

or on any board, commission or committee of county government or a total of \$400 for such service in any calendar year. *The chairman of the county board shall not be paid in excess of \$70 by way of per diems for service in any calendar month on a committee of the county board or on any board, commission or committee of county government or a total of \$700 for such service in any calendar year.*

Approved June 9, 1969.

CHAPTER 1134—S. F. No. 2208

[Not Coded]

An act relating to the St. Cloud metropolitan area; authorizing the organization of a St. Cloud metropolitan transit commission; providing for the appointment of commissioners thereto, and for the financing of the operations of said commission; conferring upon said commission certain powers and duties in relation to transit in the St. Cloud metropolitan area; providing tax levies and authorizing the issuance of bonds.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **St. Cloud metropolitan transit; definitions.** Subdivision 1. The definitions given in this section shall obtain for the purposes of sections 1 to 14 except as otherwise expressly provided or indicated by the context.

Subd. 2. "Transit commissioner" or "commissioner" means a member of the commission.

Subd. 3. "Municipality" or "municipal corporation" means the municipalities comprising the transit area as defined in section 2.

Subd. 4. "Person" means any human being, any municipality or other public corporation or other public agency, any private corporation, any copartnership, joint stock company or other company, association or other organization, or any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, but does not include the commission.

Subd. 5. "Public transit" means transportation of passengers for hire by means, without limitation, of a street railway, elevated railway, subway, underground railroad, motor vehicles, buses, or other means of conveyance operating as a common carrier on a regu-

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lar route or routes, or any combination thereof; provided, however, that "public transit" shall not include a common carrier railroad or common carrier railroads.

Subd. 6. "Public transit system" means, without limitation, a combination of property, structures, improvements, equipment, plants, parking or other facilities, and rights, or any thereof, used or useful for the purposes of public transit.

Subd. 7. "Mass transit system" means a public transit system the primary function of which is to provide rapid public transit for large numbers of passengers.

Subd. 8. "Operator" means any person engaged or seeking to engage in the business of providing public transit, but does not include persons engaged primarily in the transportation of children to or from school, in operating taxicabs, in operating buses, limousines, or other means for the transportation of passengers between a common carrier terminal station and a hotel or motel, in operating a common carrier railroad or common carrier railroads, or a person furnishing transportation solely for his or its employees or customers.

Sec. 2. Subdivision 1. **Creation; transit area; members.** There is hereby created a St. Cloud metropolitan transit commission, hereinafter referred to as "the commission". The St. Cloud transit area is composed of the city of St. Cloud, the village of Waite Park, the village of Sauk Rapids, which together may hereinafter be referred to as "the transit area". Each of such cities, villages, or townships are entitled to appoint, by resolution of the governing body of such municipality, *one representative member to the commission*, except that the city of St. Cloud shall appoint two members. Each representative member shall be entitled to one vote. Each representative member shall be a commissioner. The commission may, by agreement authorized by a majority of the members present at a meeting duly convened, include new municipalities in the transit area or, provided, that each new inclusion of a municipality shall entitle such municipality to one representative member on the commission.

Subd. 2. **Terms of transit commissioners.** The terms of the first transit commissioners shall expire on July 1 in the respective calendar years following 1969 as follows: one commissioner representing the city of St. Cloud in the first calendar year; one commissioner representing the village of Waite Park in the second calendar year; one commissioner representing the village of Sauk Rapids, and one commissioner representing the city of St. Cloud in the third calendar year. In the event that the membership of the commission is increased by the inclusion of additional municipalities as provided in subdivi-

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sion 1, the initial terms of the new members shall be resolved by a rule of the commission. Succeeding terms of all commissioners shall be three years. Each member shall serve until his successor has been selected and has qualified unless his tenure is terminated by resignation, removal, death, or otherwise as provided by law.

Subd. 3. Vacancies. Any vacancy in a commission membership, except a vacancy occurring by reason of the withdrawal of a municipality, shall be filled for the unexpired term in like manner as provided for selection of the regular incumbent. Any vacancy occurring by reason of the withdrawal of a municipality shall not be filled.

