the towns of Moose Lake in Carlton County and Windemere in Pine county; authorizing the county boards of Chisago and Pine counties to issue obligations and levy special assessments for improvements to bodies of water; authorizing the county board of Chisago county to establish water or sewer or combined water and sewer systems within cities; providing for the creation of a sewer district and a sanitary sewer board to administer the district; providing for the collection, treatment, and disposal of sewage in the Moose Lake and Windemere area."

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

Senate Conferees: (Signed) Jerald C. Anderson, Florian Chmielewski, Lew Larson.

House Conferees: (Signed) Douglas Carlson, Bernard Carlson, Harry Peterson.

Mr. Anderson moved that the foregoing recommendations and Conference Committee Report on S. F. No. 3246 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.

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.

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 43 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Olson, A. G.	Sillers
Arnold	Fitzsimons	Kirchner	Olson, J. L.	Spear
Bang	Gearty	Lewis	O'Neill	Stassen
Bernhagen	Hansen, Baldy	Milton	Patton	Stokowski
Borden	Hansen, Mel	Moe	Perpich, A. J.	Ueland
Chenoweth	Hanson, R.	Nelson	Perpich, G.	Wegener
Chmielewski	Hughes	North	Renneke	Willet
Conzemius	Humphrey	Novak	Schaaf	
Davies	Josefson	Olhoft	Schrom	

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 2576

A bill for an act relating to planning, development, zoning; authorizing all counties to carry on planning, development and zoning activities; setting forth authorities in land and water use controls; amending Minnesota Statutes 1971, Sections 394.22, Subdivision 6 and by adding subdivisions; 394.23; 394.24, Subdivisions 1 and 2 and by adding a subdivision; 394.25, Subdivisions 1, 2, 3, 4, 7 and 8 and by adding subdivisions; 394.26, Subdivision 2 and by adding subdivisions; 394.27, Subdivisions 1, 2, 5 and 6 and by adding subdivisions; 394.29; 394.30, Subdivisions 1 and 3 and by adding subdivisions; 394.32, Subdivisions 2 and 3; 394.33; 394.35; 394.36, Subdivision 1 and by adding a subdivision; 394.37, Subdivision 1; 375.51, Subdivisions 1, 2 and 3; 599.13; Chapter 394 by adding sections; repealing Minnesota Statutes 1971, Sections 394.06 to 394.17; 394.21, Subdivision 2; 394.22, Subdivision 5; 394.25, Subdivisions 5 and 6; 394.26, Subdivisions 1 and 3; 394.30, Subdivision 2; 394.31; 394.32, Subdivision 4; and 396.01 to 396.21.

March 22, 1974

Honorable Alec G. Olson  
President of the Senate

Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 2576, report that we have agreed upon the items in dispute and recommend as follows:

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

"Section 1. Minnesota Statutes 1971, Section 394.22, Subdivision 6, is amended to read:

Subd. 6. "Official control" means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include but are not limited to ordinances

establishing zoning, subdivision ~~control~~, ~~planning~~ controls, site plan regulations, sanitary codes, building codes, housing codes, and the adoption of detailed official maps.

Sec. 2. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 7. "Conditional use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use or development conforms to the comprehensive land use plan of the county and (3) is compatible with the existing neighborhood.*

Sec. 3. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 8. "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.*

Sec. 4. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 9. "Comprehensive plan" means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.*

Sec. 5. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 10. "Variance" means any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.*

Sec. 6. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 11. "Town" means any town, including those with the powers of a statutory city pursuant to law.*

Sec. 7. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 12. "Official map" means a map adopted in accordance with section 44 of this act which may show existing county roads and county state aid highways, proposed future county roads and highways and the area needed for widening existing county roads and highways. An official map may also show the location of existing public land and facilities and other land needed for future*

*public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities. When requested in accordance with section 394.32, subdivision 3, an official map may include existing and planned public land uses within incorporated areas.*

Sec. 8. Minnesota Statutes 1971, Section 394.23, is amended to read:

394.23 [COMPREHENSIVE PLAN.] The board shall have the power and authority to prepare and adopt by ordinance, a comprehensive plan for the orderly future physical development of the area of the county or parts thereof outside the incorporated limits of municipalities. The plan, which may include text and maps, shall be approved and certified by the board and when so certified shall be referred to as the comprehensive plan. The plan may thereafter be amended or added to by the board. A comprehensive plan or plans when adopted by ordinance shall be the basis for official controls adopted under the provisions of sections 394.21 to 394.37.

Sec. 9. Minnesota Statutes 1971, Section 394.24, Subdivision 1, is amended to read:

394.24 [OFFICIAL CONTROLS.] Subdivision 1. Official controls which shall further the purpose and objectives of the comprehensive plan and parts thereof shall be adopted by resolution by the board ordinance.

Sec. 10. Minnesota Statutes 1971, Section 394.24, Subdivision 2, is amended to read:

Subd. 2. Official controls adopted by a board shall apply to and be binding upon only that area or the county or any parts thereof outside including areas within the incorporated limits of a city, village, or borough municipality, when requested by the municipality under section 394.32.

Sec. 11. Minnesota Statutes 1971, Section 394.24, is amended by adding a subdivision to read:

Subd. 3. For the area within which official controls adopted by the board are effective, such controls shall apply to the use of land for both private and public purposes, provided that the need for adequate, timely and convenient public and semi-public services and facilities must receive due consideration in the formulation, administration and enforcement of all official controls and no land owned or leased by the federal or state government shall be subject to official controls of the county. With respect to the use of land for public purposes, the provisions of this subdivision shall not apply in the metropolitan area as described in Minnesota Statutes, Section 473B.01.

Sec. 12. Minnesota Statutes 1971, Section 394.25, Subdivision 1, is amended to read:

394.25 [FORMS OF CONTROL.] Subdivision 1. Official controls shall be adopted by ordinance and may include but are not limited to the features set forth in this section.



Sec. 13. Minnesota Statutes 1971, Section 394.25, Subdivision 2, is amended to read:

Subd. 2. ~~The establishment of Zoning ordinances establishing districts within which districts~~ the use of land ~~or the use of water or the surface of water pursuant to Minnesota Statutes, 1973 Supplement, Section 378.32~~ for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, surface water drainage and removal, conservation of shorelands, as defined in section 105.485, and additional uses of land ~~and of the surface of water pursuant to Minnesota Statutes, 1973 Supplement, Section 378.32,~~ may be by official controls encouraged, regulated, or prohibited and for such purpose the board may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the comprehensive plan. Official controls may also be applied to wetlands preservation, open space, parks, sewage disposal, protection of ground water, protection of flood plains as defined in section 104.02, protection of wild, scenic or recreational rivers as defined in section 104.33, protection of slope, soils, unconsolidated materials or bed-rock from potentially damaging development, preservation of forests, woodlands and essential wildlife habitat, reclamation of non-metallic mining lands; and the preservation of agricultural lands.

Sec. 14. Minnesota Statutes 1971, Section 394.25, Subdivision 3, is amended to read:

Subd. 3. ~~For~~ Within each such district a zoning ordinance ~~ordinances or map maps or regulations or provisions~~ may also be adopted designating or limiting the location, height, bulk, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may ~~hereafter~~ be erected or altered; the minimum and maximum size of yards, courts, or other open spaces; ~~setback from existing roads and highways and roads and highways designated on an official map; sanitary, safety, and~~ protective measures necessary to protect the public interest including but not limited to controls relating to appearance, signs, lighting, hours of operation and other esthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke ~~that shall be required for such dwellings, buildings, and structures~~; the area required to provide for off street loading and parking facilities; heights of trees and structures near airports; and to avoid too great concentration or scattering of the population. All such provisions shall be uniform for each class of land or building throughout each district, but the provisions in one district may differ from those in other districts.

Sec. 15. Minnesota Statutes 1971, Section 394.25, Subdivision 4, is amended to read:

Subd. 4. ~~Maps for~~ Official maps as defined in section 7 of this act ~~highways, roadways, parkways, roads, and streets showing the exact alignment, gradients, dimensions, and other pertinent features, and including specific controls for set backs from the right of way against encroachment by buildings or other physical structures or facilities.~~

Sec. 16. Minnesota Statutes 1971, Section 394.25, Subdivision 7, is amended to read:

Subd. 7. Specific ~~regulations and~~ controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation *and dedication* of streets and land for other public purposes ~~requiring future dedication or acquisition and the~~ general design of physical improvement.

Sec. 17. Minnesota Statutes 1971, Section 394.25, Subdivision 8, is amended to read:

Subd. 8. Any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code, *adopted by reference as part of the official control*. The term "code" as used herein means any compilation of regulations or standards or part thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or welfare. ~~All requirements of statutes for the publication or posting of resolutions shall be satisfied in such case if the resolution incorporating the statute, regulation, ordinance or code is published or posted in the required manner and if,~~ Prior to such ~~posting or publication,~~ adoption at least three copies ~~one copy~~ of the statute, rule, regulation, ordinance or code ~~are shall be~~ marked as official copies and filed for use and examination by the public in the office of the county auditor. Provisions of the statute, rule, regulation, ordinance or code thus incorporated in such ~~resolution ordinance~~ by reference shall be as much a part of the ~~resolution ordinance~~ as if they had been set out in full therein.

Sec. 18. Minnesota Statutes 1971, Section 394.25, is amended by adding a subdivision to read:

*Subd. 9. Erosion and sediment controls with regard to clearing, grading, excavation, transporting and filling of lands. Erosion and sediment controls may include, but need not be limited to requiring the development of plans before any land is disturbed. Plans for disturbing land may be submitted to the appropriate soil and water conservation district for comment and review.*

Sec. 19. Minnesota Statutes 1971, Section 394.25, is amended by adding a subdivision to read:

*Subd. 10. An amendment to official controls may be initiated by the board, the planning commission, or by petition of affected property owners as defined in the official controls. An amendment not initiated by the planning commission shall be referred to the planning commission, if there is one, for study and report and may not be acted upon by the board until it has received the recommendation of the planning commission.*

Sec. 20. Minnesota Statutes 1971, Section 394.26, is amended by adding a subdivision to read:

*Subd. 1a. In addition to public hearings required by section 375.51 prior to the adoption by ordinance of any comprehensive plan or amendments thereto or of any official control or amendment thereto, public hearings shall be held before any conditional use permit, any variance, and any proposal for a subdivision is approved or denied by the responsible authority, and in circumstances where a public hearing is otherwise required by sections 394.21 to 394.37. Such public hearings may be continued from time to time and additional hearings may be held.*

Sec. 21. Minnesota Statutes 1971, Section 394.26, Subdivision 2, is amended to read:

*Subd. 2. Notice of the time, place, and purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten days before the hearing, except that notice of public hearings in connection with the adoption by ordinance of any comprehensive plan or amendments thereto or adoption or amendment of any official controls shall be given in the manner provided by section 375.51, subdivision 2. In addition to the requirements of section 375.51, subdivision 2, written notice of public hearings on all official controls and amendments thereto shall be sent to the governing bodies of all towns and all municipalities located within the county. Written notice of public hearings regarding the application of official controls to specific properties, including conditional uses, variances and subdivisions, shall be sent to all property owners of record within 500 feet of the affected property, in incorporated areas, and one-half mile in unincorporated areas, the affected board of town supervisors, and the municipal council of any municipality within two miles of the affected property.*

Sec. 22. Minnesota Statutes 1971, Section 394.26, is amended by adding a subdivision to read:

*Subd. 3a. The board may assign responsibility to conduct public hearings for one or more purposes to the planning commission, board of adjustment or any official or employee of the county, except as provided in Minnesota Statutes, Section 375.51.*

Sec. 23. Minnesota Statutes 1971, Section 394.27, Subdivision 1, is amended to read:

**394.27 [CREATION AND DUTIES OF A BOARD OF ADJUSTMENT.]** Subdivision 1. Whenever a board of county commissioners shall have adopted official controls it shall at the same time as the adoption of such controls create a board of adjustment; provided that any county which prior to the effective date of Laws 1959, Chapter 559, has adopted a zoning ordinance or official controls shall create a board of adjustment within 90 days of the effective date of Laws 1959, Chapter 559 by ordinance.

Sec. 24. Minnesota Statutes 1971, Section 394.27, Subdivision 2, is amended to read:

*Subd. 2. The board of adjustment shall consist of at least three but not more than seven members, including at least one member*

*from the unincorporated area of the county, whose appointment, term of office, or removal from the board shall be as provided in the resolution ordinance creating the board of adjustment; provided that no elected officer of the county nor any employee of the board of commissioners shall serve as a member of the board of adjustment and that one member of such board of adjustment shall also be a member of any planning commission appointed under the provisions of sections 394.21 to 394.37. In an ordinance creating a three member board of adjustment, provision may be made for one alternate member. The alternate board member shall, when directed by the chairman, attend all meetings of the board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the chairman. The chairman shall authorize the alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged. In the ordinance establishing the board of adjustment provision may be made for removal of any member for nonperformance of duty or misconduct in office and for the filling of vacancies for any unexpired term. The regular and alternate members of such board of adjustment shall serve without compensation but may be paid compensation in an amount determined by the county board and may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.*

Sec. 25. Minnesota Statutes 1971, Section 394.27, Subdivision 5, is amended to read:

*Subd. 5. The board of adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control, including the interpretation of zoning maps, and it shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing any ordinance adopted pursuant to the provision of sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county, or state.*

Sec. 26. Minnesota Statutes 1971, Section 394.27, Subdivision 6, is amended to read:

*Subd. 6. Such An appeal from any order, requirement, decision, or determination of any administrative official shall be taken in such time as shall be prescribed by the ordinance creating the board of adjustment by general rule, by filing with the board of adjustment a notice of appeal specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of*

the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within a reasonable time which shall be defined in the ordinance establishing the board of adjustment. An appeal stays all proceedings in furtherance of the action appealed from unless the board of adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. The board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the board's decision shall be stated in writing. The decision of such board shall not be final and any person having an interest affected by such ordinance shall have the right to appeal to the district court in the county in which the land is located on questions of law and fact.

Sec. 27. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

*Subd. 7. The board of adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.*

Sec. 28. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

*Subd. 8. A certified copy of any order issued by the board of adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the register of deeds or registrar of titles for record. The order issued by the board of adjustment shall include the legal description of the property involved. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of this subdivision.*

Sec. 29. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

*Subd. 9. All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.*

Sec. 30. Minnesota Statutes 1971, Section 394.29, is amended to read:

**394.29 [MAY EMPLOY DIRECTOR AND STAFF.]** To carry out the purposes of sections 394.21 to 394.37 the board may employ a planning director and inspector or either of them and such staff as it deems necessary ; *to assist the planning director in carrying out his assigned responsibilities, including but not limited to a zoning administrator, sanitary inspector and a building official. If no planning director is appointed, the board shall designate a chief administrative officer who shall administer the official controls.* or The board may employ or contract with a planning agency, authority ; or commission, any agency of the state or federal government, a regional development commission or with planning consultants, or with other specialists for such services as it requires.

