

STATE OF MINNESOTA
SPECIAL SESSION — 1979

FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 24, 1979

In obedience to the proclamation of the Honorable Albert H. Quie, Governor of the State of Minnesota, summoning the two Houses of the Legislature to meet in special session, the members of the House of Representatives assembled in the chamber of the House of Representatives at the capitol in Saint Paul on Thursday, the twenty-fourth day of May, 1979, at 9:00 a.m.

PROCLAMATION FOR SPECIAL SESSION 1979

Whereas, Essential legislation to provide for the welfare of the people of Minnesota and for the operation of State government for the next biennium has not been acted upon by the Legislature; and

Whereas, The time permitted by law for passage of such legislation during the 1979 Session of the Legislature has expired and an extraordinary occasion is thereby created; and

Whereas, Article IV, Section 12 of the Constitution of the State of Minnesota provides that a special session of the Legislature may be called on extraordinary occasions;

Now, Therefore, I, Albert H. Quie, Governor of the State of Minnesota do hereby summon you, members of the Legislature, to convene in Extra Session on Thursday, May 24, 1979, at 9:00 in the morning on that day at the Capitol in Saint Paul, Minnesota.

It is my sincere hope that the Legislature will conclude its work in one day and that it will abide by the agreement of the leaders of the Legislature to limit its work to consideration of workers compensation legislation, the energy bill, the appropriations bill for transportation, and whether provision for the Saint Paul Downtown People Mover should be made in the appropriations bill for transportation.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this twenty-third day of May in the year of our Lord one thousand nine hundred seventy-nine, and of the State the one hundred twenty-second.

ALBERT H. QUIE
Governor

Attest:
JOAN ANDERSON GROWE
Secretary of State

At the hour of 9:00 a.m. and pursuant to the Proclamation of the Governor and pursuant to Minnesota Statutes 1978, Section 3.073, the Honorable Rodney N. Searle, Speaker of the House, called the House of Representatives to order.

Prayer was offered by the Chaplain.

The Chief Clerk called the roll by legislative districts in numerical order, and the following members answered to their names:

District 1A	
District 1B	John Corbid
District 2A	Tony Stadum
District 2B	Willis R. Eken
District 3A	Irvin N. Anderson
District 3B	Norman R. Prahl
District 4A	John A. Ainley
District 4B	Glen A. Sherwood
District 5A	Dominic J. Elioff
District 5B	Lona Minne
District 6A	Joseph R. Begich
District 6B	David Battaglia
District 7A	Willard Munger
District 7B	Mike Jaros
District 8A	Arlene Lehto
District 8B	Thomas R. Berkelman
District 9A	Dwaine Hoberg
District 9B	Merlyn Valan
District 10A	Jim Evans
District 10B	Bob Anderson
District 11A	Paul Aasness
District 11B	Dave Fjoslien
District 12A	Bruce G. Nelsen
District 12B	Stephen G. Wenzel
District 13A	Paul Thiede
District 13B	Marlin B. "Doc" Nelsen
District 14A	Douglas W. Carlson
District 14B	Mary Murphy

District 15A	Delbert F. Anderson
District 15B	Glen H. Anderson
District 16A	Joseph Niehaus
District 16B	B. J. Brinkman
District 17A	Al W. Patton
District 17B	James C. Pehler
District 18A	Richard J. Welch
District 18B	Bob McEachern
District 19A	John T. Clawson
District 19B	John L. Weaver
District 20A	Ray Welker
District 20B	Cal Ludeman
District 21A	Dean E. Johnson
District 21B	Gaylin Den Ouden
District 22A	Adolph L. Kvam
District 22B	Tony Onnen
District 23A	Raymond J. Albrecht
District 23B	Carl M. Johnson
District 24A	Robert E. Vanasek
District 24B	Marnie Luknic
District 25A	Steve Sviggum
District 25B	Lyle Mehrkens
District 26A	Bruce W. "Buzz" Anderson
District 26B	Wendell O. Erickson
District 27A	George Mann
District 27B	David Jennings
District 28A	Gilbert Esau
District 28B	Terry Dempsey
District 29A	Mark Piepho
District 29B	Richard E. Wigley
District 30A	Henry J. Kalis
District 30B	Rod Searle
District 31A	M. R. "Bob" Haukoos
District 31B	Leo Reding
District 32A	John S. Biersdorf
District 32B	Donald L. Friedrich
District 33A	John R. "Dick" Kaley
District 33B	Kenneth P. Zubay
District 34A	Warren "Tom" Stowell
District 34B	Tom Stoa
District 35A	Elton R. Redalen
District 35B	Al W. Wieser, Jr.
District 36A	Kenneth J. McDonald
District 36B	Tom Rees
District 37A	Shirley A. Hokanson
District 37B	James C. Swanson
District 38A	Kathleen Blatz
District 38B	Bill Peterson
District 39A	Mary M. Forsythe
District 39B	Ray O. Pleasant
District 40A	Douglas R. Ewald
District 40B	Gerald C. Knickerbocker
District 41A	Sally Olsen
District 41B	Elliott Rothenberg

District 42A	Tad Jude
District 42B	Robert L. Searles
District 43A	O. J. "Lon" Heinitz
District 43B	James Heap
District 44A	Lyndon R. Carlson
District 44B	Leo G. Adams
District 45A	William Schreiber
District 45B	Robert L. Ellingson
District 46A	Paul McCarron
District 46B	Wayne Simoneau
District 47A	Joel Jacobs
District 47B	Gordon O. Voss
District 48A	Steven G. Novak
District 48B	John T. Rose
District 49A	Don Valento
District 49B	Robert W. Reif
District 50A	
District 50B	Richard J. Kostohryz
District 51A	Gary Laidig
District 51B	Michael Sieben
District 52A	James P. Metzen
District 52B	Harry Sieben, Jr.
District 53A	Ray Kempe
District 53B	Charles C. Halberg
District 54A	Carl W. Kroening
District 54B	James I. Rice
District 55A	Stanley J. Fudro
District 55B	John J. Sarna
District 56A	James R. Casserly
District 56B	Dee Long
District 57A	Phyllis L. Kahn
District 57B	Leon "Lee" Greenfield
District 58A	Bill Dean
District 58B	Todd Otis
District 59A	Linda L. Berglin
District 59B	Ken Nelson
District 60A	Janet Clark
District 60B	Stanley A. "Stan" Enebo
District 61A	William A. Crandall
District 61B	James Norman
District 62A	Ann Wynia
District 62B	M. D. "Mike" Fritz
District 63A	Ray W. Faricy
District 63B	John Drew
District 64A	C. Thomas Osthoff
District 64B	Peggy Byrne
District 65A	Fred C. Norton
District 65B	Donald M. Moe
District 66A	Eugene T. Waldorf
District 66B	Randy Kelly
District 67A	
District 67B	John D. Tomlinson

131 members answered to the call by legislative district.

Levi and Nysether were excused.

