

less than one gallon to be supplied by a water cooler, the same shall be in a sanitary, clean and operating condition.

Sec. 2. Minnesota Statutes 1971, Section 219.551, Subdivision 6, is amended to read:

Subd. 6. Each operating unit purchased new, and not reconditioned, put into service from an initial terminal shall be equipped with a dry hopper, gas or electric incinerator or other suitable toilet facility, if such operating unit is used for a road operation of 50 miles or more away from the initial terminal. After July 1, 1972, each consist used in road operations of 50 miles or more away from the initial terminal shall have at least one operating unit equipped with a dry hopper, gas or electric incinerator or other suitable toilet facility; provided, however, in the case of transfer or switching service or emergency or emergency need for additional diesel power equipment, this requirement shall not apply. When put into service from an initial terminal, all diesel toilet facilities shall be in a sanitary, clean and operating condition. Unless otherwise actually required by operating conditions or emergency, the operating unit having the toilet facilities shall be positioned at the head end of a consist.

Sec. 3. Minnesota Statutes 1971, Section 219.551, is amended by adding a subdivision to read:

Subd. 6a. The diesel toilet facilities and water cooler facilities required by this section shall be kept in a sanitary, clean and operating condition. In the event of a failure of the required equipment and standards of maintenance occurs after a locomotive has commenced to move in service, the railroad operating that locomotive shall not be deemed in violation of this section if said failure of equipment or standards of maintenance is corrected at the next initial terminal.

Sec. 4. This act is effective January 1, 1974.

Approved April 19, 1973.

CHAPTER 114—H.F.No.1102

[Not Coded]

An act relating to the port authority of Winona; amending Laws 1967, Chapter 541, Section 1, as amended.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Laws 1967, Chapter 541, Section 1, as amended by Laws 1969, Chapter 98, is amended to read:

Section 1. **WINONA, CITY OF; PORT AUTHORITY.** The city council of the city of Winona by resolution may establish a port authority and a commission thereof to be known as the "port authority of Winona". The provisions of Minnesota Statutes, Sections 458.09 to 458.1991, with all the powers and duties therein granted, shall apply to such port authority and the city of Winona in the same manner and to the same extent that they apply to any port authority established in section 458.09, except a seaway port authority, and to the city in which any such port authority is established; provided that:

(1) Section 458.195, subdivisions 3 and 4, and sections 458.198 and 458.199 shall not apply;

(2) Any action taken by the port authority under the provisions of section 458.191, section 458.192, subdivision 3, or section 458.194, shall be approved by resolution of the city council before it shall become effective;

(3) The city of Winona, by resolution of the city council, may provide the port authority with such personnel and staff, either temporarily, provisionally, or permanently assigned, on such terms and conditions as it may deem appropriate, and may appropriate and budget such funds for the administration of the port authority as it shall deem necessary and appropriate, which money shall be budgeted, used, and accounted for in accordance with the charter and ordinances of the city of Winona;

(4) The determination that property sought by eminent domain proceedings is marginal land shall be a judicial question, provided that a duly adopted resolution of the port authority, approved by resolution of the city council, that the property sought is marginal land as defined in Minnesota Statutes, Sections 458.09 to 458.1991, setting forth the characteristics of the land sought to be acquired, shall be *prima facie* evidence that such land is marginal as so defined;

(5) The port authority shall have all of the powers granted to port authorities by Minnesota Statutes, Chapter 474, to be exercised within and outside its corporate limits but only subject to approval by resolution of the city council;

(6) Notwithstanding any other provision of law, revenue bonds issued by the port authority may be negotiated and sold at a price resulting in an average annual net interest rate on the bonds exceeding six percent but not exceeding seven percent per annum computed to the stated maturities;

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(7) The port authority shall have no power to levy special assessments or establish local improvement districts;

(8) The city of Winona, or the port authority with the approval by resolution of the city council, may exercise any and all of the powers referred to in Minnesota Statutes, Section 471.191 for the acquisition and betterment of recreational land, buildings, and facilities within or outside their corporate limits; and

(9) On or before October 15 in each year the port authority shall report to the city council the amount of earnings, income, or other surplus funds which are in its judgment available for transfer to the sinking fund for any general obligation bonds of the authority, for the reduction of tax levies for the payment of such bonds, and the council shall determine by resolution what amount shall be so transferred; and

(10) The port authority shall have the power to purchase or lease real property in the state of Wisconsin for barge fleeting purposes or recreation activities or both.

Sec. 2. This act shall become effective upon approval of the port authority of Winona and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 19, 1973.

CHAPTER 115—H.F.No.1268

An act relating to railroads; regulations; requiring certain equipment on caboose cars; amending Minnesota Statutes 1971, Section 219.56.

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

Section 1. Minnesota Statutes 1971, Section 219.56, is amended to read:

219.56 RAILROADS; CABOOSE CARS; EQUIPMENT. It shall be unlawful for any person, corporation, or company operating any railroad in the state to require or permit the use of any caboose cars unless the caboose cars be at least 24 feet in length, exclusive of platforms, and be provided with a door at each end thereof, and with dry hopper, gas or electric incinerator or other

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