Sec. 31. Minnesota Statutes 1971, Section 394.30, Subdivision 1, is amended to read:

**394.30 [PLANNING COMMISSION.]** Subdivision 1. *The Any board of county commissioners which has adopted a resolution indicating its intent to avail itself of the authority granted by sections 394.21 to 394.37 may at that time or any subsequent time by ordinance appoint a planning advisory commission composed of not less than five nor more than eleven members appointed by the chairman of the board. Four members of such commission shall be chosen from the electors of the county provided that not less than three shall be residents of the portion of the county lying outside the incorporated limits of municipalities. One member of such commission shall be a member of the board. At least two members shall be residents of the portion of the county outside the corporate limits of municipalities. The manner of appointment and terms of office of the members shall be as provided in the ordinance. No more than one voting member of the commission shall be an officer or employee of the county. No voting member of the commission shall have received, during the two years prior to appointment, any substantial portion of his income from business operations involving the development of land within the county for urban and urban related purposes. In addition In the ordinance establishing the planning commission the board may designate any county officer or employee as an ex officio member of such commission. The term of office and removal of any member for nonperformance of duty or misconduct*

in office as well as filling vacancies on the board shall be as provided in the ~~resolution~~ ordinance creating the commission.

Sec. 32. Minnesota Statutes 1971, Section 394.30, Subdivision 3, is amended to read:

Subd. 3. The members of ~~such~~ the commission shall serve ~~without compensation but may be compensated in an amount determined by the county board and may be paid their necessary expenses in attending meetings of the commission and in the conduct of the business of the commission.~~

Sec. 33. Minnesota Statutes 1971, Section 394.30, is amended by adding a subdivision to read:

Subd. 4. The planning commission shall elect a chairman and secretary from among its members and cooperate with the planning director and other employees of the county in preparing and recommending to the board for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto. In all instances in which the planning commission is not the final authority, as authorized in subdivision 5, the commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the board.

Sec. 34. Minnesota Statutes 1971, Section 394.30, is amended by adding a subdivision to read:

Subd. 5. The board may by ordinance assign additional duties and responsibilities to the planning commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The planning commission may be required by the board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the county for that purpose by any local unit of government or any state or federal agency and shall report thereon in writing to the board.

Sec. 35. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.301] [CONDITIONAL USE PERMITS.] Subdivision 1. The board may by ordinance designate certain types of developments, including planned unit developments and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved upon a showing by an applicant that standards and criteria stated in the ordinance will be satisfied. Such standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use.

Subd. 2. Conditional use permits shall be issued by the officer administering the official controls only upon the order of the board or the planning commission as designated by ordinance as

*the approval authority for one or more categories of conditional uses. The planning commission shall in all instances have an opportunity to review conditional uses prior to any final decision by the designated approval authority. Public hearings shall be held in accordance with section 394.26. In connection with ordering the issuance of a conditional use permit the designated approval authority may impose such additional restrictions or conditions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics. When appropriate, restrictive covenants may be entered into regarding such matters.*

*Subd. 3. A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the board from enacting or amending official controls to change the status of conditional uses.*

*Subd. 4. A certified copy of any conditional use permit shall be filed with the register of deeds or registrar of titles for record. The conditional use permit shall include the legal description of the property involved. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of the subdivision.*

Sec. 36. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.312] [RELATION TO OTHER COUNTY AUTHORITY.]  
*All official controls in effect on the effective date of this act shall remain in full force and effect until amended or repealed whether such controls were adopted by resolution of the board or by ordinance and whether or not comprehensive plans had been adopted before the official controls were adopted. Any official controls and any procedures for the administration of official controls which are in existence on the effective date of this act shall be brought into compliance with this act within three years from the effective date of this act.*

Sec. 37. Minnesota Statutes 1971, Section 394.32, Subdivision 2, is amended to read:

*Subd. 2. The contract between the governing body of the municipality and the board may provide among other things for joint county-municipal planning activities, or it may designate a county planning agency the board as the planning agency for the municipality.*

Sec. 38. Minnesota Statutes 1971, Section 394.32, Subdivision 3, is amended to read:

*Subd. 3. The governing body of any municipality may request a county planning agency board to submit to such governing body a comprehensive plan for the municipality setting forth such provisions as the planning agency board deems applicable to the municipality and for its best interests, or to include the area within the municipality in a county-wide comprehensive plan, or to prepare official controls to apply to the area within the municipality. Notwithstanding the adoption of the comprehensive plan*



and recommendations for the municipality the plan and recommendations shall not be binding until official controls are adopted by the municipality in accordance with the plan or until the county adopts official controls for the areas within the incorporated limits of the municipality when requested by the governing body of the municipality. After the county adopts official controls for areas within a municipality, the county shall enforce the controls unless the county and municipality provided otherwise by agreement. A municipality may at any time, by resolution of its governing body, take over planning functions, including adoption and enforcement of official controls, with respect to areas within its corporate limits for which a county has adopted official controls.

Sec. 39. Minnesota Statutes 1971, Section 394.33, is amended to read:

394.33 [RELATIONS WITH TOWNS.] *Subdivision 1. The governing body of any town including any town with the powers of a statutory city pursuant to law may continue to exercise the authority to plan and zone as provided by law, but after the adoption of official controls for a county or portion thereof by the board of county commissioners no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official control controls adopted by the board. Nothing in this section shall limit any town's power to zone adopt official controls, including shoreland regulations which are more restrictively restrictive than provided in the controls adopted by the county. Upon the adoption or amendment of any official controls the governing body of the town shall file a certified copy thereof with the register of deeds or registrar of titles for record. A certified copy of any official controls of any town which are in effect on the effective date of this act shall also be filed by the governing body of the town with the register of deeds or registrar of titles for record within one year from the effective date of this act.*

*Subd. 2. The board of supervisors of any town which has adopted or desires to adopt building and zoning regulations and restrictions pursuant to law shall have the authority granted the governing body of any municipality as provided in section 394.32.*

Sec. 40. Minnesota Statutes 1971, Section 394.35, is amended to read:

394.35 [FILING WITH REGISTER OF DEEDS.] *Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as part thereof, the county auditor shall file a certified copy thereof with the register of deeds for record. Ordinances, resolutions, maps or regulations filed with the register of deeds or registrar of titles pursuant to sections 394.21 to 394.37 do not constitute encumbrances on real property.*

Sec. 41. Minnesota Statutes 1971, Section 394.36, Subdivision 1, is amended to read:

394.36 [NONCONFORMITIES.] *Subdivision 1. Any nonconformity including the lawful use or occupation of land or premises*

existing at the time of the adoption of an official control hereunder may be continued, *except as regulated, terminated or acquired by the board as provided in subdivisions 2 or 3*, although such use or occupation does not conform to the provisions thereof, but if such ~~nonconforming~~ use *nonconformity* or occupancy is discontinued for a period of more than one year, or any *nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value*, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Sec. 42. Minnesota Statutes 1971, Section 394.36, Subdivision 2, is amended to read:

Subd. 2. The board may by ~~resolution as herein provided~~ *prescribe ordinance* adopt such regulations not contrary to law as it deems desirable or necessary to *classify, regulate and control, or* reduce the number or extent of ~~or~~ *and provide for the gradual elimination of nonconforming uses nonconformities* and occupancies, *including requiring nonconformities to conform with the official controls of the county or terminate within a reasonable time as specified in the official controls. The board may by ordinance impose upon nonconformities additional regulations relating to appearance, signs, lighting, hours of operation and other esthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke.*

Sec. 43. Minnesota Statutes 1971, Section 394.36, is amended by adding a subdivision to read:

Subd. 3. *A nonconformity that is determined by the board to be detrimental to the achievement of the goals and objectives of the comprehensive plan may be acquired by the board by purchase.*

Sec. 44. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.361] [OFFICIAL MAP.] *Subdivision 1. Land that is needed for future street and highway purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish.*

Subd. 2. *The planning commission may develop and recommend for adoption by the board official maps and amendments thereto covering all or any portion of the unincorporated area of the county. Public hearings on proposed official maps and amendments thereto shall be held in accordance with section 394.26. The official map may be adopted and amended by ordinance by the board.*

All official maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by the county surveyor. Copies of official maps and amendments shall be filed in accordance with section 394.35. One copy of the official map shall be furnished to the town clerk of each affected town.

Subd. 3. After an official map has been adopted and filed, the issuance of building permits by the county shall be subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in land for other public purposes are acquired by the county, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or highway or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of official maps does not give the county any right, title or interest in areas identified for public purposes thereon, but the adoption of a map does authorize the county to acquire such interests without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit. The provisions of this subdivision shall not apply to buildings or structures in existence prior to the filing of the official map.

Subd. 4. If a permit for a building in such location is denied, the board of adjustment shall have the power, upon appeal by the owner of the land to authorize the issuance of a permit for building in such location in any case in which the board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which such area identified for public purposes forms a part cannot be put to a reasonable use by the owner unless such a permit is granted, and (b) that balancing the interest of the county in preserving the integrity of the official map and the comprehensive plan and interest of the owner of the property in the use of his property and in the benefits of ownership, the issuance of such permit is required by considerations of justice and equity. Prior to reaching a decision upon the appeal, public hearings shall be held in accordance with section 394.26. If the board of adjustment authorizes the issuance of a permit the board shall have six months from the date of the decision of the board of adjustment to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible shall issue a permit in accordance with the conditions stated in the authorization specifying the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted.

Sec. 45. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.362] Subdivision 1. The applicant for a variance which, in

*the opinion of the board of adjustment, may result in a material adverse effect on the environment may be requested by the board to demonstrate the nature and extent of the effect.*

*Subd. 2. The applicant for a conditional use permit which, in the opinion of the planning commission, may result in a material adverse effect on the environment may be requested by the board to demonstrate the nature and extent of the effect.*

Sec. 46. Minnesota Statutes 1971, Section 394.37, Subdivision 1, is amended to read:

394.37 [ENFORCEMENT.] Subdivision 1. The board shall provide for the enforcement of sections 394.21 to 394.37 and of ordinances, resolutions, and regulations made thereunder, and may impose enforcement duties on any officer, department, agency, or employee of the county. In a county in which subdivision regulations or controls are in force and have been filed or recorded as provided in section 394.35, no conveyance of land to which the regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after June 4, 1971, or to an unapproved plat made after such regulations have become effective. The foregoing provision does not apply to a conveyance if the land described:

(1) was a separate parcel of record on the date of adoption of subdivision regulations under sections 394.12 to 394.37, or

(2) was the subject of a written agreement to convey entered into prior to such time, or

(3) was a separate parcel of not less than two and one half acres in area or 300 feet.

In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the board may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this subdivision shall forfeit and pay to the county a penalty of not less than \$100 for each lot or parcel so conveyed. A county may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

Sec. 47. Minnesota Statutes 1971, Section 375.51, Subdivision 1, is amended to read:

375.51 [ORDINANCES; ENACTMENT, PUBLICATION.] Subdivision 1. [ENACTMENT.] In any instance in which a county board is authorized by law to enact ordinances, such county ordinances shall be adopted in the manner hereinafter prescribed except as otherwise provided by law. A public hearing shall be held prior to the enactment of any ordinance adopting or amending a comprehensive plan or official control as defined in section 394.22. Every county ordinance shall be enacted by a majority

vote of all the members of the county board except where a larger number is required by law. It shall be signed by the chairman of the board and attested by the clerk of the board. The ordinance shall be published as hereinafter provided. Proof of the publication shall be attached to and filed with the ordinance in the office of the county auditor. Every ordinance shall be recorded in an ordinance book in the office of the county auditor within 20 days after its publication. All ordinances shall be suitably entitled and shall be substantially in the style: "The county board of ..... County ordains:".

Sec. 48. Minnesota Statutes 1971, Section 375.51, Subdivision 2, is amended to read:

Subd. 2. [NOTICE OF INTENTION.] No ordinance of a county shall be enacted unless a notice of the intention to enact such ordinance has been published in the official newspaper of the county not less than ten days before the meeting *or public hearing required by subdivision 1* at which the ordinance is to be considered. *Public hearings may be continued from time to time and additional hearings may be held.* The notice shall state the subject matter and the general purpose of the proposed ordinance. Proof of the publication of the notice shall be attached to and filed with the ordinance, if enacted, in the office of the county auditor.

Sec. 49. Minnesota Statutes 1971, Section 375.51, Subdivision 3, is amended to read:

Subd. 3. [PUBLICATION.] Every ordinance enacted by a county board shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publication shall be made in the official newspaper of the county but additional publications, either in the official newspaper or other newspaper, may be ordered. An ordinance may be published in its entirety, or otherwise as hereinafter provided.

To the extent of the authority described in subdivision 1 of this section, a county may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code. The term "code" as used herein means any compilation of regulations or standards or parts thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or general welfare.

In the case of lengthy ordinances, or ordinances which include charts or maps, the ordinance need not be published in its entirety if the title of the ordinance and a summary of the ordinance is included in the publication of the proceedings of the meeting at which the ordinance was enacted. In such case and in the case a statute, administrative rule or regulation or a code is adopted by reference, all requirements of statute for the publication of ordinances shall be satisfied if the summary of the ordinance or the ordinance incorporating the statute, regulation, ordinance or code is published in the required manner and if, prior to such publica-

tion, at least ~~three copies~~ *one copy* of the entire ordinance or of the statute, rule, regulation or code are marked as *the official copies copy* and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, regulation or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein.

Sec. 50. Minnesota Statutes 1971, Section 599.13, is amended to read:

599.13 [MUNICIPAL AND COUNTY ORDINANCES.] Copies of the ordinances, bylaws, resolutions, and regulations of any city, village, ~~or~~ borough, *or county*, certified by the mayor or president of the council, and the clerk thereof, under its seal *or by the county auditor or chairman of the county board*, and copies of the same printed in any newspaper, book, pamphlet, or other form, and which purport to be published by authority of the council of such city or village, *or county board*, shall be prima facie evidence thereof and, after three years from the compilation and publication of any such book or pamphlet, shall be conclusive proof of the regularity of their adoption and publication.