The Chief Clerk called the roll in alphabetical order and the following members answered to their names:

Aasness	Drew	Jude	Nelson	Sieben, M.
Adams	Eken	Kahn	Niehaus	Simoneau
Ainley	Elioff	Kaley	Norman	Stadum
Albrecht	Ellingson	Kalis	Norton	Stoa
Anderson, B.	Enebo	Kelly	Novak	Stowell
Anderson, D.	Erickson	Kempe	Olsen	Sviggum
Anderson, G.	Esau	Knickerbocker	Onnen	Swanson
Anderson, I.	Evans	Kostohryz	Osthoff	Thiede
Anderson, R.	Ewald	Kroening	Otis	Tomlinson
Battaglia	Faricy	Kvam	Patton	Valan
Begich	Fjoslien	Laidig	Pehler	Valento
Berglin	Forsythe	Lehto	Peterson	Vanasek
Berkelman	Friedrich	Long	Piepho	Voss
Biersdorf	Fritz	Ludeman	Pleasant	Waldorf
Blatz	Fudro	Luknic	Prahl	Weaver
Brinkman	Greenfield	Mann	Redalen	Welch
Byrne	Halberg	McCarron	Reding	Welker
Carlson, D.	Haukoos	McDonald	Rees	Wenzel
Carlson, L.	Heap	McEachern	Reif	Wieser
Casserly	Heinitz	Mehrkens	Rice	Wigley
Clark	Hoberg	Metzen	Rose	Wynia
Clawson	Hokanson	Minne	Rothenberg	Zubay
Corbid	Jacobs	Moe	Sarna	Speaker Searle
Crandall	Jaros	Munger	Schreiber	
Dean	Jennings	Murphy	Searles	
Dempsey	Johnson, C.	Nelsen, B.	Sherwood	
Den Ouden	Johnson, D.	Nelsen, M.	Sieben, H.	

A quorum was present.

Sieben, H., moved that, pursuant to Minnesota Statutes 1978, Section 3.073, the officers elected, the rules adopted including the DFL-IR Agreement for House Organization, and the committees established by the House of Representatives for the 71st Regular Legislative Session shall serve and be in effect during this Special Session of the Legislature.

The question was taken on the motion and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Biersdorf	Den Ouden	Friedrich	Johnson, C.
Adams	Blatz	Drew	Fritz	Johnson, D.
Ainley	Brinkman	Eken	Fudro	Jude
Albrecht	Byrne	Elioff	Greenfield	Kahn
Anderson, B.	Carlson, D.	Ellingson	Halberg	Kaley
Anderson, D.	Carlson, L.	Enebo	Haukoos	Kalis
Anderson, G.	Casserly	Erickson	Heap	Kelly
Anderson, I.	Clark	Esau	Heinitz	Kempe
Anderson, R.	Clawson	Evans	Hoberg	Knickerbocker
Battaglia	Corbid	Ewald	Hokanson	Kostohryz
Begich	Crandall	Faricy	Jacobs	Kroening
Berglin	Dean	Fjoslien	Jaros	Kvam
Berkelman	Dempsey	Forsythe	Jennings	Laidig

Lehto	Nelsen, B.	Piepho	Sieben, H.	Waldorf
Long	Nelsen, M.	Pleasant	Sieben, M.	Weaver
Ludeman	Nelson	Prahl	Simoneau	Welch
Luknic	Niehaus	Redalen	Stadum	Welker
Mann	Norman	Reding	Stoa	Wenzel
McCarron	Norton	Rees	Stowell	Wieser
McDonald	Novak	Reif	Sviggum	Wigley
McEachern	Olsen	Rice	Swanson	Wynia
Mehrkens	Onnen	Rose	Thiede	Zubay
Metzen	Osthoff	Rothenberg	Tomlinson	Speaker Searle
Minne	Otis	Sarna	Valan	
Moe	Patton	Schreiber	Valento	
Munger	Pehler	Searles	Vanasek	
Murphy	Peterson	Sherwood	Voss	

The motion prevailed.

Sieben, H., moved that the Chief Clerk be and hereby is instructed to inform the Senate and the Governor by message that the House of Representatives is now duly organized pursuant to law.

The motion prevailed.

OATH OF OFFICE

The oath of office was administered to Speaker Rodney N. Searle by Representative Harry Sieben, Jr.

Sieben, H., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Ewald was excused from 10:45 a.m. to 2:15 p.m.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Norton, for the Committee on Appropriations, introduced:

H. F. No. 1, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes with certain conditions; providing for improvements to access roads to Stillwater state prison and Thistledeu corrections camp; providing for legislative review of requests to expend federal money; providing for encouragement, coordination and safety regulation of

programs concerning special transportation service; modifying the rail service improvement program and the rail user loan guarantee program; authorizing acquisition of certain rail lines; permitting state payment of interest adjustments on guaranteed loans to rail users; amending Minnesota Statutes 1978, Sections 161.123; 174.03, Subdivision 4; 174.23, Subdivision 2, and by adding a subdivision; 174.24, Subdivisions 2, 3, and 4; 174.25, Subdivision 1; 174.26, Subdivision 1; 174.28; 222.48; 222.50, Subdivisions 3, 4, 6, and by adding subdivisions; 222.51; 222.53; 222.55; 222.56, Subdivision 5; 222.57; 222.58. Subdivision 2, and by adding a subdivision; 256B.04, Subdivision 12; 360.015, by adding a subdivision; 473.408, Subdivision 3, and by adding subdivisions; 473.411, Subdivision 1; Chapters 3, by adding a section; 174, by adding sections; and 222, by adding sections; and amending Laws 1973, Chapter 567, Section 8.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Norton moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Norton moved that the rules of the House be so far suspended that H. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 1 was read for the second time.

Waldorf moved to amend H. F. No. 1, as follows:

Page 50, after line 19, insert:

"Sec. 54. [DEFINITIONS.] Subdivision 1. The definitions in this section apply to sections 54 to 67.

Subd. 2. "City" means the city of St. Paul in Ramsey County acting through the city council or any agency, authority, or corporation established by or with the approval of the city, acting through its governing body, to implement any of the provisions of sections 54 to 67.

Subd. 3. "Commission" means the metropolitan transit commission created by Minnesota Statutes, Section 473.404, having jurisdiction over the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Subd. 4. "People mover system" means an automated fixed guideway transit system designed to serve the main commer-

cial area of the city of St. Paul and the area of the city surrounding it as determined by the board, and all property, real and personal, and all contract rights, determined to be necessary or desirable for the acquisition, betterment, operation, and maintenance of the system.

Subd. 5. "Transit system" has the meaning given in Minnesota Statutes, Section 473.121.

Subd. 6. "Acquisition" and "betterment" have the meanings given in Minnesota Statutes, Section 475.51.

Subd. 7. "Vehicle system" means the transit cars, the guideway, the guideway columns, the guideway electrification, the control and communication mechanisms, the platform doors, the maintenance and control center equipment, and other similar necessary components of the people mover system.

Subd. 8. "Capitol area" has the meaning given in Minnesota Statutes, Section 15.50.

Subd. 9. The "joint management board" or "board" means the board created under section 55.

Subd. 10. "Revenue service" means days the people mover system is actually operating and available for use by the general public.

Sec. 55. [JOINT MANAGEMENT BOARD; IMPLEMENTATION AUTHORITY.] The city and the commission shall enter into a written joint powers agreement establishing a joint management board to manage and supervise the people mover system. The board shall have the powers and responsibilities provided for in sections 54 to 67 and in the agreement. The board shall be composed of seven members. Two shall be members of the commission appointed by the chairman of the commission with the approval of the commission. Not more than one of these members shall be a resident of the city of St. Paul. Two members of the St. Paul city council and two members representing property owners in the area served by the people mover shall be appointed by and serve at the pleasure of the mayor of the city of St. Paul and shall be confirmed by the council. Notwithstanding the provisions of Minnesota Statutes, Section 471.59, Subdivision 2, the seventh member and chairman of the board shall be appointed by the chairman of the metropolitan council established by Minnesota Statutes, Section 473.123 and shall not be a resident of the city of St. Paul. The city and the commission acting together, pursuant to the joint powers agreement or any amendment thereof, may exercise all powers conferred upon either or both of them by law or charter, to provide for the acquisition, betterment, operation, maintenance and promotion of a people mover system. The commission shall agree as part of the joint powers agreement to issue bonds as needed for the

acquisition and betterment of the people mover system as provided in section 64. Beginning with revenue operation, the board shall honor the terms of the existing labor protective agreement or subsequent amendment thereto for the people mover system entered into by the commission and Local 1005, Amalgamated Transit Union pursuant to section 13(c), Urban Mass Transportation Act of 1964, as amended. The joint powers agreement shall include an agreement providing for coordination of the people mover system with transit service operated by the commission to encourage and enhance ridership on both systems and a parking, traffic and pedestrian management plan to improve and facilitate access to the people mover system, including construction of fringe parking facilities and skyways. By December 15, 1980, the board shall report to the legislature on the joint powers agreement, the activities conducted pursuant to it and to sections 54 to 67, and any additional legislation that may be necessary or appropriate. In addition to filing copies of the report as provided in Minnesota Statutes, Section 3.195, the board shall provide an oral presentation to the appropriate standing committees of the legislature.