Subd. 4. Commissioners; time limits for selection; alternative appointment by governor. The first commissioners shall be selected as hereinbefore provided within 60 days after July 1, 1969. A successor to each commissioner shall be so selected at any time within 60 days before the expiration of his term. A selection to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.

Subd. 5. Commissioners; certificates of selection; oath of office. A certificate of the selection of every commissioner, stating the term for which he was selected, shall be made by the selecting municipality or its presiding and recording officers, with approval appended by other authority, if required, and filed with the secretary of state. Counterparts thereof shall be furnished to the commissioner and the secretary of the commission.

Subd. 6. Commissioners, officers, and employees; conflicting interests prohibited. No commissioner and no officer or employee of the commission having administrative or policy making authority shall:

(a) have any private financial interest, directly or indirectly, in any contract, work, or business of the commission or any public transit system subject to regulation by the commission;

(b) be in the employ of or hold any stock, bond, investment, or other financial interest in or private business relationship to any operator of a public transit system in the transit area.

Any violation of the provisions of this subdivision shall be a gross misdemeanor, and upon conviction thereof the defendant shall be deemed to be automatically removed from his position upon or under the commission forthwith, and shall be disqualified from holding such position.

Sec. 3. Commission; general provisions for organization and operation. Subdivision 1. **Organization; officers; meetings;**

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seal. Within 90 days after July 1, 1969, or as soon as practicable after the selection and qualification of a majority of the first members of the commission, they shall meet to organize the commission at the call of a majority of the members, upon seven days notice by registered mail to all those who have qualified, at a time and place within the area designated in the notice. A majority of the commissioners appointed shall constitute a quorum at that meeting and all other meetings of the commission. At that meeting the commission shall elect a chairman from its membership, a vice chairman, a secretary, and a treasurer, which latter two officers shall serve at the pleasure of the commission, to serve until the regular monthly meeting of the commission to be held in the month of July next following or until their successors are elected and have qualified. At that regular monthly meeting and at the regular meeting held in the month of July in alternate years thereafter the commission shall elect successors to those officers to serve for two years or until their successors are elected and have qualified. The commission shall hold a regular meeting at least once in each month at a time and place within the area designated by the commission. Special meetings may be held as directed by the commission or at the call of the chairman or any two commissioners upon at least seven days notice by mail to all commissioners. All meetings of the commission shall be open to the public. Any authorized action may be taken by the commission upon the vote of a majority of those members present at any meeting lawfully convened. The commission 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. The chairman, vice chairman, and secretary shall have the powers and duties usually incident to their respective offices and such others as may be prescribed for or delegated to them by the commission or as may be otherwise provided by law.

Subd. 2. Commission; rules and regulations. The commission may prescribe and promulgate rules and regulations as it deems necessary or expedient in furtherance of the purposes of sections 1 to 14 upon like procedure and with like force and effect as provided for state agencies by Minnesota Statutes, Sections 15.0411 to 15.0422, and acts amendatory thereof and supplementary thereto.

Subd 3. Commission; state treasurer to be treasurer; fiscal year. The treasurer shall receive, hold, disburse, invest, and otherwise dispose of all moneys of the commission as provided by law. Except as otherwise expressly provided, he shall disburse moneys of the commission only as directed by the commission or by any of its officers thereto authorized by the commission. The fiscal year of the commission shall be from July 1 to June 30.

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Subd. 4. Commissioners; compensation and expenses. A commissioner shall receive no compensation for his services except as hereinafter provided, but shall be reimbursed for actual and necessary expenses incurred in the performance of his duties. Each commissioner shall be paid such sum as the commission may determine, not exceeding \$35 for each day or part thereof spent in attending meetings of the commission; provided, that no commissioner shall receive more than \$2,500 for such attendance during the first 12 months beginning with and following the organization meeting, nor more than \$1,600 in any one calendar year thereafter. The secretary shall receive such compensation as the commission may determine, which may be in addition to his compensation as a commissioner if he is such.