Sec. 51. *Minnesota Statutes 1971, Sections 394.06; 394.07; 394.08; 394.09; 394.10; 394.11; 394.12; 394.13; 394.14; 394.15; 394.16, as amended by Laws 1973, Chapter 35, Section 68; 394.17; 394.21, Subdivision 2; 394.22, Subdivision 5; 394.25, Subdivisions 5 and 6; 394.26, Subdivisions 1 and 3; 394.30, Subdivision 2; 394.31; 394.32, Subdivision 4; 396.01; 396.02; 396.03; 396.04; 396.05; 396.051; 396.06; 396.07; 396.08; 396.09; 396.10; 396.11; 396.12; 396.13; 396.14; 396.15; 396.16; 396.17; 396.18; 396.19; 396.20; and 396.21, are repealed.*

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

"A bill for an act relating to planning, development, zoning; authorizing all counties to carry on planning, development and zoning activities; setting forth authorities in land and water use controls; amending Minnesota Statutes 1971, Sections 394.22, Subdivision 6 and by adding subdivisions; 394.23; 394.24, Subdivisions 1 and 2 and by adding a subdivision; 394.25, Subdivisions 1, 2, 3, 4, 7 and 8 and by adding subdivisions; 394.26, Subdivision 2 and by adding subdivisions; 394.27, Subdivisions 1, 2, 5 and 6 and by adding subdivisions; 394.29; 394.30, Subdivisions 1 and 3 and by adding subdivisions; 394.32, Subdivisions 2 and 3; 394.33; 394.35; 394.36, Subdivisions 1 and 2 and by adding a subdivision; 394.37, Subdivision 1; 375.51, Subdivisions 1, 2 and 3; 599.13; Chapter 394 by adding sections: repealing Minnesota Statutes 1971, Sections 394.06 to 394.15; 394.16, as amended; 394.17; 394.21, Subdivision 2; 394.22, Subdivision 5; 394.25, Subdivisions 5 and 6; 394.26, Subdivisions 1 and 3; 394.30, Subdivision 2; 394.31; 394.32, Subdivision 4; and 396.01 to 396.21."

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

Senate Conferees: (Signed) Jerald C. Anderson, Robert Dunn, Gerald L. Willet

House Conferees: (Signed) Glen Sherwood, John C. Lindstrom, Arlan Stangeland

Mr. Anderson moved that the foregoing recommendations and Conference Committee Report on S. F. No. 2576 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.

S. F. No. 2576: A bill for an act relating to planning, development, zoning; authorizing all counties to carry on planning, development and zoning activities; setting forth authorities in land and water use controls; amending Minnesota Statutes 1971, Sections 394.22, Subdivisions 6 and by adding subdivisions; 394.23; 394.24, Subdivisions 1 and 2 and by adding a subdivision; 394.25; Subdivisions 1, 2, 3, 4, 7 and 8 and by adding subdivisions; 394.26, Subdivision 2 and by adding subdivisions; 394.27, Subdivisions 1, 2, 5 and 6 and by adding subdivisions; 394.29; 394.30, Subdivisions 1 and 3 and by adding subdivisions; 394.32, Subdivisions 2 and 3; 394.33; 394.35; 394.36, Subdivision 1 and by adding a subdivision; 394.37, Subdivision 1; 375.51, Subdivisions 1, 2 and 3; 599.13; Chapter 394 by adding sections; repealing Minnesota Statutes 1971, Sections 394.06 to 394.17; 394.21, Subdivision 2; 394.22, Subdivision 5; 394.25, Subdivisions 5 and 6; 394.26, Subdivisions 1 and 3; 394.30, Subdivision 2; 394.31; 394.32, Subdivision 4; and 394.01 to 396.21.

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 48 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Olhoft	Sillers
Arnold	Dunn	Kirchner	Olson, A. G.	Spear
Ashbach	Fitzsimons	Kowalczyk	Olson, H. D.	Stassen
Bernhagen	Gearty	Laufenburger	Olson, J. L.	Stokowski
Borden	Hansen, Mel	Lewis	O'Neill	Thorup
Chenoweth	Hanson, R.	Milton	Patton	Ueland
Chmielewski	Hughes	Moe	Perpich, A. J.	Wegener
Coleman	Humphrey	Nelson	Perpich, G.	Willet
Conzemius	Josefson	North	Schaaf	
Davies	Keefe, J.	Novak	Schrom	

Mr. Hansen, Baldy voted in the negative.

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

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 2367

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

March 22, 1974

Honorable Alec G. Olson  
President of the Senate

Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 2367, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the amendments of the House.

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

Senate Conferees: (Signed) Joseph T. O'Neill, Nicholas D. Coleman, Bill McCutcheon

House Conferees: (Signed) Robert L. Pavlak, Fred C. Norton, Neil B. Dieterich, Bruce F. Vento, John D. Tomlinson

Mr. O'Neill moved that the foregoing recommendations and Conference Committee Report on S. F. No. 2367 be now adopted, and that the bill be repassed as amended by the Conference Committee.

#### CALL OF THE SENATE

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

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

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

The question recurred on the motion of Mr. O'Neill to adopt the recommendations and Conference Committee Report on S. F. No. 2367. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

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

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,



Mr. O'Neill moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 38 and nays 14, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Keefe, J.	Olson, H. D.	Sillers
Ashbach	Fitzsimons	Krieger	O'Neill	Solon
Bang	Frederick	Larson	Patton	Spear
Blatz	Gearly	Laufenburger	Perpich, A. J.	Stokowski
Borden	Hansen, Mel	Lewis	Pillsbury	Tennessee
Chmielewski	Hanson, R.	Nelson	Purfeerst	Ueland
Coleman	Hughes	Ogdahl	Renneke	
Davies	Humphrey	Olson, A. G.	Schaaf	

Those who voted in the negative were:

Anderson	Conzemius	Josefson	North	Schrom
Bernhagen	Doty	Lord	Nova	Willet
Chenoweth	Hansen, Baldy	Milton	Olson	

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

#### CONFERENCE COMMITTEE REPORT ON 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.

March 23, 1974

Honorable Alec G. Olson  
President of the Senate

Honorable Martin O. Sabo  
Speaker of the House of Representatives

We, the undersigned conferees on the part of the Senate and the House, upon the disagreeing votes as to S. F. No. 3350, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments, and that S. F. No. 3350 be further amended as follows:

Page 1, line 12, delete "\$7,000,000" and insert \$5,600,000"

Page 2, following line 1, insert:

"Sec. 4. Minnesota Statutes, 1973 Supplement, Section 250.05, Subdivision 4, is amended to read:

Subd. 4. The authority, acting through its board of directors, may contract with the governing body ~~or officials and the owners~~ of the Ramsey county hospital and of any other hospital or institution, for the joint maintenance and operation of the Gillette children's hospital in conjunction with existing or contemplated facilities at the Ramsey county hospital. Contracts may include agreements for the joint employment and utilization of personnel, the joint purchase of supplies and equipment, and joint construc-

tion, acquisition, or leasing of space for officers, outpatient facilities, operating rooms, and other medical facilities for use in training in the care and treatment of crippled and handicapped children, the operation of a brace shop, and the conduct of patient education programs. No contract shall however, provide for the expenditure of funds for additional patient bed capacity. The authority shall be subject to the certificate of need act provided in sections 145.71 to 145.83. In any case wherein a certificate of need is required, the authority shall, at the time of application, notify the house committee on appropriations and the senate finance committee, whose opinion shall be advisory only."

Page 2, line 4, delete "Chapter" and insert "Section"

Renumber the remaining section

Further, amend the title in line 7 after "authority" by inserting "; amending Minnesota Statutes, 1973 Supplement, Section 250.-05, Subdivision 4"

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

Senate Conferees: (Signed) Joseph T. O'Neill, Jerome M. Hughes

House Conferees: (Signed) Fred C. Norton, Robert C. Bell

Mr. O'Neill moved that the foregoing recommendations and Conference Committee Report on S. F. No. 3350 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.

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.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Novak voted in the negative.

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

### 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. 3023, pursuant to the request of the House:

Messrs. Chenoweth, Stokowski, Ogdahl.

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. 2703, pursuant to the request of the Senate:

Messrs. Chenoweth, North, Kirchner.

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 H. F. No. 2866, pursuant to the request of the House:

Messrs. North, Coleman, O'Neill.

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. 3059, pursuant to the request of the Senate:

Messrs. Stokowski, Chenoweth, North, Kirchner, Ogdahl.

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

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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 3035, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 3035: A bill for an act relating to mass transit; approving the bus service expansion report and providing funds therefor; setting bus fares; amending Minnesota Statutes 1971, Section 473.09 and Minnesota Statutes, 1973 Supplement, Section 473A.111, Subdivision 1.

House File No. 3035 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 25, 1974

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 3035

A bill for an act relating to mass transit; approving the bus service expansion report and providing funds therefor; setting bus fares; amending Minnesota Statutes 1971, Section 473.09 and Minnesota Statutes, 1973 Supplement, Section 473A.111, Subdivision 1.

March 22, 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. 3035, recommend as follows:

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

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

"Section 1. The twin cities area metropolitan transit commission is hereby authorized to implement its bus service expansion report as adopted by the metropolitan transit commission on February 20, 1974. It is the intent of the legislature to have this program substantially completed in 1977. No highway funds dedicated for use in areas outside the twin cities metropolitan public transit area shall be used for the purposes of this act. The commission shall make a progress report to the legislature in January of each year until the year following the completion of this program. The 1975 report shall also include recommendations for alternative methods of financing and alternative bus system passenger fares, including recommendations on single fare plans and elimination of fare zones.

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

*Subd. 12. [BUS SYSTEM FARES.] The commission shall not charge bus system passengers a total fare of more than \$.50 for any ride; except that the commission may establish separate fares for passengers on express bus service. This subdivision shall be in effect on January 30, 1975.*

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

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

(a) An amount equal to ~~1.45~~ 2.87 mills times the assessed value of all such property some or all of the proceeds of which may be used to provide for the full and timely payment of its certificates of indebtedness and other obligations of the commission to which collections of the wheelage tax and replacement property tax under Minnesota Statutes 1969, Section 473A.14, have been pledged, plus any amount needed for compliance with any final judgment of a court of competent jurisdiction requiring payment of any amount of the wheelage tax levied by the commission for 1971 and prior years; *except that the amount of taxes which may be levied in any year for the operating costs of the commission shall, except where this reduction would render the commission ineligible for the federal aid involved, be further reduced by the amount of any funds received by the commission during the previous year from federal grants to cover operating costs; plus*

(b) *Such an additional amount equal to .04 mills times the assessed valuation of all such property all of which shall be used for the operating cost of service programs for the handicapped; plus*

~~(b)~~ (c) Such additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations to which property taxes under this section have been pledged, provided that the amount of principal and interest to come due on such obligations shall not exceed \$3,000,000 in any year ; *plus an additional amount not to exceed \$2,000,000 in any one year to be used exclusively to provide for the full and timely payment of certificates of indebtedness and other obligations issued for the purposes of the bus service expansion report as adopted by the metropolitan transit commission on February 20, 1974, to which property taxes under this section have been pledged;*

(d) *Nothing in this section shall be construed as providing funding for the preliminary engineering, studies, or construction for the automated fixed guideway system proposed in the 1972 transit development program of the commission.*

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

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

(2) Establish an express bus system to those areas within the transit taxing district at the earliest practicable time over existing highways and streets in conjunction with the federal highway administration, the urban mass transportation administration, the Minnesota highway department, the metropolitan council, and other highway agencies."

Further, amend the title in line 6 thereof, at the beginning of the line strike "Section 473.09" and insert in lieu thereof "Sections 473A.09, by adding a subdivision; 473A.111, Subdivision 4;"

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

House Conferees: (Signed) John Tomlinson, Gordon Voss, John Salchert, Robert Bell, Raymond Wolcott

Senate Conferees: (Signed) John Chenoweth, Edward Gearty, Ralph Doty, William Kirchner

Mr. Chenoweth moved that the foregoing recommendations and Conference Committee Report on H. F. No. 3035 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. 3035: A bill for an act relating to mass transit; approving the bus service expansion report and providing funds therefor; setting bus fares; amending Minnesota Statutes 1971, Sections 473.09, by adding a subdivision; 473A.111, Subdivision 4; and Minnesota Statutes, 1973 Supplement, Section 473A.111, 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 36 and nays 7, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Kowalczyk	Patton	Spear
Bernhagen	Frederick	Lewis	Perpich, A. J.	Stokowski
Brown	Gearty	Lord	Pillsbury	Tennessee
Chenoweth	Hansen, Mel	Milton	Purfeerst	Ueland
Chmielewski	Hanson, R.	North	Renneke	
Coleman	Humphrey	Olhoft	Schaaf	
Conzemius	Keefe, S.	Olson, A. G.	Sillers	
Doty	Knutson	O'Neill	Solon	

Those who voted in the negative were:

Bang	Hansen, Baldy	Krieger	Olson, H. D.	Schrom
Blatz	Keefe, J.			

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

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

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

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

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

#### **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. 1951, and repassed said bill in accordance with the report of the Committee, so adopted.

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

House File No. 1951 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 25, 1974

#### **CONFERENCE COMMITTEE REPORT ON H. F. NO. 1951**

A bill for an act relating to the metropolitan council; granting the metropolitan council the powers of a municipal housing and redevelopment authority in the metropolitan area, subject to municipal approval; providing for revenues.

March 22, 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. 1951, 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 the following:

“Section 1. [FINDINGS AND DECLARATION OF POLICY.]  
It is hereby found and determined that: The conditions found to exist by the municipal housing and redevelopment act as amended continue to exist throughout the state and in the area in which the metropolitan council established by Minnesota Statutes, Chapter 473B, has jurisdiction; substandard, slum and blighted areas exist

in the metropolitan area which cannot be redeveloped without government assistance; there is a shortage of decent, safe and sanitary dwelling accommodations available to persons of low and moderate income at rentals or prices they can afford; many municipalities in the metropolitan area are unable adequately to provide the financing and staff necessary to an effective municipal housing and redevelopment authority; for each such municipality to establish a separate authority would result in an inefficient use of manpower and services; and there is therefore a need to enable the metropolitan council to make available to the municipalities in the metropolitan area those services provided for in the municipal housing and redevelopment act.

Sec. 2. [DEFINITIONS.] Subdivision 1. Unless the context clearly indicates otherwise, the following terms, for the purposes of this act, shall have the meanings ascribed to them in this section.

Subd. 2. The terms defined in the municipal housing and redevelopment act shall, for the purposes of this act, have the meanings given them in that act.

Subd. 3. "Council" shall mean the metropolitan council created by Minnesota Statutes, Section 473B.02.

Subd. 4. "Metropolitan area" means the area in which the council has jurisdiction under Minnesota Statutes, Section 473B.02.

Subd. 5. "Comprehensive development guide" means that document prepared by the council pursuant to Minnesota Statutes, Section 473B.06, Subdivision 5.