Sec. 56. [METROPOLITAN COUNCIL REVIEW AND RECOMMENDATION.] The metropolitan council established by Minnesota Statutes, Section 473.123, in making its review under Minnesota Statutes, Section 473.171, of the application for federal grant in connection with the people mover system as a matter of metropolitan significance, shall conduct a public hearing upon such application and the program proposed thereby within 30 days of submission of the application to the council. Not less than 14 days before the hearing the council shall publish notice thereof in a newspaper having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the application may be examined by any interested person. Within 14 days after the hearing the council shall make its recommendation upon the application and cause notice of the same to be published in the same manner as the hearing notice.

Sec. 57. [EQUIPMENT PURCHASE.] Subdivision 1. **[REQUEST FOR PROPOSALS.]** Notwithstanding the provisions of Minnesota Statutes, Sections 471.345 and 471.35 or any other provision of law or charter, a contract for purchase of a vehicle system comprising part of the people mover system shall be awarded to the bidder whose proposal is determined to be most favorable on the basis of specifications which shall include the following considerations: the cost of the vehicle system; its cost consequence for other elements of the people mover system; the operating and maintenance cost of the vehicle system; its visual, aesthetic, environmental, noise and energy impact; the supplier's plan for winter operation; the capacity of the vehicle system to meet the functional and physical specifications of the contract documents; the ability of the bidder to perform design, furnishing, installing and testing services for all vehicle system elements and for construction coordination; and ability

of the bidder to meet requirements imposed as contract conditions in any grant contract entered into with the federal government. Bids may not be solicited without approval by the board of the functional and physical specifications proposed for the vehicle system purchase contract. Eligible bidders shall be limited to suppliers who have provided people mover systems which have successfully served the public.

Subd. 2. [CONTRACT AWARD.] Contracts for equipment purchase and for construction may not be awarded without approval of the board. The purchase contract for the vehicle system shall require the supplier to assure that the vehicle system operates within the specifications of the contract and to maintain the vehicle system for a five year period of revenue operation at a fixed base price with escalation clauses. The five year period shall be extended for the period of time equal to the time when the vehicle system is not in service because of a failure of the system to perform according to the specifications of the contract. The contract shall contain a provision permitting termination of the operation and maintenance portion of the contract by the board at the end of any year of revenue operation.

The supplier of the vehicle system and all construction contractors for the people mover system, at the time of execution of a contract with the city, commission, or board, shall furnish a "performance or payment bond" as security for the faithful performance and payment of all obligations under the contract. The total amount of the bonds shall equal the contract amount. The bonds shall be in the form prescribed by the city, commission, or board. The bonds shall be obtained from a surety company that is authorized to do business in the state of Minnesota and that is named in the current list of surety companies acceptable on federal bonds as published in the federal register. All contracts for the people mover system shall include liquidated damages in an appropriate amount to be deducted from contract compensation as a result of failure to meet completion dates, equipment deficiency, or incomplete construction. All contracts shall contain provisions for a maximum contract amount not to be exceeded without the approval of the contracting agency.

Subd. 3. [CERTIFICATION.] No revenue operation of the people mover system shall begin until the board receives written notice, signed by the administrator of the urban mass transportation administration, stating that the vehicle system or the part proposed to be operated has been fully tested, that it meets the criteria for acceptance established by the authority that let the construction and equipment purchase contracts with the concurrence of the administration, and that it is ready for year-around revenue operation. The purchase contract for the vehicle system shall so provide. The written notice from the administration shall not imply any legal liability of the federal government for construction or operation of the people mover system.

Sec. 58. [SPECIAL ASSESSMENT.] *The people mover system and related access facilities, including the seventh place pedestrian mall and public galleria facilities, are determined to be local improvements within the meaning of the Minnesota Constitution, Article X, the city's charter, and Minnesota Statutes, Chapters 429 and 430. Accordingly, the costs of acquisition, construction, reconstruction, extension, operation, maintenance and promotion of the people mover system and such facilities whether paid or to be paid by the city or the commission, may be specially assessed against property determined to be specially benefited thereby, to the extent of and in proportion to the benefits. The special assessment shall be levied by the city pursuant to its charter, chapter 429 or 430, and the collections thereof may be pledged to the payment of the costs.*

Sec. 59. [ACCESS FACILITIES.] *By December 15, 1980 the board, the commission and the city shall report to the legislature on their plans for improving and facilitating access to the people mover system from other modes of transportation. In addition to filing copies of the reports as provided in Minnesota Statutes, Section 3.195, the board, the city and the commission shall provide oral presentations of the reports to the appropriate standing committees of the legislature. The commission, subject to the approval of the board, shall produce a plan for managing the relationship between transit vehicles and the people mover to enhance ridership, revenue and patron satisfaction on both systems. The city, subject to the approval of the board, shall produce parking and traffic and pedestrian management plans, including plans for the construction of fringe parking ramps or lots and skyways to improve and facilitate access to the people mover system. The parking plans shall identify the specific locations and capacities of the proposed facilities, along with preliminary design, engineering, and traffic management studies. The plans shall include a development program with a schedule for the development of such facilities and a detailed financial plan demonstrating financial capability for a prospective five year period to support the capital, operating, maintenance and promotional costs of the parking and other access facilities.*

Sec. 60. [FARE AND TRANSFER POLICIES.] *Subdivision 1. [REDUCED OR SOCIAL FARES.] Fares charged during non-peak hours for elderly and handicapped riders shall not exceed one-half of the peak hour fares for the general public. The board may charge the social fares provided in Minnesota Statutes, Section 473.408, Subdivision 3, during non-peak hours. The board shall determine the peak and non-peak hours of the people mover system for purposes of the reduced fares provided in this subdivision. Reduced or social fares charged by the board shall be reimbursed by the Minnesota department of transportation as provided in Minnesota Statutes, Section 174.24, Subdivision 4.*

Subd. 2. [TRANSFER POLICY.] All fares charged to riders of the people mover system who transfer from the system to transit service provided by the commission shall be paid to the commission. No additional fare shall be charged to any rider who transfers to the people mover system from transit service provided by the commission.

Sec. 61. [OPERATING DEFICIT; DETERMINATION AND PAYMENT.] *Subdivision 1. Any operating deficit of the people mover system shall be paid as provided in this section and section 62.*

Subd. 2. For the purposes of this section and section 62, "operating deficit" means that portion of the costs of operating, maintaining and promoting the people mover system during the period of revenue service which exceeds the amount received from revenues of the system, reimbursement for reduced or social fares, federal operating assistance and other sources exclusive of payments by the city, the commission and owners of benefited properties as provided in this section and section 62.