Subd. 5. Commission; executive director; other officers and employees. The commission may appoint an executive director. He shall not be under civil service, and the commission shall prescribe the terms of his employment as to compensation, tenure, retirement, and other appropriate conditions, including, without limitation, any conditions applicable by law to public employees in the unclassified service so far as the commission shall so determine. He shall be subject to removal by the commission at any time. The executive director, if appointed, shall be the chief administrative officer of the commission and shall have the powers and duties incident thereto and such others as the commission may prescribe in furtherance of the provisions of sections 1 to 14, including such powers of the commission as it may see fit to delegate to him except those expressly required by law to be exercised by the commission. The commission may appoint or employ such other regular officers and employees as it deems necessary in furtherance of the purposes of sections 1 to 14 and prescribe their terms of employment, powers, and duties, subject to applicable civil service laws and other laws relating to public employees except as otherwise expressly provided. In addition thereto the commission may engage by contract, upon such terms as it may see fit, attorneys, engineers, consultants, agents, and other professionally qualified persons for such special purposes as the commission deems necessary in furtherance of the purposes of sections 1 to 14, subject to removal at the pleasure of the commission.

Subd. 6. Commission; officers and employees; retirement systems and other benefits. The commission is a governmental subdivision as that term is used in Minnesota Statutes, Section 353.01, Subdivision 6, but this subdivision shall not reduce the obligations of the commission as set forth elsewhere in sections 1 to 14.

Subd. 7. Commission; bonds of officers and employees.

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The commission may require bonds of any of its officers or employees except the treasurer, conditioned as required by law for the bonds of public officers and with such further provisions as the commission may determine, with corporate surety for which the premiums shall be paid out of the funds of the commission. The state treasurer's bond shall be security for the funds of the commission in his keeping in like manner as for state funds, and any increase of premium for such bond required on account of the commission's funds shall be paid therefrom.

Subd. 8. Commission; legal status; general powers. The transit area, with the commission as its governing body, shall be a public corporation and a political subdivision of the state. All the powers vested and obligations or duties imposed upon the commission and acts of the commission by sections 1 to 14 shall be deemed to be those of the transit area wherever necessary or appropriate, and shall be exercised, performed, and discharged in behalf of the area by the commission in its name as a public corporation and with like force and effect as if done in the name of the area, and for all such purposes, the commission shall have the same status and powers as the area. The chairman and secretary of the commission shall have such powers as are delegated to them by the commission. The commission may sue and be sued and may enter into contracts which may be necessary or proper.

Except as otherwise provided, the commission may, within the transit area, and subject to the prior approval of the St. Cloud area metropolitan planning commission, acquire by purchase, lease, gift, or condemnation proceedings any real or personal property, franchises, easements, or other rights which may be necessary or proper and may acquire real property in such manner for use as terminal facilities, maintenance and garage facilities, ramps, parking areas and other facilities useful for or related to any public transit system. The commission shall have power to acquire by purchase, lease, or gift all or any part of the plant, equipment, shares of stock, property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the area, and to lease property and to transfer or convey by sale or otherwise any property or rights to others, or to exchange the same for other property or rights which are useful for its purposes, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The commission, without limitation, may acquire or construct and equip terminal facilities, maintenance and garage facilities, ramps, transit lanes or rights of way, parking areas and other facilities useful for or related to any public transit system and may hold,

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use, improve, operate, maintain, lease, sell, or otherwise dispose of any of its property to others and may contract with any operator or other person for the use by any such operator or person of any such property or facilities under its control. The commission shall not acquire any existing public transit system or any part thereof by condemnation. In the determination of the fair value of the existing public transit system, there shall not be included any value attributable to expenditures for improvements by the transit commission.