Sec. 3. [POWERS.] Subdivision 1. In addition to, and not in limitation of, all other powers invested in it by law, the council, and the members thereof, shall have, throughout the metropolitan area, the same functions, rights, powers, duties, privileges, immunities and limitations as are provided for housing and redevelopment authorities created for municipalities, and for the commissioners of such authorities. The provisions of Minnesota Statutes, Sections 462.411 to 462.711 and of all other laws relating to housing and redevelopment authorities shall be applicable to the council when functioning as an authority, except as herein provided or as clearly indicated otherwise from the context of such laws. Minnesota Statutes, Section 462.425 shall have no application to the council nor to any municipality or county within which the council undertakes a project. Any municipality or county, and the governing bodies of any municipality or county, within and for which the council undertakes a project shall have all the powers, authority and obligations granted to municipalities and counties by the provisions of Minnesota Statutes, Sections 462.411 to 462.711 and all other laws relating to housing and redevelopment authorities. The council may plan and propose projects within the boundaries of any municipality, and may otherwise exercise the powers of an authority at any time; provided, however, that the council shall not implement any housing project, housing development project, redevelopment project or urban renewal project within the boundaries of any municipality or county without the prior approval of the governing body of the municipality or county in which any such project is to be located; and provided further that the council shall not propose any project to the governing



body of a municipality or county having an active authority created pursuant to Minnesota Statutes, Section 462.425, or pursuant to special legislation, without first submitting the proposed project to the municipal or county authority for its review and recommendations; and provided further that as to any project proposed by the council and approved by the municipality or county, the council shall not undertake the project if within 60 days after it has been proposed, the municipality or county agrees to undertake the project. All plans and projects of the council shall be consistent with the comprehensive development guide.

Subd. 2. [TECHNICAL ASSISTANCE.] The council may provide technical assistance to existing municipal or county housing and redevelopment authorities at the request of such authorities.

Subd. 3. [COOPERATION WITH OTHER GOVERNMENT AGENCIES.] The council may cooperate with or act as agent for the federal government, the state government, or any agencies or instrumentalities thereof, in carrying out the provisions of any federal or state legislation relating to the general purposes of the municipal housing and redevelopment act.

Subd. 4. [CITIZEN PARTICIPATION.] The council shall, as part of any project proposal to a municipality, propose a means for citizens substantially affected by the proposed project to participate in the formulation and carrying out of projects undertaken by the council pursuant to the terms of this act.

Subd. 5. [PROJECTS; REPORTS.] The council shall prepare a detailed report on the progress of any project it undertakes. The report shall be filed with the legislature not later than January 15 of each year.

Sec. 4. [EFFECT UPON MUNICIPAL AND COUNTY HOUSING AND REDEVELOPMENT AUTHORITIES.] Nothing in this act shall be construed to impair the powers and obligations of municipal, county or multi-county housing and redevelopment authorities within the metropolitan area.

Sec. 5. [FINANCES.] Subdivision 1. The council shall allocate the net unreimbursed costs of any project which it undertakes to the municipality or group of municipalities or county for which the project is undertaken. The governing body of each such municipality or county shall impose taxes or other revenue measures to provide funds necessary to pay the allocated costs, and the governing body of each such municipality or county shall have all the powers, authority and obligation granted to authorities by Minnesota Statutes, Section 462.545 and all other provisions of law regarding the financing of such projects, provided that the council shall have the powers of an authority for purposes of applying for and receiving federal grants in connection with all projects which it undertakes.

Subd. 2. The council may expend for the purposes of this act any revenues derived pursuant to Minnesota Statutes, Section 473B.08."

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

"A bill for an act relating to the metropolitan council; granting the metropolitan council the powers of a municipal housing and redevelopment authority in the metropolitan area."

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

House Conferees: (Signed) James R. Casserly, William H. Schreiber

Senate Conferees: (Signed) Hubert H. Humphrey III, John Keefe, Eugene Stokowski

Mr. Humphrey moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1951 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. 1951: A bill for an act relating to the metropolitan council; granting the metropolitan council the powers of a municipal housing and redevelopment authority in the metropolitan area.

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,

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

And the roll being called, there were yeas 39 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Laufenburger	Olson, A. G.	Sillers
Arnold	Dunn	Lewis	Olson, H. D.	Solon
Bernhagen	Gearly	Lord	O'Neill	Spear
Borden	Hansen, Mel	Milton	Patton	Stokowski
Chenoweth	Hanson, R.	North	Perpich, A. J.	Tennessen
Chmielewski	Humphrey	Nova	Pillsbury	Ueland
Coleman	Keefe, J.	Ogdahl	Purfeerst	Wegener
Conzemius	Keefe, S.	Olhoft	Schaaf	

Those who voted in the negative were:

Ashbach	Brown	Knutson	Renneke	Stassen
Bang	Hansen, Baldy	Kowalczyk	Schrom	Thorup
Blatz				

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. 3712, and repassed said bill in accordance with the report of the Committee, so adopted.

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

House File No. 3712 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 25, 1974

**CONFERENCE COMMITTEE REPORT ON H. F. NO. 3712**

A bill for an act relating to claims against the state; appropriating moneys for the payment thereof; amending Minnesota Statutes 1971, Section 3.732, Subdivision 2, 4 and 5.

March 22, 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. 3712, 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. 3712 be further amended as follows:

Page 2, lines 13 to 17, delete all of the language and renumber the remaining subdivisions in sequence

Page 11, line 5, strike "may" and insert "*shall attempt to*"

Page 11, lines 11 to 13, reinstate stricken language and delete the underscored language.

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

House Conferees: (Signed) Ray W. Faricy, Dale Erdahl and Paul McCarron.

Senate Conferees: (Signed) Clarence Purfeerst, Jerome V. Blatz and Stanley N. Thorup.

Mr. Purfeerst moved that the foregoing recommendations and Conference Committee Report on H. F. No. 3712 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. 3712: A bill for an act relating to claims against the state; appropriating moneys for the payment thereof; amending Minnesota Statutes 1971, Section 3.732, Subdivisions 2, 4 and 5.

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 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Knutson	Olson, H. D.	Solon
Arnold	Dunn	Krieger	O'Neill	Spear
Ashbach	Gearty	Laufenburger	Patton	Stassen
Bang	Hansen, Baldy	Lewis	Perpich, A. J.	Stokowski
Bernhagen	Hansen, Mel	Lord	Pillsbury	Tennessee
Borden	Hanson, R.	Milton	Purfeerst	Thorup
Brown	Humphrey	North	Renneke	Ueland
Chmielewski	Keefe, J.	Novak	Schaaf	Wegener
Coleman	Keefe, S.	Olhoft	Sillers	

Mr. Schrom voted in the negative.

So the bill, as amended by the Conference Committee, was re-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. 2360, No. 68 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 2360: A bill for an act authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article IX, Section 6; and Article XVI, Section 12, and the expenditure of the proceeds thereof.

### CALL OF THE SENATE

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

Anderson	Conzemius	Knutson	Olhoft	Schrom
Arnold	Dunn	Kowalczyk	Olson, H. D.	Sillers
Bang	Frederick	Krieger	O'Neill	Solon
Bernhagen	Gearty	Larson	Patton	Spear
Blatz	Hansen, Baldy	Laufenburger	Perpich, A. J.	Stassen
Borden	Hansen, Mel	Lewis	Perpich, G.	Stokowski
Brown	Hanson, R.	Lord	Pillsbury	Tennessee
Chenoweth	Humphrey	Milton	Purfeerst	Thorup
Chmielewski	Keefe, J.	North	Renneke	Ueland
Coleman	Keefe, S.	Ogdahl	Schaaf	Wegener

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

Mr. Conzemius moved to amend the amendment placed on H. F. No. 2360 by the Committee on Finance adopted by the Senate March 21, 1974, as follows:

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

"Section 1. [PURPOSE.] It is determined that there is a critical need to preserve and improve transportation facilities

throughout the state which cannot be met by local effort without state financial assistance. The rate of completion of the interstate portion and upgrading of the remainder of the state's highway system has fallen behind the rate of traffic growth, resulting in serious traffic hazards and delays that affect the personal safety, quality of life, and economic welfare of citizens. The highway traffic problem is accentuated by the deficiency in the quality and quantity of public transportation available in urban areas, large and small. This deficiency is itself largely caused by the inability of public transportation to compete economically with private automobiles, without financial support comparable to that given highway construction. Its most serious effect is to limit severely the life and liberty of many persons who because of age, physical or mental characteristics, or economic circumstances are unable to use automobiles. For many more it compels the use of automobiles, often more than one per family, for daily attendance at work and school and for transportation in emergencies, notwithstanding cost that may reduce remaining living resources below poverty levels, and notwithstanding unacceptable safety hazards often resulting from physical handicaps or inexperience. And for many high cost makes it impossible to acquire and maintain vehicles that can operate at acceptable safety and pollution control levels, thus aggravating the traffic and pollution hazards created by sheer numbers of vehicles. Capital cost of the principal arterial highways of this state cannot be adequately met from existing sources of funds. Similar costs of adequate public transportation in urban areas cannot be met by user fees without subsidy, or even with subsidy to the extent this is possible from property taxes or other resources available to local units of government. It is determined that state financial assistance in meeting the capital cost of public transportation in urban areas and constructing and reconstructing the state's principal arterial highways is a proper function of state government and is necessary to protect the safety and the personal and economic welfare of the citizens of the state at large.

Sec. 2. [PRINCIPAL ARTERIAL HIGHWAY BOND AUTHORIZATION AND APPROPRIATIONS.] Subdivision 1. The commissioner of finance is authorized and directed, upon request of the commissioner of highways, to issue and sell Minnesota state principal arterial bonds in accordance with the provisions of section 3 of this act, and Article IX, Section 6, of the Constitution in aggregate principal amount not to exceed \$40,000,000, which sum, or so much thereof as shall be required, is appropriated from the proceeds of such bonds to the commissioner of highways for grants to counties and municipalities for the acquisition and betterment of public land and other improvements of a capital nature needed to provide adequate principal arterial highways of this state. This appropriation shall not lapse or cancel until the purpose for which it is made has been accomplished or abandoned. The amount of each grant approved for disbursement shall be and remain appropriated for that purpose until the grant is fully disbursed or part or all thereof is revoked by the department of highways. Grants appropriated pursuant to this section

shall not exceed \$10,000,000 in any one fiscal year of the state of Minnesota.

Subd. 2. The department of highways shall promulgate regulations, standards, and priorities for the administration of grants authorized in accordance with subdivision 1, and these regulations, standards, and priorities are to be developed in consultation with the regional development commissions and the metropolitan council established under the provisions of Minnesota Statutes, Sections 462.381 to 462.396 and Chapter 473B.

Subd. 3. Applications by counties and municipalities for grants for the funds provided for by subdivision 1 shall be made through regional development commissions and the metropolitan council established under the provisions of Minnesota Statutes, Section 462.381 to 462.396 and Chapter 473B referred to in this section as regional planning agencies to the department of highways on forms requiring information prescribed by the regulations of the department of highways. The regional planning agency shall certify to the department of highways those applications which appear to meet the standards and criteria set forth by the department of highways and the regulations promulgated hereunder, and the department of highways shall direct grants to be disbursed on the basis of the standards, criteria and priorities established in its regulations and in this section; provided that no disbursement shall be made until and unless the regional planning agency has by resolution determined the total estimated cost of the project, and ascertained that its financing is assured by the appropriation of the proceeds of bonds or other funds of the counties and municipalities sufficient to pay the estimated cost in excess of the grant, including funds to be granted to it by the federal government if the department ascertains that such funds are then appropriated and allocated by the federal government to projects within the state and that the projects have complied with all conditions under federal law and regulations for a grant of the nature and in the amount involved.

Sec. 3. [PRINCIPAL ARTERIAL BONDS.] Subdivision 1. For the purpose of providing money appropriated to the counties and municipalities of the state from the principal arterial highway funds authorized by section 2 for the acquisition and betterment of public land and other improvement of a capital nature needed to provide adequate principal arterial highways, in accordance with section 2, when authorized by law and requested by the commissioner of highways, the commissioner of finance shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended for this purpose. Any act authorizing the issuance of bonds for this purpose, together with this section, constitutes complete authority for such issue, and such bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. Upon request and authorization as provided in subdivision 1 the commissioner of finance shall sell and issue Minnesota state principal arterial bonds in the aggregate amount requested, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks within or outside the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further regulations as the commissioner of finance shall determine, subject to the approval of the attorney general, but not subject to the provisions of sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any appurtenant interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The state auditor shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the state principal arterial funds, and the amounts necessary therefor are appropriated from those funds; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

Subd. 4. The commissioner of finance shall maintain in the state bond fund a separate bookkeeping account which shall be designated as the state principal arterial bond account, to record receipts and disbursements of money transferred to the fund to pay Minnesota state principal arterial bonds and income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. The premium and accrued interest received on each issue of Minnesota state principal arterial bonds shall be credited to the bond account. In order to reduce the amount of taxes otherwise required to be levied, there shall also be credited to the bond account from the general fund in the state treasury, on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand therein, to pay all Minnesota state principal arterial bonds and interest thereon due and to become due to and including July 1 in the second ensuing year. All money so

credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4. The state auditor and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore credited to the bond account, to pay the entire amount of principal and interest then and theretofore due and principal and interest to become due on or before July 1 in the second year thereafter on Minnesota state principal arterial bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all such bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is insufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota state principal arterial bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

Sec. 4. [TRANSPORTATION BOND AUTHORIZATION AND APPROPRIATION.] The state auditor is authorized and directed, upon request of the director of the state planning agency, to issue and sell Minnesota state transportation bonds in accordance with the provisions of section 6 of this act, and Article IX, Section 6 of the Constitution, in an aggregate principal amount not to exceed \$60,000,000 which sum, or so much thereof as shall be required, is appropriated from the proceeds of the bonds to the Minnesota state transportation fund created in section 5, and shall be used, with any other money in that fund, solely for the purpose of providing money which is hereby appropriated from that fund to the director of the state planning agency for grants to subdivisions of the state, according to the definition of "subdivision" in section 5, subdivision 1, for the acquisition and betterment of public land and buildings and other public improvements of a capital nature needed to provide adequate public transportation in urban areas, in accordance with the provisions of section 5. This appropriation shall not lapse until the purpose for which it is made has been accomplished or abandoned. The amount of each grant approved for disbursement from the Minnesota state transportation fund shall be and remain appropriated for that purpose until the grant is fully disbursed or part or all thereof is revoked by the state planning agency. Grants appropriated pursuant to this section shall not exceed \$10,000,000 in any one fiscal year of the state of Minnesota.



Sec. 5. [MINNESOTA STATE TRANSPORTATION FUND.] Subdivision 1. A Minnesota state transportation fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts of the proceeds of state bonds and any other money appropriated to the fund and grants disbursed from the fund to subdivisions of the state for the acquisition and betterment of public land and buildings and other public improvements of a capital nature needed to provide adequate public transportation in urban areas, in accordance with the long range state policies and purposes defined in subdivision 2, and in accordance with standards established in regulations to be adopted by the state planning agency pursuant to law, and to be prepared in consultation with the regional development commissions and the metropolitan council established under the provisions of Minnesota Statutes, Sections 462.381 to 462.396 and Chapter 473B, referred to in this section as "regional planning agencies", and in consultation with the "subdivisions" defined and referred to in this section. "Subdivisions" referred to in this section include the metropolitan transit commission created by Minnesota Statutes, Chapter 473A, and any other public body now or hereafter given power by law or a city charter to operate public transportation facilities in any defined area, and any city, village, or borough outside the area of operation of such a public body.