Subd. 3. As soon as practicable before the start of revenue service, the board shall:

(a) Establish an operating deficit account for the deposit of all money required to be paid pursuant to this section by the city, the commission and owners of benefited properties and for the payment of the operating deficit;

(b) Determine the estimated operating deficit for the calendar year in which revenue service is expected to begin and for the first year of revenue service;

(c) Determine the amount of the share required from the city, the commission and the owners of benefited properties to pay the estimated operating deficit as provided in section 62. If the system is expected to be in revenue service for only a portion of the first calendar year of revenue service, the shares shall be prorated according to the percentage of the year the system is expected to be in revenue service; and

(d) Establish procedures which assure that an amount equal to the estimated operating deficit for the calendar year in which service begins, as determined under clause (b), is paid to the operating deficit account by the city and the commission not later than the first day of revenue service and that additional amounts will be paid by the city and the commission if necessary to pay the actual operating deficit through the end of the first full calendar year of revenue service. The amounts which the city and commission may be required to pay pursuant to this clause are not limited to the amounts provided in section 62.

The city shall levy assessments on benefitted properties pursuant to section 58 in the amount the board determines is required from the owners of the properties to pay the estimated operating deficit as determined under clause (c) of this subdivision. These assessments shall be levied at the earliest possible time consistent with the provisions of section 58.

Subd. 4. Not later than July 1 of the first full calendar year of revenue service and at one year intervals thereafter the board shall:

(a) Determine the actual operating deficit for the preceding calendar year;

(b) Determine the amounts paid into the operating deficit account during the preceding calendar year by the city, the commission and owners of benefitted properties. Deductions and additions carried over from another year shall be included in payments made during the year subject to the determination;

(c) Determine the amounts which are required from the city, the commission and owners of benefitted properties to pay the operating deficit for the preceding calendar year pursuant to section 62;

(d) Determine whether the city, the commission or owners of benefitted properties have paid to the operating deficit account during the preceding calendar year an amount that is more or less than that required under clause (c) of this subdivision and deduct the excess from or add the deficiency to the required payment by that party for the following calendar year;

(e) Determine the estimated operating deficit for the following calendar year and the amounts which are required from the city, the commission and owners of benefitted properties to pay that estimated operating deficit pursuant to section 62;

(f) Establish a schedule of payments by the city and the commission for the following calendar year which assures the payment of the estimated operating deficit in a timely manner; and

(g) Report its findings and determinations to the city and the commission.

For the purpose of the determination made in the first full calendar year of revenue service, the preceding calendar year is deemed to include all preceding calendar years in which an operating deficit was incurred or payments were made by the city, the commission and owners of benefitted property.

Subd. 5. At the earliest possible time after receiving a report of the board as provided in subdivision 4, the city shall levy

assessments for the amount determined by the board to be required from owners of benefited properties to pay the estimated operating deficit less any amount previously assessed which was not due and payable before the close of the previous year. The assessments shall be levied pursuant to section 58.

Subd. 6. The city and the commission shall pay the amounts determined by the board to be required from them to pay the estimated operating deficit according to the schedule established by the board.

Sec. 62. [OPERATING DEFICIT SHARING FORMULA.]
Subdivision 1. The city, the commission, and the owners of benefited properties shall share in the payment of the operating deficit according to the provisions of subdivisions 2 to 5.

Subd. 2. Owners of benefited properties shall pay the first \$500,000 of any operating deficit for any year of revenue service, subject to escalation as provided in subdivision 5. Payments shall be pursuant to assessments levied by the city pursuant to section 58.

Subd. 3. If the operating deficit for any year exceeds the amount required to be paid pursuant to subdivision 2, the city, the commission, and owners of benefited properties shall each pay one-third of the remaining portion, up to a maximum of \$500,000, subject to escalation as provided in subdivision 5. Payments by owners of benefited properties shall be pursuant to assessments levied by the city pursuant to section 58.

Subd. 4. If the operating deficit for any year exceeds the amounts required to be paid pursuant to subdivisions 2 and 3, the city shall pay the amount of the excess.

Subd. 5. The maximum payments provided in subdivisions 2 and 3 shall be increased beginning July 1, 1978, to the close of the first year of revenue service by an amount equal to the increase in the local consumer price index, not to exceed eight percent, compounded annually. After the first year of revenue service, the amount calculated under the preceding sentence shall be increased by the actual rate of inflation of the cost of operating and maintaining the people mover system, compounded annually.

Sec. 63. [CAPITOL AREA FACILITIES; STATE OWNED PROPERTY.] Subdivision 1. Construction of the people mover system within the capitol area shall be exempt from the provision of Minnesota Statutes 1978, Section 15.50, Subdivision 2, Clause (e), requiring design competition except that capitol station west shall be subject to an invited competition as defined in part 11, 6, c(2) of the American Institute of Architecture document number 6-J332, issued November, 1976, sponsored and

conducted by the capitol area architectural and planning board upon guidelines and criteria as determined by agreement between that board and the joint board. System improvements within the capitol area shall be in conformity with the comprehensive use plan for the capitol area and subject to the approval of the capitol area architectural and planning board.

Subd. 2. The commissioner of administration on behalf of the state may grant to the city or the commission, without compensation, easements for the construction, location and operation of the people mover system upon state owned property. The commissioner of administration and the urban mass transportation administration shall establish the value of easements and related access facilities in the capitol area which will be required for the people mover and which are eligible in lieu of cash as local contributions to the capital cost of the people mover project. The value of these easements and facilities shall be applied to the commission's share of the local contributions.

Sec. 64. Laws 1979, Chapter 46, Section 1, is amended by adding a subdivision to read:

Subd. 6. [PEOPLE MOVER SYSTEM.] The commission may issue certificates of indebtedness, bonds or other obligations in an amount not exceeding \$9,000,000 for the purpose of acquisition and betterment of the people mover system as defined in section 54. The proceeds of the obligations shall be expended as provided in the joint powers agreement entered into by the commission pursuant to section 55. Proceeds of the obligations which are not needed for acquisition and betterment of the people mover system shall be expended to pay the operating deficit of the people mover system pursuant to sections 61 and 62. No obligations shall be issued under this subdivision until the commission determines that agreements have been executed between the authority that will let the construction contract for the people mover system and the appropriate labor organizations and construction contractor organizations which provide that no labor strike or management lockout will halt, delay or impede construction.

Sec. 65. [JUDICIAL PROCEEDINGS; TIME TO COMMENCE.] No action shall be commenced or maintained, nor defense interposed in an eminent domain proceeding, questioning the public purpose, propriety of expenditure of public funds, or validity of any law authorizing the acquisition, betterment, operation, maintenance or financing of the people mover system, except by lawsuit commenced in the district court of Ramsey County within 90 days of the date of publication of the metropolitan council recommendation given pursuant to section 56, or within 90 days of the date of written notice mailed to persons whose property may be taken by subsequent proceedings in eminent domain for the people mover system or right of way.

Such action timely commenced by any taxpayer, any person whose property is or may be taken or interfered with by reason of the proposed implementation of the people mover system, or other person with standing, shall be maintained in the manner provided by law, including Minnesota Statutes, Chapter 562. Nothing in this subdivision nor notice given pursuant thereto shall be construed as a taking of private property, nor as limiting a property owner's right to just compensation for the taking of private property to be litigated in proceedings in eminent domain subsequently instituted under charter or Minnesota Statutes, Chapter 117, for such taking and assessment and award of damages.