The commission may accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity for such purposes, may enter into any agreement required in connection therewith, may comply with any federal or state laws or regulations applicable thereto, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. The commission may establish an executive committee, a finance committee, and such other committees of its members as it deems necessary or proper in furtherance of the provisions of sections 1 to 14, and may authorize them to exercise in the intervals between commission meetings any powers of the commission except those expressly required by law to be exercised by the commission.

Subd. 9. Management contracts. Notwithstanding any of the other provisions of sections 1 to 14, the commission shall have powers, in lieu of directly operating any public transit system, or any part thereof, to enter into management contracts with any persons, firms, or corporations for the management of said system for such period or periods of time, and under such compensation and other terms and conditions as shall be deemed advisable and proper by the commission and such persons, firms, or corporations.

Such persons, firms, or corporations entering into management contracts with the commission may employ necessary personnel for the operation and maintenance of said system as well as perform consulting and supervisory services for the commission. An incentive fee may be included in any management contract that is negotiated. The employees of any public transit system operated pursuant to the provisions of this subdivision shall, in case of any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, have the right, for the purpose of resolving such dispute, either to engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by Minnesota Statutes, Chapter 572, subject to any applicable provisions of the agreement not inconsistent with law.

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Sec. 4. St. Cloud metropolitan transit commission: finances. Subdivision 1. **Wheelage tax; classification of motor vehicles.** For the purposes of the transit area wheelage tax hereinafter provided for, all motor vehicles which use public streets or highways within the transit area, which are kept at any place within the area when not in operation, and which are subject by law to annual registration and payment of a state motor vehicle tax are hereby classified, in addition to and without superseding any other classification, as metropolitan transit area motor vehicles, to be known as transit area motor vehicles. Any motor vehicle which is or is to be so kept and so subject at any time during the calendar year or years for which such tax is levied shall be presumed to be within such class and subject to the wheelage tax for such year or years.

Subd. 2. **Wheelage tax; levy; purposes.** To provide funds for the purposes of sections 1 to 14 the transit commission on or before August 1 in any year shall levy on all transit area motor vehicles a wheelage tax, known as the transit area wheelage tax, in the sum of \$1 per year for any succeeding calendar year or years. Such tax shall be in addition to the state motor vehicle tax and other wheelage taxes, if any, and shall not be subject to any limitations prescribed by law except as herein expressly provided. The wheelage tax shall be deemed to be exclusively for public highway purposes by reason of the reduction through the establishment of the means of mass transit of the size, number, and cost of public highways which are now and must in the future be constructed, operated, and maintained in the transit area, and by reason of the reduction through said means of the traffic congestion and hazards and other harmful conditions on the public highways in the area resulting from lack of adequate provision for public transit therein.

Subd. 3. **Wheelage tax; collection by registrar of motor vehicles.** The transit area wheelage tax when levied shall be certified by the commission to the state registrar of motor vehicles not later than August 1 in the year before the calendar year or years for which the tax is levied, and the registrar shall collect such tax with the motor vehicle taxes on the affected vehicles for such year or years. Every owner and every operator of such a motor vehicle shall furnish to the registrar such applications, reports, and other information as the registrar shall prescribe and provide for all forms required therefor. No motor vehicle tax on any such motor vehicle for any such year shall be received or deemed paid unless the wheelage tax is paid therewith. Except as otherwise herein provided, the proceeds of the transit area wheelage tax when collected shall be paid to the treasurer of the commission and credited by him to the funds of the commission.

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Subd. 4. Wheelage tax; costs of collection. Subject to the further provisions of this subdivision, the commission shall pay all costs of collection of the transit area wheelage tax in excess of the costs of collection of the motor vehicle tax, and may provide for advancement of funds therefor so far as necessary. Whenever there are moneys in the transfer of ownership revolving fund under Minnesota Statutes, Section 168.54, in excess of the amounts needed for the purposes therein specified, the registrar may use such excess moneys for costs of collection of the wheelage tax, to be reimbursed by the treasurer out of proceeds of the wheelage tax as soon as received unless such reimbursement has been otherwise provided for by the commission.