Subd. 2. It is the policy of the state to assist its subdivisions in providing, so far as possible, public transportation facilities in all urban areas within the state by providing state funding for public transportation capital improvements. The state planning agency and regional planning agencies are directed to prepare and revise annually a program of capital grants to subdivisions for specific projects which will implement this policy. Capital costs eligible to be paid from such grants shall include all expenses of the kinds enumerated in Minnesota Statutes, Section 475.65.

Subd. 3. The state planning agency shall promulgate regulations for the administration of grants authorized to be made from the fund.

Subd. 4. The regulations of the state planning agency shall provide that a high priority shall be given to applications from subdivisions which, because of limited tax base, excessive bonded indebtedness, or critical conditions of public transportation service, would face extreme financial hardship without assistance from the state transportation fund, and to applications for systems to serve more than one municipality.

Subd. 5. Applications by subdivisions for grants from the fund shall be made through regional planning agencies to the state planning agency, on forms requiring information prescribed by the regulations of the state planning agency. The regional agency shall certify to the state planning agency those applications which appear to meet the program of capital grants and the standards and criteria set forth by the state planning agency and the regulations promulgated hereunder, and the state planning agency shall direct grants to be disbursed from the fund on the basis of the standards, criteria and priorities established in its

regulations and in this section; provided that no disbursement shall be made until and unless the regional planning agency has by resolution determined the total estimated cost of the project, and ascertained that its financing is assured by the appropriation of the proceeds of bonds or other funds of the subdivision sufficient to pay the estimated cost in excess of the grant, including funds to be granted to it by the federal government if the state planning agency ascertains that such funds are then appropriated and allocated by the federal government to projects within the state and that the subdivision has complied with all conditions under federal law and regulations for a grant of the nature and in the amount involved.

Sec. 6. [MINNESOTA STATE TRANSPORTATION BONDS.] Subdivision 1. For the purpose of providing money appropriated to subdivisions of the state from the Minnesota state transportation fund for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed to provide adequate public transportation in urban areas in accordance with the provisions of section 5, when authorized by law and requested by the director of the state planning agency, the commissioner of finance shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended for this purpose. Any act authorizing the issuance of bonds for this purpose, together with this section, constitutes complete authority for such issue, and such bonds shall not be subject to restrictions of limitations contained in any other law.

Subd. 2. Upon request and authorization as provided in subdivision 1 the commissioner of finance shall sell and issue Minnesota state transportation bonds in the aggregate amount requested, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks within or outside this state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further regulations, as the commissioner of finance shall determine, subject to the approval of the attorney general, but not subject to the provisions of sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any appurtenant interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts,

conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the state transportation fund, and the amounts necessary therefor are appropriated from that fund; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

Subd. 4. The commissioner of finance shall maintain in the state bond fund a separate bookkeeping account which shall be designated as the state transportation bond account, to record receipts and disbursements of money transferred to the fund to pay Minnesota state transportation bonds and income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. The premium and accrued interest received on each issue of Minnesota state transportation bonds shall be credited to the bond account. In order to reduce the amount of taxes otherwise required to be levied, there shall also be credited to the bond account from the general fund in the state treasury, on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand therein, to pay all Minnesota state transportation bonds and interest thereon due and to become due to and including July 1 in the second ensuing year. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4. The commissioner of finance and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore credited to the bond account, to pay the entire amount of principal and interest then and theretofore due and principal and interest to become due on or before July 1 in the second year thereafter on Minnesota state transportation bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all such bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are

payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is insufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota state transportation bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

Sec. 7. [TRUNK HIGHWAY BONDS; ISSUANCE AND SALE.] The state auditor is authorized and directed, upon request of the commissioner of highways, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and of the Minnesota Constitution, Article IX, Section 6, and Article XVI, Section 12, at such times and in such amounts as may be requested by the commissioner of highways. Bonds issued pursuant to this section are authorized in an aggregate principal amount of \$50,000,000. The proceeds of such bonds shall be appropriated to the trunk highway fund and shall be used for the purposes specified in Minnesota Constitution, Article XVI, Section 2.

Sec. 8. There is hereby imposed upon the transferor a tax for the privilege of making a transfer, other than a transfer for resale purposes, of every motor vehicle, new or used, weighing more than 1,000 pounds, the title of which is transferred within this state. The tax payable shall be measured by the sale price of the motor vehicle, and shall be one percent of that sale price. Proceeds of the tax shall be deposited in the general fund of the state treasury. This tax shall be in addition to any other taxes imposed on such transfer.

Sec. 9. 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. 10. [SEVERABILITY.] The invalidity of any provision of this act shall not affect the validity of the remainder of the act.

Sec. 11. [EFFECTIVE DATE.] This act is effective on the day following final enactment."

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

"A bill for an act relating to transportation; authorizing the issuance of bonds therefor; providing for the financing thereof; increasing the excise tax on gasoline; imposing an excise tax on the transfer of motor vehicle; appropriating money; amending Minnesota Statutes 1971, Section 296.02, Subdivision 1."

Mr. Conzemius moved to amend the Conzemius amendment to H. F. No. 2360, as follows:

Page 17, after line 13, insert a new section to read:

"Sec. 10. Minnesota Statutes 1971, Section 168B.11, is repealed."

Renumber the sections in sequence

Further, amend the title amendment as follows:

Page 17, line 29, before the period, insert "; repealing Minnesota Statutes 1971, Section 168B.11"

The motion prevailed. So the amendment to the Conzemius amendment was adopted.

Mr. Krieger moved to amend the Conzemius amendment to H. F. No. 2360 as follows:

Page 17, line 4, after the period, add "Collection of the tax imposed by this section shall begin on July 1, 1974 and shall end on June 30, 1984."

Page 17, line 13, before the period insert "*; provided that on July 1, 1980 the tax imposed by this section shall be at the rate of seven cents per gallon*"

The motion prevailed. So the amendment to the Conzemius amendment was adopted.

Mr. Laufenburger moved to amend the Conzemius amendment to H. F. No. 2360 as follows:

Page 17, line 18, before the period insert "*; provided that section 9 of this act shall be effective July 1, 1974*"

The motion prevailed. So the amendment to the Conzemius amendment was adopted.

Mr. Olson, H. D. moved to amend the Conzemius amendment to H. F. No. 2360, as follows:

Page 16, line 27, after "state" and before the period, insert "or for which a prorated sales or use tax is required to be paid."

The motion prevailed. So the amendment to the Conzemius amendment was adopted.

The question recurred on the Conzemius amendment as amended,

The motion prevailed. So the Conzemius amendment, as amended, was adopted.

H. F. No. 2360 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 52 and nays 11, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Hansen, Baldy	Olhoff	Perpich, G.	Sillers
Bang	Nelson	Perpich, A. J.	Schrom	Thorup
Blatz				

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

### RECONSIDERATION

Mr. Schaaf moved that the vote whereby H. F. No. 2129 failed to pass the Senate on March 22, 1974, be now reconsidered. The motion prevailed. So the vote was reconsidered.

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 52 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bernhagen	Frederick	Josefson	Schrom	Wegener
Fitzsimons	Hansen, Baldy	Renneke		

So the bill passed and its title was agreed to.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Perpich, A. J., Chairman of the Committee on Taxes and Tax Laws, designated H. F. No. 3670, No. 61 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 3670: A bill for an act relating to Lake county; authorizing the sale of certain lands thereof for certain purposes and providing for the extension of certain sewage, water, and gas lines thereto.

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 1, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Knutson	Patton	Stassen
Bang	Fitzsimons	Laufenburger	Perpich, A. J.	Stokowski
Bernhagen	Frederick	Lewis	Perpich, G.	Tennessen
Borden	Gearty	Lord	Pillsbury	Thorup
Brown	Hansen, Mel	Moe	Purfeerst	Ueland
Chenoweth	Hanson, R.	Nelson	Renneke	Wegener
Chmielewski	Humphrey	North	Schaaf	Willet
Coleman	Josefson	Novak	Schrom	
Conzemius	Keefe, J.	Olhoft	Sillers	
Davies	Keefe, S.	Olson, A. G.	Solon	
Doty	Kirchner	Olson, J. L.	Spear	

Mr. Hansen, Baldy voted in the negative.

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

Pursuant to Rule 10, Mr. Perpich, A. J., Chairman of the Committee on Taxes and Tax Laws, designated H. F. No. 3335, No. 69 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 3335: A bill for an act relating to taxation; allowing county treasurer additional time after settlement to make distribution; amending Minnesota Statutes, 1973 Supplement, Section 276.11.

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:

Arnold	Fitzsimons	Knutson	Olson, J. L.	Spear
Bang	Frederick	Kowalczyk	O'Neill	Stassen
Bernhagen	Gearty	Lewis	Patton	Stokowski
Brown	Hansen, Mel	Lord	Perpich, A. J.	Tennessen
Chenoweth	Hanson, R.	Moe	Perpich, G.	Thorup
Chmielewski	Hughes	Nelson	Purfeerst	Ueland
Coleman	Humphrey	North	Renneke	Wegener
Conzemius	Josefson	Novak	Schaaf	Willet
Davies	Keefe, J.	Olhoft	Schrom	
Doty	Keefe, S.	Olson, A. G.	Sillers	
Dunn	Kirchner	Olson, H. D.	Solon	

Messrs. Hansen, Baldy; and Pillsbury voted in the negative.

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Perpich, A. J., Chairman of the Committee on Taxes and Tax Laws, designated S. F. No. 3306, No. 70 on the General Orders Calendar, a Special Order to be heard immediately.

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, Subdivisions 2 and 5; 273.012, Subdivision 2; Minnesota Statutes 1971, Chapter 273, by adding sections; and repealing Minnesota Statutes, 1973 Supplement, Section 290.066.

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

Mr. Hansen, Baldy voted in the negative.

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Perpich, A. J., Chairman of the Committee on Taxes and Tax Laws, designated S. F. No. 2604, No. 66 on the General Orders Calendar, a Special Order to be heard immediately.

S. F. No. 2604: A bill for an act relating to distinctions based upon sex; abolishing these distinctions in the law relating to the dependent care deduction, inheritance tax, and gift tax; amending Minnesota Statutes 1971, Sections 290.09, Subdivision 26; 291.03, as amended; 291.05, as amended; 292.05, Subdivision 1, as amended; 292.07, Subdivision 3, as amended, and Subdivision 5, as amended.

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	Frederick	Keefe, S.	Olhoft	Schrom
Arnold	Gearty	Kirchner	Olson, A. G.	Solon
Bang	Hansen, Baldy	Lewis	Olson, J. L.	Spear
Chenoweth	Hansen, Mel	Lord	Patton	Stassen
Coleman	Hanson, R.	Milton	Perpich, A. J.	Stokowski
Conzemius	Hughes	Moe	Perpich, G.	Tennessee
Doty	Humphrey	Nelson	Pillsbury	Ueland
Dunn	Josefson	North	Purfeerst	Wegener
Fitzsimons	Keefe, J.	Novak	Schaaf	Willet

Those who voted in the negative were:

Bernhagen	Chmielewski	Kowalczyk	Renneke	Sillers
Brown	Knutson	O'Neill		

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. 2323, No. 62 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 2323: A bill for an act relating to travel expenses of the state board of education; amending Minnesota Statutes 1971, Section 121.02, Subdivision 1.

Mr. Frederick moved to amend H. F. No. 2323, the printed bill, as follows:

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1971, Section 197.09, is amended to read:

197.09 [EDUCATION OF DEPENDENTS.] *Subdivision 1.* The sum appropriated under the provisions of Laws 1935, Chapter 350, shall be used for the sole purpose of providing for matriculation fees, board and room rent and books and supplies for the use and benefit of the children of those residents of Minnesota for at least six months prior to entering active service who were killed in action or died from other causes during World War I, from April 6, 1917, to July 2, 1921, while serving in the armed forces of the United States or as a result of such service, which children are attending or may attend the University of Minnesota, a state college, a junior college, or any other college within the state, accredited by the North Central Association of Colleges and secondary schools, a law college approved by the supreme court, a nursing school approved by the state nurses examining board, or in a trade school in the state which may be approved by the state department of education, or in a theological seminary, for any course which such child may elect provided such child was domiciled in Minnesota for at least two years immediately prior to applying for benefits hereunder. These children shall be admitted to state institutions of college grade free of tuition.

*Subd. 2. Any dependent of a prisoner of war or a person missing in action as defined herein, upon his being duly accepted for enroll-*

*ment in any Minnesota state supported institution of higher education or Minnesota state supported technical or vocational school, shall be allowed to attend such institution to obtain a bachelors degree or certificate of completion, for so long as he is eligible, free of tuition or charge. A dependent who enrolls as an undergraduate in any private Minnesota institution of higher education or in any private Minnesota technical or vocational school shall be entitled to payment by the state of tuition and fees at a rate established by the Minnesota higher education coordinating commission at a rate not exceeding the undergraduate tuition at Minnesota public institutions for so long as he is eligible to attend such institution and is working toward a bachelors degree or certificate of completion.*

*“Prisoner of war” and “person missing in action” for purposes of this subdivision mean any person who was a resident of the state at the time he entered service of the United States Armed Forces, or whose official residence is within the state, and, who, while serving in the United States Armed Forces has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense after August 1, 1958.*

*“Dependent” for purposes of this subdivision means the spouse of a prisoner of war or person missing in action, or any child born before or during the period of time his parent served as a prisoner of war or was declared a person missing in action, or any child legally adopted or in the legal custody of the parent prior to and during the time the parent served as a prisoner of war or was declared to be a person missing in action. Once a person qualifies as a dependent under the terms and provisions of this subdivision there shall be no situation such as the return of the father or the reported death of the father that will remove the dependent from provisions or benefits of this subdivision.*

Sec. 3. There is appropriated to the Minnesota higher education coordinating commission from the general fund the sum of \$10,000.00 for the purpose of paying tuition and other charges as provided by section 2 of this act.”

Further, amend the title as follows:

First line, after “education;” insert “providing for free higher education of dependents of prisoners of war and persons missing in action; appropriating money;”

Second line, strike “Section” and insert “Sections”

Second line, before the period, insert “; and 197.09”

The motion prevailed. So the amendment was adopted.