Sec. 66. [LIMIT ON CAPITAL EXPENDITURES.] *Subdivision 1. [TOTAL EXPENDITURES.] Except as otherwise provided in this subdivision, the sum of all expenditures by the city and the commission, including federal grants and in-kind expenditures, for acquisition, construction and betterment of the people mover system shall not exceed \$90,000,000. This amount may be increased by up to 20 percent if the federal urban mass transportation administration provides 80 percent matching grants for any amount exceeding \$90,000,000 and that all of the non-federal share required to match the federal grants is provided by the city.*

Subd. 2. [COMMISSION EXPENDITURES.] The commission shall expend no money for the acquisition, construction or betterment of the people mover system except the proceeds of the bonds authorized in section 64.

Sec. 67. [RELATIONSHIP TO TAX INCREMENT FINANCING DISTRICTS.] *After approval of sections 54 to 68 by the governing body of the city of St. Paul, no tax increment financing district may be certified by the county auditor pursuant to the provisions of Minnesota Statutes, Chapters 458, 462, 472A or 474 if the proposed district includes any property located within a distance of one half mile of the proposed route of the people mover system unless the governing body of the municipality or authority responsible for the project determines by unanimous vote that the certification is necessary to provide access facilities to the people mover system pursuant to section 59, or is for a district outside the proposed special assessment district for the people mover system, or the tax increment project activities will significantly increase the assessable improvements within the proposed people mover assessment district. In the case of a tax increment financing project for which certification has been requested from the county auditor prior to approval of sections 54 to 68, there may be no geographic enlargement of the district to add any property located within one half mile of the route without a determination by the governing body as required by this section. If a district for which certification was requested prior to approval of sections 54 to 68 includes property located within one half mile of the route, no*

bonds may be issued after the date of the approval of sections 54 to 68 by the municipality or the authority responsible for the project for the purpose of financing project activities within the district without a determination by the governing body as required by this section.

Sec. 68. [REPEALER.] *Laws 1977, Chapter 454, Section 45, is repealed."*

Page 50, line 20, before "Sections" insert "Subdivision 1."

Page 50, after line 22, insert:

"Subd. 2. Sections 54 to 68 are effective upon approval by resolution of the St. Paul city council and by resolution of the metropolitan transit commission, and upon compliance with Minnesota Statutes, Section 645.021. The resolutions shall be adopted after published notice to the public and public hearing."

Amend the title as follows:

Page 1, line 16, after the semicolon, insert: "authorizing the acquisition, betterment, operation and maintenance of a people mover system in St. Paul; authorizing financial participation in its construction and operation by the metropolitan transit commission;"

Page 1, line 30, before the period, insert "; and Laws 1979, Chapter 46, Section 1, by adding a subdivision; repealing Laws 1977, Chapter 454, Section 45"

A roll call was requested and properly seconded.

Fritz moved to amend the Waldorf amendment, as follows:

Page 16, after line 5, insert a new section:

"Sec. 68. Participation by the City of St. Paul in this act shall be contingent upon authorization of the voters at a general or special election. The governing body of the city shall direct that the following question be placed on the ballot at a general or special election: "Shall the city be authorized to participate in the Downtown People Mover project as provided by Minnesota Extra Session Laws 1979, Chapter ?" If a majority of voters voting on the question vote in the affirmative, the governing body shall participate in the people mover project."

Renumber the following section.

A roll call was requested and properly seconded.

The question was taken on the Fritz amendment to the amendment and the roll was called. There were 66 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jude	Niehaus	Stadum
Adams	Esau	Kaley	Norman	Stoa
Albrecht	Faricy	Kempe	Olsen	Sviggum
Anderson, D.	Friedrich	Kroening	Onnen	Swanson
Anderson, R.	Fritz	Kvam	Osthoff	Thiede
Berkelman	Greenfield	Ludeman	Peterson	Tomlinson
Biersdorf	Halberg	Luknic	Piepho	Valan
Blatz	Haukoos	McDonald	Pleasant	Valento
Crandall	Heap	McEachern	Prahl	Weiker
Dean	Heinitz	Mehrkens	Redalen	Wigley
Dempsey	Hoberg	Minne	Rees	
Den Ouden	Hokanson	Moe	Reif	
Drew	Jennings	Nelsen, M.	Searles	
Enebo	Johnson, D.	Nelson	Sherwood	

Those who voted in the negative were:

Ainley	Eken	Knickerbocker	Otis	Vanasek
Anderson, B.	Elioff	Kostohryz	Patton	Voss
Anderson, G.	Ellingson	Laidig	Pehler	Waldorf
Anderson, I.	Evans	Lehto	Reding	Weaver
Battaglia	Fjoslien	Long	Rice	Welch
Begich	Forsythe	Mann	Rose	Wenzel
Brinkman	Fudro	McCarron	Rothenberg	Wynia
Carlson, D.	Jacobs	Metzen	Sarna	Zubay
Carlson, L.	Jaros	Munger	Schreiber	Speaker Searle
Casserly	Johnson, C.	Murphy	Sieben, H.	
Clark	Kahn	Nelsen, B.	Sieben, M.	
Clawson	Kalis	Norton	Simoneau	
Corbid	Kelly	Novak	Stowell	

The motion prevailed and the amendment to the amendment was adopted.

Johnson, D., moved to amend the Waldorf amendment, as follows:

Page 5, line 28, after the second "amount" insert:

"plus an amount sufficient to pay the costs of decommissioning and dismantling the system within five years after the start of revenue operation."

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Patton and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Den Ouden	Jude	Nelsen, M.	Sherwood
Adams	Drew	Kahn	Nelson	Sieben, H.
Ainley	Eken	Kaley	Niehaus	Sieben, M.
Albrecht	Elioff	Kalis	Norman	Simoneau
Anderson, B.	Ellingson	Kelly	Norton	Stadum
Anderson, D.	Enebo	Kempe	Novak	Stoa
Anderson, G.	Erickson	Knickerbocker	Olsen	Stowell
Anderson, I.	Esau	Kostohryz	Onnen	Sviggum
Anderson, R.	Evans	Kroening	Osthoff	Swanson
Battaglia	Faricy	Kvam	Otis	Thiede
Begich	Fjoslien	Laidig	Patton	Tomlinson
Berglin	Forsythe	Lehto	Pehler	Valento
Berkelman	Friedrich	Long	Peterson	Vanasek
Biersdorf	Fritz	Ludeman	Piepho	Voss
Blatz	Fudro	Luknic	Pleasant	Waldorf
Brinkman	Greenfield	Mann	Prahl	Weaver
Byrne	Halberg	McCarron	Redalen	Welch
Carlson, D.	Heap	McDonald	Reding	Welker
Carlson, L.	Heinitz	McEachern	Rees	Wenzel
Casserly	Hoberg	Mehrkens	Reif	Wieser
Clark	Hokanson	Metzen	Rice	Wigley
Clawson	Jacobs	Minne	Rose	Wynia
Corbid	Jaros	Moe	Rothenberg	Zubay
Crandall	Jennings	Munger	Sarna	Speaker Searle
Dean	Johnson, C.	Murphy	Schreiber	
Dempsey	Johnson, D.	Nelsen, B.	Searles	

Patton moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question was taken on the Johnson, D., amendment to the amendment and the roll was called.

Anderson, I., moved that those not voting be excused from voting. The motion prevailed.