Subd. 5. Penalties; application of other laws. Any owner or operator of a transit area motor vehicle who shall wilfully make any false statement in an application, report, or other information required by the registrar of motor vehicles for the purpose of collecting the wheelage tax, or who shall wilfully fail or refuse to furnish any such application, report, or information shall be guilty of a misdemeanor. Except as otherwise herein provided, the collection and payment of the wheelage tax and all matters relating thereto shall be subject to all provisions of law relating to collection and payment of motor vehicle taxes so far as applicable.

Subd. 6. Wheelage tax; use of proceeds. The commission may use not to exceed \$15,000 out of the proceeds of the transit area wheelage tax in any calendar year for administrative expenses of the commission. The remainder of such proceeds may be used for other purposes under the provisions of sections 1 to 14.

Subd. 7. Commission; borrowing money; certificates of indebtedness. The commission, if authorized by vote of at least two thirds of all its members, may borrow money on such terms as it deems proper, and may issue certificates of indebtedness in anticipation of collection of the wheelage tax upon like procedure and subject to like provisions and limitations as provided by Minnesota Statutes, Section 412.261, and acts amendatory thereof or supplementary thereto.

Sec. 5. Revenue bonds. Subdivision 1. **Authority to issue; purposes.** The commission shall have authority to issue negotiable revenue bonds for any one or more of its powers and purposes, including the following: to construct and equip terminal facilities, maintenance and garage facilities, ramps, parking areas, or similar facilities used or useful in connection with a public transit system or part thereof; to acquire, improve, extend, or reconstruct any public

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transit system or any part thereof; to acquire any property or equipment useful for the construction, reconstruction, extension, improvement, or operation of any public transit system or any part thereof; to acquire any other real or personal property, franchises, easements, transit lanes, rights of way or other rights used or useful in connection with a public transit system or any part thereof; and to refund revenue bonds issued for any such purposes.

Subd. 2. Resolution, terms, sales. Revenue bonds under this section shall be issued in such amounts, times, and series as the commission by resolution shall determine and shall mature within 40 years from their date. No election shall be necessary to authorize the issuance of revenue bonds by the commission. Such revenue bonds may be sold at public or private sale or may be issued in exchange for bonds refunded thereby or property acquisitions or contract obligations funded thereby. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest and other terms of the bonds shall be subject to the provisions of Minnesota Statutes, Sections 475.54 to 475.56.

Subd. 3. Revenue bonds. Revenue bonds issued under this section shall not constitute a debt of the state or of any municipal corporation or political subdivision and no ad valorem tax levy may be compelled for their payment except as provided in section 10 where the wheelage tax is held invalid but they shall be payable only from the revenues of the commission pledged by the commission to payment of principal thereof and interest thereon, and they shall so recite. At or before the issuance of revenue bonds, the commission shall pledge and appropriate to the payment of principal and interest the gross or net revenues of the public transit system or some part thereof, and may pledge and appropriate other revenues of the commission, as described and defined in the authorizing resolution.

Subd. 4. Covenants, trust indenture. By the authorizing resolution, the commission may provide covenants for the protection of the bondholders relating to disposition of bond proceeds and revenues; reserves and investment thereof; construction, acquisition, repair, replacement, operation and insurance of the public transit system facilities; accounting and reports; issuance of parity or subordinate lien bonds; rates and charges to be established or maintained; competing public transit systems; and such other covenants as the commission shall find to be usual and reasonably necessary for the protection of transit system revenue bondholders. Among other covenants, the commission is authorized to covenant on behalf of the state that the state will not limit or alter the power and obligation of the

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commission to establish, increase and collect pledged moneys sufficient to pay expenses of operation and maintenance and provide debt service on the bonds and to covenant on behalf of the state and each municipality or other political subdivision that no franchise, license, or permit shall be granted or renewed for any public transit system or part thereof which would compete with the public transit system or part thereof the revenues of which are pledged. The commission may also define the event or events of default and other requisites for suit by bondholders or their representatives, conditions of bond registration or replacement, and conditions upon which any covenant may be amended. Any terms, covenants, or conditions of revenue bonds to be provided by resolution of the commission may instead be set forth in a trust indenture with a corporation having trust powers appointed by the commission to represent and act for bondholders and to hold and disburse pledged moneys and to perform such other duties as may be provided in the trust indenture, but no such trust indenture shall confer or authorize any mortgage lien on the real or operating properties or general funds of the commission.