H. F. No. 2323 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 44 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, J.	North	Renneke
Arnold	Frederick	Keefe, S.	Novak	Sillers
Bernhagen	Gearty	Kirchner	Olson, H. D.	Solon
Brown	Hansen, Baldy	Knutson	Olson, J. L.	Stassen
Chenoweth	Hansen, Mel	Kowalczyk	O'Neill	Stokowski
Chmielewski	Hanson, R.	Lewis	Patton	Thorup
Conzemius	Hughes	Lord	Perpich, G.	Ueland
Doty	Humphrey	Moe	Pillsbury	Willet
Dunn	Josefson	Nelson	Purfeerst	

Messrs. Schrom and Spear voted in the negative.

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. 2974, No. 74 on the General Orders Calendar, a Special Order to be heard immediately.

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.

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	Dunn	Keefe, J.	Novak	Renneke
Arnold	Fitzsimons	Keefe, S.	Olhoff	Schrom
Bang	Frederick	Kirchner	Olson, H. D.	Sillers
Bernhagen	Gearty	Knutson	Olson, J. L.	Solon
Borden	Hansen, Baldy	Kowalczyk	O'Neill	Stassen
Brown	Hansen, Mel	Lewis	Patton	Stokowski
Chmielewski	Hanson, R.	Lord	Perpich, A. J.	Tennessen
Conzemius	Hughes	Moe	Perpich, G.	Thorup
Davies	Humphrey	Nelson	Pillsbury	Ueland
Doty	Josefson	North	Purfeerst	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. 2900, No. 76 on the General Orders Calendar, a Special Order to be heard immediately.

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.

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 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Olson, A. G.	Solon
Arnold	Fitzsimons	Kirchner	Olson, J. L.	Stassen
Bang	Frederick	Knutson	O'Neill	Stokowski
Bernhagen	Gearty	Kowalczyk	Patton	Tennessen
Borden	Hansen, Baldy	Lewis	Perpich, A. J.	Thorup
Brown	Hansen, Mel	Lord	Perpich, G.	Ueland
Chmielewski	Hanson, R.	Moe	Pillsbury	Willet
Coleman	Hughes	Nelson	Purfeerst	
Conzemius	Humphrey	North	Renneke	
Davies	Josefson	Novak	Schrom	
Doty	Keefe, J.	Olhoft	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. 2125, No. 67 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 2125: A bill for an act relating to education; providing for waiver of tuition for foreign students; appropriating money.

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 13, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Lord	Olson, J. L.	Schrom
Arnold	Gearty	Milton	O'Neill	Sillers
Borden	Hansen, Mel	Moe	Patton	Solon
Chenoweth	Hughes	Nelson	Perpich, A. J.	Spear
Chmielewski	Humphrey	North	Perpich, G.	Stassen
Coleman	Keefe, S.	Novak	Pillsbury	Stokowski
Davies	Kirchner	Ogdahl	Purfeerst	Tennessen
Doty	Kowalczyk	Olhoft	Renneke	Ueland
Dunn	Laufenburger	Olson, H. D.	Schaaf	Willet

Those who voted in the negative were:

Bang	Brown	Hansen, Baldy	Keefe, J.	Olson, A. G.
Bernhagen	Conzemius	Hanson, R.	Knutson	
Blatz	Frederick	Josefson	Lewis	

So the bill 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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 2992, and repassed said bill in accordance with the report of the Committee, so adopted.

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

House File No. 2992 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 25, 1974

Mr. Purfeerst moved that H. F. No. 2992 be laid on the table. The motion prevailed.

#### **MOTIONS AND RESOLUTIONS—CONTINUED SUSPENSION OF RULES**

Mr. Borden moved that the Rules of the Senate be so far suspended as to take up the General Orders Calendar as Special Orders for immediate consideration, remaining on the Order of Business of Motions and Resolutions. The motion prevailed.

#### **SPECIAL ORDER**

H. F. No. 568: A bill for an act proposing an amendment to the Minnesota Constitution, repealing Article IV, Section 32 (a); providing that changes from gross earnings taxation of railroads may be made without referendum.

Mr. Hughes moved to amend H. F. No. 568, the typewritten bill, as follows:

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

"Section 1. An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted and the amendment proposing a general revision of the structure of the constitution is not adopted, Article IV, Section 32 (a), of the unrevised constitution shall be repealed. If the amendment is adopted and the amendment proposing a general revision of the structure of the constitution is adopted, Article X, Section 7, of the revised constitution shall be repealed.

Sec. 2. The proposed amendment shall be submitted to the voters at the general election for the year 1974. The ballots used at the election shall have the following question printed thereon:

"Shall the Constitution of the State of Minnesota be amended to permit the legislature to establish the rate and method of taxing railroads?

Yes .....

No ....."

Strike the title and insert in lieu thereof:

"A bill for an act proposing an amendment to the Minnesota Constitution, repealing Article IV, Section 32 (a), or Article X,

Section 7, of the proposed revised constitution; permitting the legislature to establish the rate and method of taxing railroads."

The motion prevailed. So the amendment was adopted.

H. F. No. 568 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 2, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olhoft	Spear
Ashbach	Fitzsimons	Knutson	Olson, A. G.	Stassen
Bang	Gearty	Kowalczyk	Olson, J. L.	Stokowski
Bernhagen	Hansen, Baldy	Larson	O'Neill	Tennessen
Blatz	Hansen, Mel	Laufenburger	Patton	Ueland
Borden	Hanson, R.	Lord	Pillsbury	Willet
Brown	Hughes	Milton	Renneke	
Chenoweth	Humphrey	Nelson	Schaaf	
Conzemius	Keefe, J.	North	Schrom	
Davies	Keefe, S.	Novak	Sillers	

Messrs. Chmielewski and Solon voted in the negative.

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

#### SPECIAL ORDER

H. F. No. 2680: A bill for an act relating to distinctions on the basis of sex; abolishing these distinctions in the crime of prostitution; creating a cause of action for solicitation or inducement into prostitution; amending Minnesota Statutes 1971, Sections 540.07; and 609.32, Subdivisions 2 and 4.

Mr. Chmielewski moved to amend H. F. No. 2680, the printed bill, as follows:

Page 1, strike all of section 1

Renumber the sections in sequence

Further, amend the title as follows:

First line, strike "distinctions on the basis of sex; abolishing these distinctions in"

Second line, strike "creating a cause of action for solicitation or inducement into prostitution;"

Third line, strike "Sections 540.07; and" and insert "Section"

The motion prevailed. So the amendment was adopted.

H. F. No. 2680 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 49 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olson, H. D.	Solon
Arnold	Fitzsimons	Knutson	Olson, J. L.	Spear
Ashbach	Gearty	Kowalczyk	O'Neill	Stassen
Bernhagen	Hansen, Mel	Larson	Patton	Stokowski
Blatz	Hanson, R.	Lord	Perpich, A. J.	Tennessen
Borden	Hughes	Milton	Pillsbury	Thorup
Brown	Humphrey	Nelson	Renneke	Ueland
Chenoweth	Josefson	North	Schaaf	Wegener
Chmielewski	Keefe, J.	Olhoff	Schrom	Willet
Davies	Keefe, S.	Olson, A. G.	Sillers	

Mr. Hansen, Baldy voted in the negative.

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

### SPECIAL ORDER

H. F. No. 2589: A bill for an act relating to professional corporations; including podiatrists and psychologists within the definition of professional service for the purposes of formation of professional corporations; amending Laws 1973, Chapter 40, Section 2, 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Knutson	O'Neill	Stassen
Arnold	Fitzsimons	Kowalczyk	Patton	Stokowski
Ashbach	Frederick	Krieger	Perpich, A. J.	Tennessen
Bernhagen	Gearty	Lewis	Perpich, G.	Thorup
Blatz	Hansen, Baldy	Lord	Pillsbury	Ueland
Borden	Hansen, Mel	Milton	Renneke	Wegener
Brown	Hughes	Moe	Schaaf	Willet
Chenoweth	Humphrey	Nelson	Schrom	
Chmielewski	Keefe, J.	North	Sillers	
Coleman	Keefe, S.	Olson, A. G.	Solon	
Davies	Kirchner	Olson, H. D.	Spear	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1662: A bill for an act relating to pollution; providing for a deputy director of the Minnesota pollution control agency; removing certain exemptions from the definition of "solid waste"; giving the pollution control agency power to regulate the storage of solid waste; providing permit authority to govern noise pollution; expanding the definition of "junk yard"; abolishing the water pollution control advisory committee; amending Minnesota Statutes 1971, Sections 43.09, Subdivision 2; 116.03, Subdivision 1; 116.06, Subdivision 10, and by adding a subdivision; 116.07, Subdivisions 2, 4, and 4a; 116.08, Subdivision 1; 116.081, Subdivision 1; 161.242, 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 42 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Knutson	O'Neill	Spear
Arnold	Fitzsimons	Lewis	Patton	Stassen
Blatz	Gearty	Lord	Perpich, A. J.	Stokowski
Brown	Hansen, Mel	Milton	Perpich, G.	Tennessen
Chenoweth	Hughes	Moe	Pillsbury	Ueland
Chmielewski	Humphrey	Nelson	Renneke	Willet
Coleman	Keefe, J.	North	Schaaf	
Conzemius	Keefe, S.	Novak	Sillers	
Davies	Kirchner	Olhoff	Solon	

Those who voted in the negative were:

Bernhagen	Hansen, Baldy	Krieger	Larson	Schrom
Frederick	Josefson			

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 102: A bill for an act relating to public employment; providing for leave of absence for employees who serve in the legislature; amending Minnesota Statutes 1971, Chapter 3, by adding a section.

Mr. Gearty moved to amend H. F. No. 102, the printed bill, as amended by the Committee on Governmental Operations, adopted by the Senate March 9, 1974, as follows:

Page 1, before line 1, insert:

"Section 1. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.082] [MEMBERS' RIGHTS TO CONTINUANCE IN, OR RESTORATION TO, PRIVATE EMPLOYMENT AFTER ADJOURNMENT OF SESSION.] *Any member of the legislature of the state of Minnesota who held a position, other than a temporary position, in the employ of any private employer in Minnesota at the commencement of his service in any legislative session, who makes application for reemployment not later than 30 days after the last legislative day in each calendar year, shall be continued in or restored to such position, or to a position of like seniority, status and pay.*

Sec. 2. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.083] [RETENTION OF SENIORITY, FRINGE BENEFITS AND TENURE.] *Any member of the legislature who is continued in or restored to a position in accordance with the provisions of section 1 shall be so continued or restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to its established rules and practices, and shall not be discharged from such position for a*



*period of three years after his continuation or restoration except in the reverse order of his seniority with the employer within the field of the legislator's training and experience without good cause after such continuation or restoration.*

Sec. 3. Minnesota Statutes 1971, Section 3.087, is amended to read:

3.087 [RIGHT OF ACTION IN DISTRICT COURT.] In case any private employer fails or refuses to comply with the provisions of sections ~~3.085 1~~ and ~~3.086 2~~ of this act, the district court of the State of Minnesota for the district in which such private employer maintains a place of business, shall have the power, upon the filing of a memorandum, petition or other appropriate pleading by the member of the legislature entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such member of the legislature for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar."

Page 2, line 19, delete "section 1" and insert in lieu thereof "section 4"

Page 2, following subdivision 6, as added by the senate amendment, insert:

"Sec. 5. Minnesota Statutes 1971, Sections 3.085 and 3.086 are repealed.

Sec. 6. This act is effective the day following its final enactment."

Number the sections in sequence.

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

"A bill for an act relating to the legislature; providing for the continuation in or return of members to their employment after legislative sessions; providing for restoration to their position of employment and all other rights incident to employment; providing for enforcement; amending Minnesota Statutes 1971, Section 3.087; and Chapter 3, by adding sections; repealing Minnesota Statutes 1971, Sections 3.085; and 3.086."

The motion prevailed. So the amendment was adopted.

H. F. No. 102 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Josefson	Moe	Pillsbury
Arnold	Dunn	Keefe, J.	Nelson	Purfeerst
Bang	Fitzsimons	Keefe, S.	North	Schaaf
Bernhagen	Frederick	Knutson	Novak	Sillers
Borden	Gearty	Krieger	Olhoft	Solon
Brown	Hansen, Baldy	Larson	Olson, H. D.	Spear
Chenoweth	Hansen, Mel	Laufenburger	O'Neill	Stokowski
Chmielewski	Hanson, R.	Lewis	Patton	Tenneszen
Coleman	Hughes	Lord	Perpich, A. J.	Ueland
Conzemius	Humphrey	Milton	Perpich, G.	Willet

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

### SPECIAL ORDER

H. F. No. 2377: A bill for an act relating to insurance; regulating valuation of policies; amending Minnesota Statutes 1971, Sections 61A.24, Subdivisions 9 and 11; 61A.25, Subdivision 3, and 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	North	Renneke
Arnold	Dunn	Kirchner	Novak	Schaaf
Bernhagen	Fitzsimons	Knutson	Ogdahl	Sillers
Blatz	Gearty	Krieger	Olhoft	Solon
Borden	Hansen, Baldy	Larson	Olson, H. D.	Spear
Brown	Hansen, Mel	Lewis	O'Neill	Stassen
Chenoweth	Hanson, R.	Lord	Patton	Stokowski
Chmielewski	Hughes	Milton	Perpich, A. J.	Tenneszen
Coleman	Humphrey	Moe	Perpich, G.	Ueland
Conzemius	Josefson	Nelson	Pillsbury	Willet

So the bill passed and its title was agreed to.

### 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. 2236:

H. F. No. 2236: A bill for an act relating to courts; salaries of county court judges; amending Minnesota Statutes 1971, Section 487.05.

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

Pavlak, R.; Culhane; Biersdorf; Braun and Searle have been appointed as such committee on the part of the House.

House File No. 2236 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 25, 1974

Mr. Thorup moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2236, and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2928:

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

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

Smith, Searle and Faricy have been appointed as such committee on the part of the House.

House File No. 2928 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 25, 1974

Mr. Tennesen moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2928, and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

#### RECESS

Mr. Coleman moved that the Senate do now recess until 8:15 o'clock p.m. The motion prevailed.

The hour of 8:15 o'clock p.m. having arrived, the President called the Senate to order.

#### MEMBERS EXCUSED

Mr. Schrom was excused from this evening's Session.

### CALL OF THE SENATE

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

Anderson	Davies	Laufenburger	Olson, A. G.	Schrom
Borden	Gearty	Lord	Olson, J. L.	Solon
Brown	Hansen, Baldy	Milton	O'Neill	Spear
Chenoweth	Hanson, R.	Moe	Perpich, A. J.	Stokowski
Chmielewski	Hughes	North	Perpich, G.	Tennessee
Coleman	Humphrey	Novak	Purfeerst	Willet
Conzemius	Keefe, S.	Olhoff	Schaaf	

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

### SPECIAL ORDER

H. F. No. 2848: A bill for an act relating to elections; providing a change in the method by which ballots are counted; amending Minnesota Statutes 1971, Section 204.19, Subdivision 2.