There were 64 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Hokanson	Minne	Sherwood
Adams	Dempsey	Jennings	Nelson	Stadum
Albrecht	Den Ouden	Johnson, C.	Norman	Sviggum
Anderson, B.	Drew	Johnson, D.	Olsen	Swanson
Anderson, D.	Ellingson	Jude	Onnen	Tomlinson
Anderson, G.	Enebo	Kahn	Osthoff	Valento
Anderson, R.	Evans	Kaley	Peterson	Welch
Berglin	Forsythe	Kalis	Piepho	Welker
Biersdorf	Fritz	Kvam	Pleasant	Wieser
Blatz	Halberg	Long	Prahl	Wigley
Carlson, L.	Haukoos	Luknic	Redalen	Wynia
Clark	Heinitz	McDonald	Reif	Zubay
Crandall	Hoberg	Mehrkens	Searles	

Those who voted in the negative were:

Ainley	Brinkman	Eken	Fjoslien	Jacobs
Anderson, I.	Byrne	Elioff	Friedrich	Jaros
Battaglia	Carlson, D.	Erickson	Fudro	Kelly
Begich	Casserly	Esau	Greenfield	Kempe
Berkelman	Corbid	Faricy	Heap	Knickerbocker

Kostohryz	Metzen	Novak	Rothenberg	Thiede
Kroening	Moe	Otis	Sarna	Vanasek
Laidig	Munger	Patton	Schreiber	Voss
Lehto	Murphy	Pehler	Sieben, H.	Waldorf
Ludeman	Nelsen, B.	Reding	Sieben, M.	Weaver
Mann	Nelsen, M.	Rees	Simoneau	Wenzel
McCarron	Niehaus	Rice	Stoa	Speaker Searle
McEachern	Norton	Rose	Stowell	

The motion did not prevail and the amendment to the amendment was not adopted.

Dean moved to amend the Waldorf amendment, as amended, as follows:

Page 5, line 9, after the period insert:

"Notwithstanding any other provision to the contrary, the board shall not award equipment contracts until an independent technological assessment of the ability of the proposed equipment to meet all specifications, including but not limited to its capability for operation in Minnesota's winter climate has been completed. The assessment shall be performed by an advisory council of at least five members selected by the board. At least two members shall be faculty members in the Institute of Technology at the University of Minnesota."

The motion prevailed and the amendment to the amendment was adopted.

Berglin moved to amend the Waldorf amendment, as amended, as follows:

Delete page 8, line 17, to page 11, line 18

Page 16, after line 7, insert:

"Sec. 69. There is annually appropriated from the general fund to the commissioner of transportation, for reappropriation to the commission, the amounts necessary to finance the commission's share of the cost of acquisition and betterment of the people mover system, not to exceed a total aggregate amount of \$9,000,000 or one-half of the local contribution, whichever is less. By January 1 of each year, the commission shall by resolution notify the commissioner of transportation of the amounts required to pay such costs during the succeeding fiscal year. The commissioner shall include the amount in the department's budget or supplementary budget request to the legislature."

Renumber the sections and correct internal cross references as required by this section

A roll was requested and properly seconded.

The question was taken on the Berglin amendment to the amendment and the roll was called.

Jennings moved that those not voting be excused from voting.

The motion prevailed.

There were 29 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Adams	Enebo	Kelly	Moe	Rose
Berglin	Faricy	Kroening	Nelson	Sarna
Casserty	Forsythe	Laidig	Novak	Schreiber
Clark	Fritz	Long	Olsen	Tomlinson
Drew	Greenfield	McEachern	Osthoff	Wynia
Ellingson	Jude	Metzen	Otis	

Those who voted in the negative were:

Aasness	Dean	Johnson, D.	Niehaus	Simoneau
Ainley	Dempsey	Kahn	Norman	Stadum
Albrecht	Den Ouden	Kaley	Norton	Stoa
Anderson, B.	Eken	Kalis	Onnen	Stowell
Anderson, D.	Elioff	Kempe	Patton	Swanson
Anderson, G.	Erickson	Knickerbocker	Pehler	Thiede
Anderson, I.	Esau	Kostohryz	Peterson	Valan
Anderson, R.	Evans	Kvam	Piepho	Valento
Battaglia	Fjoslien	Lehto	Pleasant	Vanasek
Begich	Friedrich	Ludeman	Prahl	Voss
Berkelman	Fudro	Luknic	Redalen	Waldorf
Biersdorf	Halberg	Mann	Reding	Weaver
Blatz	Haukoos	McCarron	Rees	Welch
Brinkman	Heap	McDonald	Reif	Welker
Byrne	Heinitz	Mehrkens	Rice	Wenzel
Carlson, D.	Hoberg	Minne	Rothenberg	Wieser
Carlson, L.	Hokanson	Munger	Searles	Wigley
Clawson	Jacobs	Murphy	Sherwood	Zubay
Corbid	Jennings	Nelsen, B.	Sieben, H.	Speaker Searle
Crandall	Johnson, C.	Nelsen, M.	Sieben, M.	

The motion did not prevail and the amendment to the amendment was not adopted.

Pehler moved to amend the Waldorf amendment, as amended, as follows:

Page 15, line 22, delete "assessable" insert "accessable"

The motion prevailed and the amendment was adopted.

The question recurred on the Waldorf amendment, as amended, and the roll was called.

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

There were 26 yeas and 103 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Berkelman	Casserty	Clawson	Fjoslien
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Fudro	Lehto	Norton	Rice	Speaker Searle
Jacobs	McCarron	Novak	Simoneau	
Jaros	Murphy	Otis	Vanasek	
Knickerbocker	Nelsen, B.	Patton	Waldorf	
Kostohryz	Nelsen, M.	Pehler	Weaver	

Those who voted in the negative were:

Aasness	Dempsey	Jennings	Moe	Sieben, H.
Adams	Den Ouden	Johnson, C.	Nelson	Sieben, M.
Ainley	Drew	Johnson, D.	Niehaus	Stadum
Albrecht	Eken	Jude	Norman	Stoa
Anderson, D.	Elioff	Kahn	Olsen	Stowell
Anderson, G.	Ellingson	Kaley	Onnen	Sviggum
Anderson, I.	Enebo	Kalis	Osthoff	Swanson
Anderson, R.	Erickson	Kelly	Peterson	Thiede
Battaglia	Esau	Kempe	Piepho	Tomlinson
Begich	Evans	Kroening	Pleasant	Valan
Berglin	Faricy	Kvam	Prahl	Valento
Biersdorf	Forsythe	Laidig	Redalen	Voss
Blatz	Friedrich	Long	Reding	Welch
Brinkman	Fritz	Ludeman	Rees	Welker
Byrne	Greenfield	Luknic	Reif	Wenzel
Carlson, D.	Halberg	Mann	Rose	Wieser
Carlson, L.	Haukoos	McDonald	Rothenberg	Wigley
Clark	Heap	McEachern	Sarna	Wynia
Corbid	Heinitz	Mehrkens	Schreiber	Zubay
Crandall	Hoberg	Metzen	Searles	
Dean	Hokanson	Minne	Sherwood	

The motion did not prevail and the amendment, as amended, was not adopted.