Subd. 5. Legal investments. Revenue bonds issued by the commission may be purchased by the state board of investment for any trust fund of the state or other fund administered by such board, and shall be proper for investment of any funds by any savings bank, trust company, insurance company or public or municipal corporation, and may be pledged by any bank or trust company as security for the deposit of public moneys.

Subd. 6. Tax exempt. Revenue bonds of the commission shall be deemed and treated as instrumentalities of a public government agency and as such, together with interest thereon, exempt from taxation.

Sec. 6. Commission; special provisions. Subdivision 1. **Condemnation of public property or property of public service corporations.** The commission may exercise the right of eminent domain as provided by Minnesota Statutes, Chapter 117, and acts amendatory thereof or supplementary thereto for the purpose of acquiring any land, waters, easements, or other rights or interests therein which it is herein authorized to acquire by condemnation. The fact that any such property is owned by or is in charge of a public agency or a public service corporation organized for a purpose specified in Minnesota Statutes, Section 300.03, or is already devoted to a public use or to use by such a corporation or was acquired therefor by condemnation shall not prevent its acquisition by the commission by condemnation; provided, that in the case of such property in actual public use or in actual use by such a corporation for any pur-

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pose of interest or benefit to the public, the taking thereof by the commission by condemnation shall not be authorized unless the court shall find and determine that there is greater public necessity for the proposed use by the commission than for the existing use thereof. Except in case of property in actual public use or in actual use by such a public service corporation for a purpose of interest or benefit to the public, the commission may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings.

Subd. 2. Voluntary transfer of public property to the commission. Any state department or other agency of the state government or any county, municipality, or other public agency may sell, lease, grant, transfer, or convey to the commission, with or without consideration, any facilities or any part or parts thereof or any real or personal property or interest therein which may be useful to the commission for any authorized purpose. In any case where the construction of any such facilities has not been completed, the public agency concerned may also transfer, sell, assign, and set over to the commission, with or without consideration, any existing contract for the construction of the facilities.

Subd. 3. Commission; investigation of need for changes in existing systems. Notwithstanding the provisions of any law or municipal charter or ordinance to the contrary, the commission, on its own motion or on petition of any operator, municipality, or other public agency, may investigate the need for changes in existing routes, schedules, and stops in effect in any public transit system now or hereafter operating in the transit area. In conducting such investigation, the commission shall consider recommendations as to the subject matter made by any affected municipality or other public agency, and shall give due consideration to street surfaces, traffic conditions, cost of operations, and the planning programs of such municipalities or agencies. In connection with any such investigation, the commission may hold hearings on any matter under consideration, affording all parties concerned an opportunity to appear and be heard thereat. If upon any such investigation or hearing the commission finds that there is no need for any change in existing conditions or operations, it shall make an order so determining and discontinuing the investigation. If the commission finds that there is need for any such change, it shall proceed as provided in subdivision 4.

Subd. 4. Commission; proceedings for changes before public service commission. If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commis-

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sion shall file a petition for the proposed change or changes with the secretary of the public service commission and serve copies thereof on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving such a petition, the public service commission shall set a hearing thereon at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the public service commission an answer stating the grounds of such opposition and serve a copy thereof on the secretary of the transit commission. If no such answers are so filed and served within such 30 day period, the public service commission shall, upon finding that the change proposed in the petition is in the public interest, order such change. If any answer opposing the petition is received by the public service commission within such 30 day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and regulations. An appeal from the action of the public service commission in any such matter may be taken as provided by Minnesota Statutes, Sections 216.24 and 216.25 and acts amendatory thereof or supplementary thereto.