Mr. Schaaf moved to amend H. F. No. 2848, the printed bill, as follows:

Page 1, after line 7, insert a section to read:

"Sec. 2. Minnesota Statutes 1971, Section 203.33, Subdivision 3, is amended to read:

Subd. 3. [BALLOT, PARTY POSITION.] At the general election, and in the case of partisan offices only, the first name printed for each office, or group of names if more than one is to be voted for, for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the ~~largest~~ *lowest* number of votes, the same to be determined by the average vote cast for that party's candidates for partisan offices except representatives in Congress. In like manner the second and succeeding lines shall be filled with the names of the candidates of the other political parties receiving the next ~~highest~~ *lowest* number of votes respectively. For the purposes of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the state for all of the party's candidates on the general election ballot except representatives in Congress, and dividing that sum by the number of the party's candidates, except representatives in Congress, appearing on the general election ballot."

Renumber the sections in sequence.

Further, amend the title as amended by the Senate on March 14, 1974 by striking "Section" and inserting in lieu thereof "Sections 203.33, Subdivision 3; and"

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

H. F. No. 2848 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

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

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

And the roll being called, there were yeas 35 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Laufenburger	Olhoft	Schaaf
Borden	Gearty	Lewis	Olson, A. G.	Schrom
Brown	Hansen, Mel	Lord	Olson, H. D.	Solon
Chenoweth	Hughes	Milton	Olson, J. L.	Spear
Chmielewski	Humphrey	Moe	Perpich, A. J.	Stokowski
Coleman	Josefson	North	Pillsbury	Ueland
Davies	Keefe, S.	Novak	Purfeerst	Willet

Those who voted in the negative were:

Bang	Dunn	Kirchner	Ogdahl	Perpich, G.
Blatz	Hansen, Baldy	Knutson	O'Neill	Renneke
Conzemius	Hanson, R.	Kowalczyk		

So the bill passed and its title was agreed to.

Mr. Davies moved that the vote whereby H. F. No. 2848 was passed by the Senate on Monday, March 25, 1974, be now reconsidered. The motion did not prevail. So the vote was not reconsidered.

### SPECIAL ORDER

H. F. No. 1896: A bill for an act relating to telephone companies; costs to be charged to telephone companies for investigative procedures initiated by the department of public service; amending Minnesota Statutes 1971, Section 237.29, Subdivision 1; and repealing Minnesota Statutes 1971, Section 237.32.

Mr. Lord moved to amend H. F. No. 1896, the printed bill, as follows:

Page 1, line 3, strike "*unanimous decision*" and insert "*a majority vote of the members*"

The motion prevailed. So the amendment was adopted.

H. F. No. 1896 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. Hansen, Baldy moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 28 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Laufenburger	Olson, A. G.	Spear
Arnold	Davies	Lewis	Olson, H. D.	Stokowski
Borden	Gearty	Milton	Perpich, A. J.	Tennessee
Chenoweth	Hughes	North	Perpich, G.	Willet
Chmielewski	Humphrey	Novak	Schaaf	
Coleman	Keefe, S.	Olhoff	Solon	

Those who voted in the negative were:

Ashbach	Frederick	Kirchner	Ogdahl	Renneke
Bang	Hansen, Baldy	Kowalczyk	Olson, J. L.	Sillers
Blatz	Hansen, Mel	Krieger	O'Neill	Stassen
Brown	Hanson, R.	Larson	Patton	Ueland
Dunn	Josefson	Lord	Pillsbury	
Fitzsimons	Keefe, J.	Nelson	Purfeerst	

So the bill, as amended, failed to pass.

### SPECIAL ORDER

H. F. No. 1191: A bill for an act relating to employment agencies; the licensing and regulation thereof; prescribing penalties; amending Minnesota Statutes 1971, Sections 184.21, Subdivision 2, and by adding subdivisions; 184.22; 184.26, Subdivision 1; 184.29; 184.30, Subdivision 1; 184.32; 184.33; 184.35; 184.37; 184.38, Subdivisions 1, 2, 3, and 13; and 184.41; repealing Minnesota Statutes 1971, Sections 184.31 and 184.39.

Mr. Solon moved to amend H. F. No. 1191, the printed bill, as follows:

Page 1, line 12, after "*modeling*," strike "or"

Page 1, line 12, after "*agency*" insert ", *educational institution*"

The motion prevailed. So the amendment was adopted.

Mr. Solon then moved to amend the amendment placed on H. F. No. 1191, the printed bill, by the Committee on Labor and Commerce, adopted by the Senate March 9, 1974, as follows:

Amend the Committee amendments to page 1, line 11, as follows:

After "*seeking employment*" insert "*unless that party has an employee, officer, department or division whose primary responsibility is providing employment services to clients*"

The motion prevailed. So the amendment was adopted.

H. F. No. 1191 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 38 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kirchner	Olhoft	Sillers
Bang	Gearty	Lewis	Olson, A. G.	Colon
Bernhagen	Hansen, Mel	Lord	O'Neill	Spear
Chenoweth	Hanson, R.	Milton	Patton	Stokowski
Chmielewski	Hughes	Moe	Perpich, A. J.	Ueland
Coleman	Humphrey	Nelson	Perpich, G.	Willet
Conzemius	Josefson	North	Purfeerst	
Davies	Keefe, S.	Novak	Schaaf	

Those who voted in the negative were:

Frederick	Hansen, Baldy	Olson, J. L.	Pillsbury	Renneke
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So the bill, as amended, passed and its title was agreed to.

### SPECIAL ORDER

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

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 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Knutson	Olson, H. D.	Solon
Arnold	Gearty	Kowalczyk	Olson, J. L.	Spear
Ashbach	Hansen, Baldy	Krieger	O'Neill	Stassen
Bang	Hansen, Mel	Laufenburger	Patton	Stokowski
Bernhagen	Hanson, R.	Lord	Perpich, A. J.	Tennessen
Borden	Hughes	Milton	Perpich, G.	Ueland
Brown	Humphrey	Nelson	Pillsbury	Willet
Chmielewski	Josefson	North	Purfeerst	
Coleman	Keefe, J.	Novak	Renneke	
Conzemius	Keefe, S.	Olhoft	Schaaf	
Davies	Kirchner	Olson, A. G.	Sillers	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1839: A bill for an act relating to workmen's compensation; adjusting certain schedules of and provisions for compensation benefits; relating to injuries occurring out of state and occupation diseases; amending Minnesota Statutes 1971, Sections 176.021, Subdivision 3; 176.041, Subdivision 3; 176.101, Subdivisions 2, 3, and 7; 176.662; Chapter 176, by adding a section; repealing Minnesota Statutes 1971, Section 176.041, Subdivision 5.

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:

Arnold	Frederick	Knutson	Olson, A. G.	Sillers
Bernhagen	Gearty	Kowalczyk	Olson, H. D.	Solon
Borden	Hansen, Baldy	Laufenburger	Olson, J. L.	Spear
Brown	Hansen, Mel	Lord	O'Neill	Stassen
Chmielewski	Hanson, R.	Milton	Patton	Stokowski
Coleman	Hughes	Moe	Perpich, A. J.	Tennessen
Conzemius	Humphrey	Nelson	Pillsbury	Ueland
Davies	Josefson	North	Purfeerst	Willet
Dunn	Keefe, S.	Novak	Renneke	
Fitzsimons	Kirchner	Olhoft	Schaaf	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 2163: A bill for an act relating to register of deeds; fees; amending Minnesota Statutes 1971, Sections 357.18, Subdivision 1; 508.47, Subdivision 4; and 508.82.

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 5, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	O'Neill	Spear
Arnold	Fitzsimons	Kirchner	Patton	Stassen
Bernhagen	Frederick	Laufenburger	Perpich, A. J.	Stokowski
Borden	Gearty	Lord	Perpich, G.	Tennessen
Brown	Hansen, Mel	Nelson	Pillsbury	Ueland
Chmielewski	Hanson, R.	North	Purfeerst	Willet
Coleman	Hughes	Novak	Renneke	
Conzemius	Humphrey	Olhoft	Sillers	
Davies	Josefson	Olson, H. D.	Solon	

Those who voted in the negative were:

Hansen, Baldy	Knutson	Kowalczyk	Moe	Olson, J. L.
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So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 1834: A bill for an act relating to civil defense; revising the provisions of the state civil defense law; enacting the interstate civil defense and disaster compact; providing penalties; amending Minnesota Statutes 1971, Section 15.0411, Subdivision 2; repealing Minnesota Statutes 1971, Chapter 12, as amended; and Laws 1951, Chapter 669.

Mr. Tennessen moved to amend H. F. No. 1834, the typewritten bill, as amended under Rule 49 and adopted by the Senate March 15, 1974, as follows:

Page 1, strike lines 12 to 29

Strike pages 2 to 5

Page 6, strike lines 1 to 15



Page 6, line 16, strike "Subdivision"

Page 6, line 17, strike "1."

Strike pages 7 to 36

Page 37, strike lines 1 to 26

Page 38, line 23, strike "26 to 28" and insert "2 to 4"

Page 39, line 5, strike "18 to" and insert "2 and"

Page 39, line 6, strike "27" and insert "3"

Page 40, strike lines 18 to 28

Page 41, strike lines 1 to 11

Renumber the sections in sequence

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

"A bill for an act relating to civil defense; changing the name of the division of civil defense to the division of emergency services; providing for the purchase of excess property by the state for civil defense purposes."

The motion prevailed. So the amendment was adopted.

H. F. No. 1834 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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Humphrey	Olson, A. G.	Renneke
Arnold	Dunn	Josefson	Olson, H. D.	Sillers
Bernhagen	Fitzsimons	Kirchner	Olson, J. L.	Spear
Borden	Frederick	Kowalczyk	O'Neill	Stassen
Brown	Gearty	Laufenburger	Patton	Stokowski
Chenoweth	Hansen, Baldy	Moe	Perpich, A. J.	Tennessen
Chmielewski	Hansen, Mel	Nelson	Perpich, G.	Ueland
Coleman	Hanson, R.	North	Pillsbury	Willet
Conzemius	Hughes	Olhoff	Purfeerst	

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

#### SPECIAL ORDER

H. F. No. 2191: A bill for an act relating to state government; advisory councils; and information services facilities; amending Minnesota Statutes 1971, Sections 16.91; 16.911; and 16.93; repealing Minnesota Statutes 1971, Section 16.92.

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 1, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Josefson	Olson, H. D.	Solon
Bernhagen	Fitzsimons	Keefe, S.	Olson, J. L.	Spear
Borden	Frederick	Kirchner	O'Neill	Stokowski
Brown	Gearty	Laufenburger	Patton	Tennessen
Chenoweth	Hansen, Baldy	Moe	Perpich, A. J.	Ueland
Chmielewski	Hansen, Mel	Nelson	Perpich, G.	Willet
Coleman	Hanson, R.	North	Pillsbury	
Conzemius	Hughes	Novak	Renneke	
Davies	Humphrey	Olhoft	Sillers	

Mr. Stassen voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 974: A bill for an act relating to public health; authorizing the state board of health to prescribe fees for permits, licenses, registrations and certifications issued by it; amending Minnesota Statutes 1971, Sections 144.169, Subdivision 1; 144.53; 144.60; 144.61; 144.802; 149.02; 149.03; 149.04; 149.08; 156A.03, Subdivision 2; 156A.07, Subdivisions 1 and 3; 157.03; 326.42; 326.60, Subdivision 3; 326.62; 327.15; 327.16, Subdivisions 1, 2 and 3; and Chapter 144, 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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Josefson	Olson, A. G.	Solon
Arnold	Dunn	Keefe, S.	Olson, H. D.	Spear
Ashbach	Fitzsimons	Kirchner	Olson, J. L.	Stassen
Bernhagen	Frederick	Kowalczyk	O'Neill	Stokowski
Borden	Gearty	Laufenburger	Patton	Tennessen
Brown	Hansen, Baldy	Moe	Perpich, A. J.	Ueland
Chenoweth	Hansen, Mel	Nelson	Perpich, G.	Willet
Chmielewski	Hanson, R.	North	Pillsbury	
Coleman	Hughes	Novak	Renneke	
Conzemius	Humphrey	Olhoft	Sillers	

So the bill passed and its title was agreed to.

H. F. No. 3479: A bill for an act relating to retirement; benefits payable to certain retired elected state officials.

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	Chenoweth	Dunn	Hansen, Mel	Keefe, S.
Ashbach	Chmielewski	Fitzsimons	Hanson, R.	Kirchner
Bernhagen	Coleman	Frederick	Hughes	Kowalczyk
Borden	Conzemius	Gearty	Humphrey	Laufenburger
Brown	Davies	Hansen, Baldy	Josefson	Moe

Nelson	Olson, H. D.	Perpich, G.	Spear	Ueland
North	Olson, J. L.	Pillsbury	Stassen	Willet
Novak	O'Neill	Renneke	Stokowski	
Olhoff	Patton	Sillers	Tennessen	
Olson, A. G.	Perpich, A. J.	Solon	Thorup	

So the bill passed and its title was agreed to.

Mr. Coleman moved that H. F. No. 3561, No. 31 on Special Orders, be returned to the Committee on Taxes and Tax Laws. The motion prevailed.

### SPECIAL ORDER

H. F. No. 1316: A bill for an act relating to the collection, security and dissemination of records and information by the state; providing penalties; amending Minnesota Statutes 1971, Chapter 16, by adding a section.

Mr. Tennessen moved to amend H. F. No. 1316, as amended by the Committee on Judiciary and adopted by the Senate on March 13, 1974, as follows:

Strike all of section 1 and renumber the remaining sections

Section 2, line 2, strike "8" and insert "7"

Section 3, clause (6), line 2, strike "4" and insert "3"

Section 3, clause (7), line 1, strike "5" and insert "4"

Section 4, clause (b), line 7, strike "3" and insert "2"

Section 4, clause (c), line 15, strike ", other than the requestor,"

Section 5, clause (a), line 4, strike "3" and insert "2"

The motion prevailed. So the amendment was adopted.

Mr. Tennessen then moved to amend the amendment placed on H. F. No. 1316, the printed bill, by the Committee on Judiciary, adopted by the Senate March 13, 1974, as follows:

Section 8, line 2, strike "criminal histories, criminal records or"

The motion prevailed. So the amendment was adopted.

H. F. No. 1316 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 38 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Olhoft	Solon
Arnold	Fitzsimons	Kirchner	Olson, A. G.	Spear
Borden	Frederick	Kowalczyk	Olson, H. D.	Stassen
Brown	Gearty	Laufenburger	Olson, J. L.	Stokowski
Chenoweth	Hansen, Mel	Moe	Patton	Tennessen
Chmielewski	Hughes	Nelson	Perpich, A. J.	Ueland
Coleman	Humphrey	North	Perpich, G.	
Conzemius	Josefson	Novak	Pillsbury	

Those who voted in the negative were:

Bernhagen	Purfeerst	Renneke	Wegener	Willet
Hansen, Baldy				

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

### SPECIAL ORDER

H. F. No. 530: A bill for an act relating to wild animals; designating timber wolves as big game animals and prescribing powers and duties of the commissioner of natural resources in relation thereto; amending Minnesota Statutes 1971, Section 97.40, Subdivision 8; 98.46, Subdivisions 2, 4 and 14; 99.25, Subdivision 7; 100.26, Subdivision 1; 100.27, Subdivision 9; and 100.29, Subdivision 14.