H. F. No. 1, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes with certain conditions; providing for improvements to access roads to Stillwater state prison and Thistledeew corrections camp; providing for legislative review of requests to expend federal money; providing for encouragement, coordination and safety regulation of programs concerning special transportation service; modifying the rail service improvement program and the rail user loan guarantee program; authorizing acquisition of certain rail lines; permitting state payment of interest adjustments on guaranteed loans to rail users; amending Minnesota Statutes 1978, Sections 161.123; 174.03, Subdivision 4; 174.23, Subdivision 2, and by adding a subdivision; 174.24, Subdivisions 2, 3, and 4; 174.25, Subdivision 1; 174.26, Subdivision 1; 174.28; 222.48; 222.50, Subdivisions 3, 4, 6, and by adding subdivisions; 222.51; 222.53; 222.55; 222.56, Subdivision 5; 222.57; 222.58, Subdivision 2, and by adding a subdivision; 256B.04, Subdivision 12; 360.015, by adding a subdivision; 473.408, Subdivision 3, and by adding subdivisions; 473.411, Subdivision 1; Chapters 3, by adding a section; 174, by adding sections; and 222, by adding sections; and amending Laws 1973, Chapter 567, Section 8.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Nelsen, M.	Sherwood
Adams	Drew	Jude	Nelson	Sieben, H.
Ainley	Eken	Kahn	Niehhaus	Sieben, M.
Albrecht	Elioff	Kaley	Norman	Simoneau
Anderson, B.	Ellingson	Kalis	Norton	Stadum
Anderson, D.	Enebo	Kelly	Novak	Stoa
Anderson, G.	Erickson	Kempe	Olsen	Stowell
Anderson, I.	Esau	Knickerbocker	Onnen	Sviggum
Anderson, R.	Evans	Kostohryz	Osthoff	Swanson
Battaglia	Faricy	Kroening	Otis	Thiede
Begich	Fjoslien	Kvam	Patton	Tomlinson
Berglin	Forsythe	Laidig	Pehler	Valan
Berkelman	Friedrich	Lehto	Peterson	Valento
Biersdorf	Fritz	Long	Piepho	Vanasek
Blatz	Fudro	Ludeman	Pleasant	Voss
Brinkman	Greenfield	Luknic	Prahl	Waldorf
Byrne	Halberg	Mann	Redalen	Weaver
Carlson, D.	Haukoos	McCarron	Reding	Welch
Carlson, L.	Heap	McEachern	Rees	Welker
Casserly	Heinitz	Mehrkens	Reif	Wenzel
Clark	Hoberg	Metzen	Rice	Wieser
Clawson	Hokanson	Minne	Rose	Wigley
Corbid	Jacobs	Moe	Rothenberg	Wynia
Crandall	Jaros	Munger	Sarna	Zubay
Dean	Jennings	Murphy	Schreiber	Speaker Searle
Dempsey	Johnson, C.	Nelsen, B.	Searles	

Those who voted in the negative were:

McDonald

The bill was passed and its title agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

This is to notify you that the Senate is now duly organized pursuant to the Minnesota Constitution and Minnesota Statutes.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted.

S. F. No. 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted.

S. F. No. 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1, A bill for an act relating to workers' compensation; changing certain insurance rate making procedures; increasing the membership of the workers' compensation court of appeals; directing certain studies; providing for certain schedules and lists; increasing certain staff; relocating workers' compensation court of appeals; changing availability and amounts for certain benefits; changing rehabilitation procedures; changing certain presumptions; changing basis for attorneys' fees; changing notice provisions; establishing a workers' compensation reinsurance association; transferring self-insuring duties to the commissioner of insurance; establishing a reopened case fund; appropriating money; amending Minnesota Statutes 1978, Section 79.01, by adding subdivisions; 79.095; 79.10; 79.21; 79.22; 79.25; 175.006, Subdivision 1; 175.08; 176.011, Subdivisions 9 and 15; 176.021, Subdivision 3; 176.061, Subdivision 5; 176.081, Subdivision 5; 176.101, Subdivisions 1, 3 and 4; 176.111, Subdivision 1; 176.131, Subdivisions 3, 10 and by adding a subdivision; 176.132, Subdivision 2, 176.135, by adding a subdivision; 176.141; 176.155, Subdivision 2; 176.179; 176.181, Subdivision 2, and by adding a subdivision; 176.191; 176.221; 176.231, Subdivisions 1 and 2; 176.235; 176.241; 176.271; 176.391, Subdivision 2; 176.521, Subdivision 1; Chapters 79, by adding sections; and 176, by adding sections; repealing Minnesota Statutes 1978, Sections 79.05; 79.06; 79.07; 175.092; and 176.101, Subdivision 7.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Simoneau moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Simoneau moved that the rules of the House be so far suspended that S. F. No. 1 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1 was read for the second time.

S. F. No. 1, A bill for an act relating to workers' compensation; changing certain insurance rate making procedures; increasing the membership of the workers' compensation court of appeals; directing certain studies; providing for certain schedules and lists; increasing certain staff; relocating workers' compensation court of appeals; changing availability and amounts for certain benefits; changing rehabilitation procedures; changing certain presumptions; changing basis for attorneys' fees; changing notice provisions; establishing a workers' compensation reinsurance association; transferring self-insuring duties to the commissioner of insurance; establishing a reopened case fund; appropriating money; amending Minnesota Statutes 1978, Sections 79.01, by adding subdivisions; 79.095; 79.10; 79.21; 79.22; 79.25; 175.006, Subdivision 1; 175.08; 176.011, Subdivisions 9 and 15; 176.021, Subdivision 3; 176.061, Subdivision 5; 176.081, Subdivision 5; 176.101, Subdivisions 1, 3 and 4; 176.111, Subdivision 1; 176.131, Subdivisions 3, 10 and by adding a subdivision; 176.132, Subdivision 2; 176.135, by adding a subdivision; 176.141; 176.155, Subdivision 2; 176.179; 176.181, Subdivision 2, and by adding a subdivision; 176.191; 176.221; 176.231, Subdivisions 1 and 2; 176.235; 176.241; 176.271; 176.391, Subdivision 2; 176.521, Subdivision 1; Chapters 79, by adding sections; and 176, by adding sections; repealing Minnesota Statutes 1978, Sections 79.05; 79.06; 79.07; 175.092; and 176.101, Subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Nelsen, M.	Sieben, M.
Adams	Drew	Jude	Nelson	Simoneau
Ainley	Eken	Kahn	Niehaus	Stadum
Albrecht	Elioff	Kaley	Norman	Stoa
Anderson, B.	Ellingson	Kalis	Norton	Stowell
Anderson, D.	Enebo	Kelly	Novak	Sviggum
Anderson, G.	Erickson	Kempe	Olsen	Swanson
Anderson, I.	Esau	Knickerbocker	Onnen	Thiede
Anderson, R.	Evans	Kostohryz	Osthoff	Tomlinson
Battaglia	Ewald	Kroening	Otis	Valan
Begich	Faricy	Kvam	Patton	Valento
Berglin	Fjoslien	Laidig	Pehler	Vanasek
Berkelman	Forsythe	Lehto	Peterson	Voss
Biersdorf	Friedrich	Long	Piepho	Waldorf
Blatz	Fritz	Ludeman	Pleasant	Weaver
Brinkman	Fudro	Luknic	Redalen	Welch
Byrne	Greenfield	Mann	Reding	Welker
Carlson, D.	Halberg	McCarron	Rees	Wenzel
Carlson, L.	Haukoos	McEachern	Reif	Wieser
Casserly	Heap	Mehrkens	Rice	Wigley
Clark	Heinitz	Metzen	Rose	Wynia
Clawson	Hoberg	Minne	Rothenberg	Zubay
Corbid	Hokanson	Moe	Sarna	Speaker Searle
Crandall	Jacobs	Munger	Schreiber	
Dean	Jennings	Murphy	Searles	
Dempsey	Johnson, C.	Nelsen, B.	Sherwood	

Those who voted in the negative were:

Jaros

McDonald

Prah

Sieben, H.

The bill was passed and its title agreed to.