Subd. 5. Transit commission; proceedings before public service commission and other authorities. The transit commission may petition the public service commission for changes in rates of operators of public transit systems serving the transit area. Upon receipt of such petition, the public service commission shall order a hearing and conduct further proceedings thereon as provided by Minnesota Statutes, Section 221.041, and other applicable laws and regulations. The transit commission may appear in behalf of the public interest in any such proceedings or in any other proceeding before the public service commission, the interstate commerce commission, the courts, or other public authorities involving any matter relating to public transit within or affecting the transit area.

Subd. 6. Succession to powers of public service commission. There shall be transferred to and vested in the transit commission all of the powers and functions of the Minnesota public service commission with respect to any public transit system or part thereof which shall have been acquired or constructed by and is owned and operated by or under the authority of the transit commission. Whenever and so long as such public transit system or systems in the aggregate serve in excess of 50 percent of the persons using public transit systems in the area as determined by the public service commission, all of the powers and functions of the public service commission over all public transit systems in the area shall be trans-

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ferred to and vested in the transit commission. With respect to a public transit system or any part thereof over which the transit commission shall exercise the powers and functions of the public service commission as hereinbefore provided the exercise of such powers and functions by the transit commission shall be exclusive and the public service commission shall not have authority to exercise such powers and functions with respect thereto. An appeal from any order or decision of the transit commission may be taken by any party aggrieved thereby in like manner and with like effect as provided by law for appeals in corresponding cases from the orders or decisions of the public service commission.

Subd. 7. Relocation of displaced persons. The commission may plan for and assist in the relocation of individuals, families, business concerns, nonprofit organizations, and others displaced by operations of the commission, and may make relocation payments in connection therewith in accordance with federal regulations.

Subd. 8. Commission; insurance. The commission may provide for self insurance or may otherwise provide for the insurance of any of its property, rights, or revenue, workmen's compensation, public liability, or any other risk or hazard arising from its activities, and may provide for insuring any of its officers or employees against any such risk or hazard at the expense of the commission.

Subd. 9. Entry on premises for investigations. The commission may enter in a reasonable manner upon any lands, waters, or premises for the purpose of making any reasonably necessary or proper surveys, soundings, drillings, and examinations. No such entry shall be deemed a trespass, except that the commission shall be liable for any actual and consequential loss, injury, or damage therefrom.

Subd. 10. Inspection of books and papers. The commission or its authorized agents may require the production of accounts, books, records, memoranda, correspondence, and other documents and papers of any operator relating to his or its public transit operations in the transit area, may inspect and copy any thereof at the operator's place of business, and shall have access to and may inspect any of the lands, buildings, facilities, or equipment of any such operator used for such operations.

Subd. 11. Commission; auditor of finances. The commission shall employ a certified public accountant or firm thereof to make an annual audit of the commission's financial accounts and affairs, and copies of the report thereof shall be filed and kept open to public inspection in the offices of the secretary of the commission, the secretary of state, the county auditors of all counties and the clerks,

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secretaries, or other recording officers of all municipalities in the transit area.

Sec. 7. Labor provisions. If the commission acquires an existing transit system, the commission shall assume and observe all existing labor contracts and pension obligations. All employees of such system except executive and administrative officers who are necessary for the operation thereof by the commission shall be transferred to and appointed as employees of the commission for the purposes of the transit system, subject to all the rights and benefits of sections 1 to 14. Such employees shall be given seniority credit and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transit system. The commission shall assume the obligations of any transit system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. The commission and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representatives transferred to the trust fund to be established, maintained and administered jointly by the commission and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the commission shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employee of such acquired transportation system.

Sec. 8. Commission; annual reports. The commission on or before November 30, 1969, and annually thereafter, shall prepare a report for the preceding fiscal year, also, so far as practicable, for the further time up to the preparation of the report, containing, in addition to such other matters as the commission may deem proper, the following:

- (a) the activities of the commission during the period covered by the report;
- (b) the financial condition of public transit systems under the control of the commission;
- (c) a complete financial accounting of moneys received and spent by the commission during the fiscal year;

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(d) recommendations for improvements of or additions to the mass transit facilities of the area to provide adequate, speedy, and efficient means of transporting people therein;

(e) recommendations for any needed legislation in furtherance of the aforesaid purposes.