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 38 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Humphrey	Novak	Spear
Arnold	Davies	Keefe, S.	Olhoft	Stokowski
Ashbach	Dunn	Kowalczyk	Olson, A. G.	Tennessen
Bernhagen	Frederick	Laufenburger	Olson, H. D.	Ueland
Borden	Gearty	Milton	Pillsbury	Wegener
Brown	Hansen, Mel	Moe	Renneke	Willet
Chenoweth	Hanson, R.	Nelson	Sillers	
Coleman	Hughes	North	Colon	

Those who voted in the negative were:

Josefson	Patton	Perpich, A. J.	Perpich, G.	Purfeerst
Olson, J. L.				

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 234: A bill for an act relating to taxation; definition of terms in relation to the motor vehicle excise tax; amending Minnesota Statutes 1971, Section 297B.01, Subdivision 1.

Mr. Anderson moved to amend H. F. No. 234 as follows:

Page 1, before line 1, insert a new section 1 to read as follows:

"Section 1. Minnesota Statutes 1971, Section 279.01, is amended to read:

279.01 [DUE DATE, PENALTIES, INTEREST.] On June first, of each year, *with respect to property actually occupied and used as a homestead by the owner of the property*, a penalty of three percent shall accrue and thereafter be charged upon all unpaid taxes on real estate on the current lists in the hands of the county treasurer, *and a penalty of seven percent on nonhomestead property.* ~~and~~ Thereafter, for both homestead and nonhomestead property, on the first day of each month, up to and including November first following, an additional penalty of one percent for each month shall accrue and be charged on all such unpaid taxes. When the taxes against any tract or lot exceed \$10, one-half thereof may be paid prior to June first; and, if so paid, no penalty shall attach; the remaining one-half shall be paid at any time prior to November first following, without penalty; but, if not so paid, then a penalty of eight percent shall accrue thereon *for homestead property and a penalty of twelve percent on nonhomestead property.* If one-half of such taxes shall not be paid prior to June first, the same may be paid at any time prior to November first, with accrued penalties to the date of payment added, and thereupon no penalty shall attach to the remaining one-half until November first following; provided, also, that the same may be paid in installments as follows: One-fourth prior to April first; one-fourth prior to June first; one-fourth prior to September first; and the remaining one-fourth prior to November first, subject to the aforesaid penalties. Where the taxes delinquent after November first against any tract or parcel exceed \$40, they may be paid in installments of not less than 25 percent thereof, together with all accrued penalties and costs, up to the next tax judgment sale, and after such payment, penalties, interest, and costs shall accrue only on the sum remaining unpaid. Any county treasurer who shall make out and deliver or countersign any receipt for any such taxes without including all of the foregoing penalties therein, shall be liable to the county for the amount of such penalties.

Renumber the remaining section accordingly

Page 1, after line 18, add a new section 3 to read:

"Sec. 3. Section 1 of this act is effective the day following final enactment."

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

"A bill for an act relating to taxation; increasing the rate of interest penalties on delinquent real estate taxes; definition of terms in relation to the motor vehicle excise tax; amending Minnesota Statutes 1971, Section 279.01; and 297B.01, Subdivision 7."

The motion prevailed. So the amendment was adopted.

H. F. No. 234 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Olhoft	Sillers
Arnold	Fitzsimons	Kirchner	Olson, A. G.	Solon
Ashbach	Frederick	Kowalczyk	Olson, H. D.	Spear
Bernhagen	Gearty	Laufenburger	Olson, J. L.	Stassen
Borden	Hansen, Baldy	Lewis	Patton	Stokowski
Brown	Hansen, Mel	Lord	Perpich, A. J.	Tennessen
Chenoweth	Hanson, R.	Moe	Perpich, G.	Ueland
Chmielewski	Hughes	Nelson	Pillsbury	Wegener
Conzemius	Josefson	North	Purfeerst	Willet
Davies	Keefe, J.	Novak	Renneke	

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

### SPECIAL ORDER

H. F. No. 3398: A bill for an act relating to retirement; authorizing, under specified conditions and circumstances, a participant in the Minnesota unclassified employees retirement program to withdraw employer and employees shares therefrom and transfer such shares to the highway patrolmen's retirement fund.

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:

Arnold	Davies	Josefson	Nelson	Purfeerst
Ashbach	Dunn	Keefe, J.	North	Renneke
Bang	Fitzsimons	Keefe, S.	Olhoft	Sillers
Bernhagen	Frederick	Kirchner	Olson, A. G.	Solon
Borden	Gearty	Kowalczyk	Olson, H. D.	Spear
Brown	Hansen, Baldy	Laufenburger	Olson, J. L.	Stassen
Chenoweth	Hansen, Mel	Lewis	Patton	Stokowski
Chmielewski	Hanson, R.	Lord	Perpich, A. J.	Tennessen
Coleman	Hughes	Milton	Perpich, G.	Ueland
Conzemius	Humphrey	Moe	Pillsbury	Willet

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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	Brown	Fitzsimons	Hanson, R.	Keefe, S.
Arnold	Chmielewski	Frederick	Hughes	Kirchner
Ashbach	Conzemius	Gearty	Humphrey	Krieger
Bang	Davies	Hansen, Baldy	Josefson	Laufenburger
Bernhagen	Dunn	Hansen, Mel	Keefe, J.	Lewis

Lord	Novak	Patton	Renneke	Tennessee
Milton	Olhoft	Perpich, A. J.	Sillers	Ueland
Moe	Olson, A. G.	Perpich, G.	Solon	Willet
Nelson	Olson, H. D.	Pillsbury	Stassen	
North	Olson, J. L.	Purfeerst	Stokowski	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

Was read the third time and place 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:

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

So the bill passed and its title was agreed to.

## SPECIAL ORDER

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

Mr. Solon moved to amend H. F. No. 2349, the printed bill, as follows:

Page 1, after line 3, insert:

"Sec. 2. Minnesota Statutes, 1973 Supplement, Section 340.14, Subdivision 3, is amended to read:

Subd. 3. [SALES; WHERE FORBIDDEN.] No intoxicating liquors shall be sold in any of the following places:

- (1) Within the capitol or upon the grounds thereof;
- (2) Upon the state fairgrounds or at any place in a city of the first class within one half mile of such fairgrounds except as herein after otherwise provided by charter;
- (3) Upon the campus of the school of agriculture of the University of Minnesota or at any place in a city of the first class within one half mile of such campus except as hereinafter otherwise provided by charter;
- (4) Within 1,000 feet of any state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of public welfare or the commissioner of corrections. Whoever sells or otherwise disposes of intoxicating liquor at retail at a place prohibited by this clause is guilty of a gross misdemeanor;
- (5) In any town or municipality in which a majority of votes at the last election at which the question of license was voted upon shall not have been in favor of license, or within one half mile of any such municipality, except that any intoxicating liquor, manufactured within any such district, may be sold to be consumed outside of such district;
- (6) At any place on the east side of the Mississippi river within one mile of the main building of the University of Minnesota unless the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940 for and by former students of the University of Minnesota; and within one mile of the Kirby student center building of the University of Minnesota, Duluth Branch; a license may be issued under this clause notwithstanding any local law to the contrary;
- (7) Within 1,500 feet of any state college, except as herein after provided, or, when the place of sale is not within a municipality, within 1,500 feet of any public school outside of a municipality; within 1,200 feet at Winona state college, and at Southwest state college and in determining the distance, the measurement shall be along the most direct line from the nearest corner of the administration building of the college to the main entrance of the licensed premises; as to the Valley campus of the Mankato



state college in the city of Mankato when the place of sale is within 1,000 feet from the middle of the entrance into the main building which entrance is located on the easterly side of South 5th Street at a point where said street is intersected by East Jackson Street in the city of Mankato, or between the Valley campus and Highland campus or within 1,500 feet of the Highland campus;

(8) At more than five places on any one side of a block within and fronting upon the patrol limits of cities of the first class;

(9) The restrictions imposed by this subdivision shall not apply to any manufacturer or wholesaler of intoxicating liquors or to a drug store or to any person lawfully licensed to sell intoxicating liquor immediately prior to the enactment of this subdivision."

Page 1, line 4, after "Sec. 2." insert "Section 1 of"

Renumber the sections in sequence

Further, amend the title as follows:

Second line before the period, insert "; eliminating the prohibition of liquor sales in certain place; amending Minnesota Statutes, 1973 Supplement, Section 340.14, Subdivision 3"

Mr. Spear moved to amend the Solon amendment to H. F. No. 2349, the printed bill, as follows:

Strike all of clause (6)

Renumber the clauses in sequence

Further, amend the title as follows:

Strike the Solon title amendment and strike the title in its entirety and insert:

"A bill for an act relating to intoxicating liquor; authorizing one additional on-sale intoxicating liquor license in the city of Virginia; eliminating the prohibition of liquor sales in certain places; amending Minnesota Statutes, 1973 Supplement, Section 340.14, Subdivision 3."

The motion prevailed. So the amendment to the Solon amendment was adopted.

The question recurred on the adoption of the Solon amendment. The motion prevailed. So the amendment was adopted.

H. F. No. 2349 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. Perpich, G. moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 35 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kowalczyk	Nelson	Schaaf
Arnold	Gearty	Krieger	North	Solon
Bang	Hansen, Baldy	Larson	Olson, H. D.	Spear
Borden	Hanson, R.	Laufenburger	O'Neill	Stokowski
Chenoweth	Hughes	Lord	Perpich, A. J.	Tennessee
Coleman	Humphrey	Milton	Perpich, G.	Ueland
Conzemius	Keefe, S.	Moe	Pillsbury	Willet

Those who voted in the negative were:

Bernhagen	Fitzsimons	Josefson	Olhoft	Purfeerst
Brown	Frederick	Kirchner	Olson, J. L.	Renneke
Chmielewski	Hansen, Mel	Novak	Patton	Sillers
Dunn				

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

### SPECIAL ORDER

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

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 4, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Humphrey	Milton	Purfeerst
Arnold	Davies	Josefson	Moe	Schaaf
Ashbach	Dunn	Keefe, J.	Nelson	Sillers
Bang	Fitzsimons	Keefe, S.	North	Solon
Bernhagen	Frederick	Knutson	Olson, H. D.	Spear
Borden	Gearty	Kowalczyk	O'Neill	Stokowski
Brown	Hansen, Baldy	Krieger	Patton	Tennessee
Chenoweth	Hansen, Mel	Larson	Perpich, A. J.	Ueland
Chmielewski	Hanson, R.	Laufenburger	Perpich, G.	Willet
Coleman	Hughes	Lord	Pillsbury	

Messrs. Novak; Olhoft; Olson, J. L. and Renneke voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 2608: A bill for an act relating to cable communications; providing for interim certificates of confirmation; amending Laws 1973, Chapter 568, Sections 2, Subdivision 8, and by adding a subdivision; 4, Subdivision 9; 5, Subdivisions 2, 3, 6, and 7; 6, by adding subdivisions; 9, Subdivision 13 and adding a subdivision.

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:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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 21 and nays 30, as follows:

Those who voted in the affirmative were:

Chenoweth	Humphrey	Milton	Perpich, A. J.	Tennessen
Davies	Keefe, J.	Moe	Perpich, G.	
Gearty	Keefe, S.	North	Schaaf	
Hansen, Mel	Laufenburger	Novak	Spear	
Hughes	Lord	Olhoft	Stokowski	

Those who voted in the negative were:

Arnold	Conzemius	Josefson	Olson, H. D.	Renneke
Bang	Dunn	Knutson	Olson, J. L.	Sillers
Bernhagen	Fitzsimons	Kowalczyk	O'Neill	Stassen
Brown	Frederick	Larson	Patton	Ueland
Chmielewski	Hansen, Baldy	Lewis	Pillsbury	Wegener
Coleman	Hanson, R.	Nelson	Purfeerst	Willet

So the bill failed to pass.

### MEMBERS EXCUSED

Mr. Perpich, G. was excused from the balance of this evening's Session.

### SPECIAL ORDER

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

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, J.	North	Purfeerst
Arnold	Dunn	Keefe, S.	Novak	Renneke
Ashbach	Fitzsimons	Kirchner	Olhoft	Schaaf
Bang	Frederick	Knutson	Olson, A. G.	Sillers
Bernhagen	Gearty	Laufenburger	Olson, H. D.	Stassen
Brown	Hansen, Mel	Lewis	Olson, J. L.	Stokowski
Chenoweth	Hanson, R.	Lord	O'Neill	Ueland
Chmielewski	Hughes	Milton	Patton	Willet
Coleman	Humphrey	Moe	Perpich, A. J.	
Conzemius	Josefson	Nelson	Pillsbury	

Messrs. Hansen, Baldy; and Tennesen voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 3105: A bill for an act relating to status of disappeared persons; providing for receivers and the possession, management, and disposition of property; providing for proceedings to establish the date of death of a person who has disappeared and the eligibility for life insurance payments prior to determination of death; amending Minnesota Statutes 1971, Sections 487.14; 487.27, Subdivision 3, as amended; 518.01; 525.71; 576.01; 576.04; 576.10; 576.12, by adding a subdivision; 576.14; 576.15; 576.16; and Chapter 576, by adding sections.

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 3, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson, H. D.	Spear
Arnold	Gearty	Kowalczyk	Olson, J. L.	Stassen
Ashbach	Hansen, Baldy	Laufenburger	O'Neill	Stokowski
Bang	Hansen, Mel	Lewis	Patton	Tennesen
Bernhagen	Hanson, R.	Lord	Perpich, A. J.	Ueland
Brown	Hughes	Milton	Pillsbury	Willet
Chenoweth	Humphrey	Moe	Purfeerst	
Chmielewski	Josefson	Nelson	Renneke	
Davies	Keefe, S.	Olhoft	Sillers	
Dunn	Kirchner	Olson, A. G.	Solon	

Messrs. Keefe, J.; North and Novak voted in the negative.

So the bill passed and its title was agreed to.

### 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. 2928, pursuant to the request of the House:

Messrs. Novak, Ashbach and Tennesen.

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 H. F. No. 2236, pursuant to the request of the House:

Messrs. Thorup, Jensen, Josefson, Wegener and Moe.

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

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Conzemius moved that the vote whereby H. F. No. 2837 was passed by the Senate on March 22, 1974, be now reconsidered.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Tuesday, March 26, 1974. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.