FIRST READING OF SENATE BILLS, Continued

S. F. No. 2, A bill for an act relating to energy; clarifying the procedures for declaring an energy emergency; prescribing the powers of the governor and executive council in an emergency; providing for the issuance of temporary rules by the director of the energy agency; prescribing additional elements of the energy emergency conservation and allocation plan; providing for earth sheltered construction zoning variances; prohibiting local governments from banning earth sheltered construction; requiring certain building energy reports and audits; requiring the energy agency to disseminate information on the potential hazards of energy conservation techniques; providing for an adult and post-secondary energy education plan; changing energy conservation standards for existing residential buildings; limiting the time for application for certain variances; providing a method for determining certain efficiencies for air conditioners; providing partial funding to the University of Minnesota, school districts, municipalities and counties for energy audits and energy conservation measures; requiring notice to the Minnesota energy agency of the proposed discontinuance of certain municipal steam heat systems; authorizing a weatherization program for low-income persons; appropriating money; prescribing a penalty; amending Minnesota Statutes 1978, Sections 12.02, Subdivision 1; 12.03, Subdivision 4, and by adding a subdivision; 12.21, Subdivisions 1 and 3, and by adding a subdivision; 12.28; 12.32; 16.32, by adding a subdivision; 116H.02, Subdivisions 3 and 5, and by adding subdivisions; 116H.08; 116H.085; 116H.09, Subdivisions 1, 4, and 5; 116H.11; 116H.12, Subdivisions 1a, 1b, 3a, 3b, and 10; 116H.122; 116H.123; 116H.124; 116H.126; 116H.129, Subdivision 1, 6 and 7; 116H.13; 116H.15; 120.78, Subdivision 1; 325.989, by adding a subdivision; 394.25, Subdivision 3; 394.27, Subdivision 7; 451.09; 462.357, Subdivisions 1 and 6; 462A.02, by adding a subdivision; Chapter 116H, by adding sections; and Chapter 268, by adding a section.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Dean moved that the rule therein be suspended and an urgency be declared so that S. F. No. 2 be given its

second and third readings and be placed upon its final passage. The motion prevailed.

Dean moved that the rules of the House be so far suspended that S. F. No. 2 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 2 was read for the second time.

S. F. No. 2, A bill for an act relating to energy; clarifying the procedures for declaring an energy emergency; prescribing the powers of the governor and executive council in an emergency; providing for the issuance of temporary rules by the director of the energy agency; prescribing additional elements of the energy emergency conservation and allocation plan; providing for earth sheltered construction zoning variances; prohibiting local governments from banning earth sheltered construction; requiring certain building energy reports and audits; requiring the energy agency to disseminate information on the potential hazards of energy conservation techniques; providing for an adult and post-secondary energy education plan; changing energy conservation standards for existing residential buildings; limiting the time for application for certain variances; providing a method for determining certain efficiencies for air conditioners; providing partial funding to the University of Minnesota, school districts, municipalities and counties for energy audits and energy conservation measures; requiring notice to the Minnesota energy agency of the proposed discontinuance of certain municipal steam heat systems; authorizing a weatherization program for low-income persons; appropriating money; prescribing a penalty; amending Minnesota Statutes 1978, Sections 12.02, Subdivision 1; 12.03, Subdivision 4, and by adding a subdivision; 12.21, Subdivisions 1 and 3, and by adding a subdivision; 12.28; 12.32; 16.32, by adding a subdivision; 116H.02, Subdivisions 3 and 5, and by adding subdivisions; 116H.08; 116H.085; 116H.09, Subdivisions 1, 4, and 5; 116H.11; 116H.12, Subdivisions 1a, 1b, 3a, 3b, and 10; 116H.122; 116H.123; 116H.124; 116H.126; 116H.129, Subdivisions 1, 6 and 7; 116H.13; 116H.15; 120.78, Subdivision 1; 325.989, by adding a subdivision; 394.25, Subdivision 3; 394.27, Subdivision 7; 451.09; 462.357, Subdivisions 1 and 6; 462A.02, by adding a subdivision; Chapter 116H, by adding sections; and Chapter 268, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 123 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jennings	Murphy	Sarna
Adams	Drew	Johnson, C.	Nelsen, B.	Schreiber
Albrecht	Eken	Johnson, D.	Nelsen, M.	Searles
Anderson, B.	Elioff	Jude	Nelson	Sieben, H.
Anderson, D.	Ellingson	Kahn	Niehaus	Sieben, M.
Anderson, G.	Enebo	Kaley	Norman	Simoneau
Anderson, I.	Erickson	Kalis	Norton	Stadum
Anderson, R.	Esau	Kelly	Novak	Stoa
Battaglia	Evans	Kempe	Olsen	Sviggum
Begich	Ewald	Knickerbocker	Onnen	Swanson
Berglin	Faricy	Kostohryz	Osthoff	Tomlinson
Berkelman	Fjoslien	Kroening	Otis	Valan
Biersdorf	Forsythe	Kvam	Patton	Valento
Blatz	Friedrich	Laidig	Pehler	Vanasek
Brinkman	Fritz	Lehto	Peterson	Waldorf
Byrne	Fudro	Long	Piepho	Weaver
Carlson, D.	Greenfield	Luknic	Pleasant	Welch
Carlson, L.	Halberg	Mann	Prahl	Wenzel
Casserly	Haukoos	McCarron	Redalen	Wieser
Clark	Heap	McEachern	Reding	Wigley
Clawson	Heinitz	Mehrkens	Rees	Wynia
Corbid	Hoberg	Metzen	Reif	Zubay
Crandall	Hokanson	Minne	Rice	Speaker Searle
Dean	Jacobs	Moe	Rose	
Dempsey	Jaros	Munger	Rothenberg	

Those who voted in the negative were:

Ainley	McDonald	Thiede	Voss	Welker
Ludeman				

The bill was passed and its title agreed to.

Sieben, H., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned.

H. F. No. 1, A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes with certain conditions; providing for improvements to access roads to Stillwater state prison and Thistledeew corrections camp; providing for legislative review of requests to expend federal money; providing for encouragement, coordination and safety regulation of programs concerning special transportation service; modifying the rail service improvement program and the rail user loan guarantee program; authorizing acquisition of certain rail lines; permitting state payment of interest adjustments on guaranteed loans to rail users; amending Minnesota Statutes 1978, Sections 161.123; 174.03, Subdivision 4; 174.23, Subdivision 2, and by adding a subdivision; 174.24, Subdivisions 2, 3, and 4; 174.25, Subdivision 1; 174.26, Subdivision 1; 174.28; 222.48; 222.50, Subdivisions 3, 4, 6, and by adding subdivisions; 222.51; 222.53; 222.55; 222.56, Subdivision 5; 222.57; 222.58, Subdivision 2, and by adding a subdivision; 256B.04, Subdivision 12; 360.015, by adding a subdivision; 473.408, Subdivision 3, and by adding subdivisions; 473.411, Subdivision 1; Chapters 3, by adding a section; 174, by adding sections; and 222, by adding sections; and amending Laws 1973, Chapter 567, Section 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

This is to notify you that the Senate is about to adjourn the Special Session sine die.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the Chief Clerk of the House be and he is hereby authorized to correct and approve the Journal of the House, 1979 Special Session, for Thursday, May 24, 1979. Further, that the Chief Clerk of the House be authorized to include in the Journal for the last day of said Special Session any proceedings and any legislative interim committees created or appointments made pursuant thereto by legislative action or by law relating to this 1979 Special Session. The motion prevailed.

MOTION TO ADJOURN SPECIAL SESSION SINE DIE

Sieben, H., moved that the House adjourn sine die for the 1979 Special Session. The motion prevailed, and the Speaker declared the House stands adjourned sine die for the 1979 Special Session.

EDWARD A. BURDICK, Chief Clerk, House of Representatives