Each report shall be filed with the secretary of the commission and a copy shall be filed with the secretary of state. Copies shall also be submitted to the legislature at the opening of each regular session after July 1, 1969, and shall be distributed annually to the governor and to each member of the legislature, county commission, and elected chief executive of each municipality in the transit area.

Sec. 9. Commission; exemption from taxation. Notwithstanding any other provision of law to the contrary, the properties, moneys, and other assets of the commission, all revenues or other income of the commission, and all bonds, certificates of indebtedness, or other obligations issued by the commission, and the interest thereon, shall be exempt from all taxation, licenses, fees, or charges of any kind imposed by the state or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

Sec. 10. Property tax in lieu of wheelage tax if insufficient or invalidated. In case the provisions of sections 1 to 14 for levy or collection of the transit area wheelage tax shall be insufficient to meet an operating deficit or held invalid by the final decision of a court of competent jurisdiction so as to make such tax uncollectible, the commission shall, in lieu thereof, and subject to the further provisions hereof, annually levy a direct tax on all the taxable property in the transit area at a rate sufficient to produce an amount equivalent to the deficit or the amount that would have been produced by the wheelage tax, or so much thereof as may be necessary for the purposes of sections 1 to 14, other than the payment of principal and interest due on any revenue bonds issued pursuant to section 5. Such latter amount shall be determined by the commission on the basis of estimates furnished by the registrar of motor vehicles as to the number of transit area motor vehicles in the year for which the property tax is levied. Property taxes levied under this section shall be certified by the commission to the county auditors of the transit area, extended, assessed, and collected in like manner as provided by law for the regular property taxes levied by the governing bodies of cities or villages. The proceeds of the taxes levied under this section shall be remitted by the respective county treasurers to the treasurer of the commission, who shall credit the same to the funds of the commission for use for the purposes of sections 1 to 14 in like manner as if derived from the pro-

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

ceeds of the wheelage tax, subject to any applicable pledges or limitations on account of tax anticipation certificates or other specific purposes. At any time after making a tax levy under this section and certifying the same to the county auditors, the commission may issue general obligation certificates of indebtedness in anticipation of the collection of such taxes in like manner and upon like conditions as hereinbefore provided for the issuance of such certificates in anticipation of the collection of the wheelage tax.

Sec. 11. Multi-purpose metropolitan agency; subsequent creation by legislature. The commission shall so plan and conduct its operations and projects that if the legislature subsequently enacts legislation creating a single multi-purpose metropolitan public agency to handle a variety of problems affecting the transit area, and gives such agency powers and duties relating to public transit which are substantially the same as or greater than those given the commission by sections 1 to 14, with provisions which result in making the commission subject to such agency or merging the commission therein or transferring the powers and duties of the commission thereto or terminating the existence of the commission or otherwise disposing of its affairs, the commission will be prepared to comply therewith in accordance with the intent of the legislature.

Sec. 12. Act exclusive. The exercise by the commission of the powers provided in sections 1 to 14 shall not be subject to regulation by or the jurisdiction or control of any other public body or agency, either state, county, or municipal, except as specifically provided in sections 1 to 14, and further except that in the event a public body or agency shall be created to exercise the powers of the commission as provided in sections 1 to 14, such powers shall be exercised by such other public body or agency.

Sec. 13. Severability of provisions. The provisions of sections 1 to 14 shall be severable, and if any provision thereof or the application of any such provision under any circumstances is held invalid, it shall not affect any other provision of sections 1 to 14 or the application of any provision thereof under different circumstances.

Sec. 14. Citation. Sections 1 to 14 may be cited as the St. Cloud metropolitan transit commission act of 1969.

Approved June 9, 1969.

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