

STATE OF MINNESOTA

Journal of the Senate

SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Thursday, May 24, 1979

The Senate met at 9:00 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Winfield Johnson.

The Secretary called the roll by legislative districts in numerical order, and the following Senators answered to their names:

- First District Marvin B. Hanson
- Second District Roger D. Moe
- Third District Bob Lessard
- Fourth District Gerald L. Willet
- Fifth District George F. Perpich
- Sixth District Douglas J. Johnson
- Seventh District Sam George Solon
- Eighth District James Ulland
- Ninth District Douglas H. Sillers
- Tenth District
- Eleventh District Wayne Olhoff
- Twelfth District Myrton O. Wegener
- Thirteenth District Dave Rued
- Fourteenth District Florian Chmielewski
- Fifteenth District Roger E. Strand
- Sixteenth District
- Seventeenth District Jack I. Kleinbaum
- Eighteenth District Robert G. Dunn
- Nineteenth District Jerald C. Anderson
- Twentieth District
- Twenty-first District A.O.H. Setzepfandt
- Twenty-second District John Bernhagen
- Twenty-third District Earl W. Renneke
- Twenty-fourth District Clarence M. Purfeerst
- Twenty-fifth District Steve Engler
- Twenty-sixth District Marion (Mike) Menning
- Twenty-seventh District Howard D. Olson
- Twenty-eighth District Carl A. Jensen
- Twenty-ninth District Arnulf Ueland, Jr.

Thirtieth District	Timothy J. Penny
Thirty-first District	Tom Nelson
Thirty-second District	Mel Frederick
Thirty-third District	
Thirty-fourth District	Roger Laufenburger
Thirty-fifth District	Jerome O. Gunderson
Thirty-sixth District	Robert J. Schmitz
Thirty-seventh District	William G. Kirchner
Thirty-eighth District	Robert M. Benedict
Thirty-ninth District	Otto T. Bang, Jr.
Fortieth District	
Forty-first District	(vacant)
Forty-second District	George S. Pillsbury
Forty-third District	Emily Anne Staples
Forty-fourth District	Hubert H. Humphrey, III
Forty-fifth District	William P. Luther
Forty-sixth District	David D. Schaaf
Forty-seventh District	Gene Merriam
Forty-eighth District	Robert O. Ashbach
Forty-ninth District	Delores Knaak
Fiftieth District	Jerome M. Hughes
Fifty-first District	Gerry Sikorski
Fifty-second District	Conrad M. Vega
Fifty-third District	Howard A. Knutson
Fifty-fourth District	Edward J. Gearty
Fifty-fifth District	Eugene E. Stokowski
Fifty-sixth District	Robert J. Tennesen
Fifty-seventh District	Allan H. Spear
Fifty-eighth District	Harmon T. Ogdahl
Fifty-ninth District	Steve Keefe
Sixtieth District	Jack Davies
Sixty-first District	Franklin J. Knoll
Sixty-second District	Neil Dieterich
Sixty-third District	Ron Sieloff
Sixty-fourth District	Peter P. Stumpf
Sixty-fifth District	Nicholas D. Coleman
Sixty-sixth District	John C. Chenoweth
Sixty-seventh District	Bill McCutcheon

STATE OF MINNESOTA

PROCLAMATION

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

JOAN ANDERSON GROWE,
Secretary of State

MEMBERS EXCUSED

Mrs. Brataas, Messrs. Nichols, Peterson and Schrom were excused from the Session of today. Mr. Keefe, J. was excused from the Session of today until 11:04 o'clock a.m.

RECESS

Mr. Coleman moved that the Senate do now recess until 10:15 o'clock a.m. The motion prevailed.

The hour of 10:15 o'clock a.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

Anderson	Frederick	Knoll	Pillsbury	Strand
Ashbach	Gearty	Knutson	Purfeerst	Stumpf
Benedict	Hanson	Laufenburger	Renneke	Ueland, A.
Bernhagen	Hughes	Menning	Rued	Ulland, J.
Chenoweth	Humphrey	Moe	Schmitz	Vega
Chmielewski	Jensen	Nelson	Setzepfandt	Wegener
Coleman	Johnson	Ogdahl	Sieloff	Willet
Davies	Keefe, S.	Olhoff	Sikorski	
Dieterich	Kirchner	Olson	Sillers	
Dunn	Kleinbaum	Penny	Spear	
Engler	Knaak	Perpich	Stokowski	

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

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House of Representatives of the State of Minnesota is now duly organized pursuant to law.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 24, 1979

MOTIONS AND RESOLUTIONS

Mr. Coleman introduced—

Senate Resolution No. 1: A Senate resolution relating to organization and operation of the Senate during the Special Session.

BE IT RESOLVED, by the Senate:

That the Senate is organized pursuant to Minnesota Statutes 1978, Sections 3.073 and 3.103.

The Rules of the Senate for the 71st Legislature shall be the Rules for the Special Session except that Rules 33, 40, 62 and 57 shall not be operative other than as provided herein.

The Committee on Rules and Administration is established in the same manner and with the same powers as pertained in the 71st Legislature.

With respect to Rule 31, Reconsideration, a notice of intention to move for reconsideration shall not be in order, but a motion to reconsider may be made, and when made shall have priority over other business except a motion to adjourn.

Mr. Coleman moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knoll	Pillsbury	Strand
Ashbach	Gearty	Laufenburger	Purfeerst	Stumpf
Bang	Gunderson	Lessard	Renneke	Tennessee
Benedict	Hanson	Luther	Rued	Ueland, A.
Bernhagen	Hughes	Menning	Schmitz	Ulland, J.
Chenoweth	Humphrey	Moe	Setzepfandt	Vega
Chmielewski	Jensen	Nelson	Sieloff	Wegener
Coleman	Johnson	Ogdahl	Sikorski	Willet
Davies	Keefe, S.	Olhoff	Sillers	
Dieterich	Kirchner	Olson	Solon	
Dunn	Kleinbaum	Penny	Spear	
Engler	Knaak	Perpich	Stokowski	

The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Resolution No. 2: A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

BE IT RESOLVED, by the Senate:

That the Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized pursuant to the Minnesota Constitution and Minnesota Statutes.

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Messrs. Keefe, S.; Laufenburger; Nichols; Luther and Willet introduced—

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.

SUSPENSION OF RULES

Mr. Keefe, S. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S. F. No. 1 and that the rules of the Senate be so far suspended as to give S. F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

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

S. F. No. 1 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gerty	Knutson	Penny	Solon
Ashbach	Gunderson	Laufenburger	Perpich	Spear
Bang	Hanson	Lessard	Pillsbury	Staples
Benedict	Hughes	Luther	Purfeerst	Stokowski
Bernhagen	Humphrey	McCutcheon	Renneke	Strand
Chenoweth	Jensen	Menning	Rued	Stumpf
Chmielewski	Johnson	Merriam	Schaaf	Tennessen
Coleman	Keefe, S.	Moe	Schmitz	Ueland, A.
Davies	Kirchner	Nelson	Setzepfandt	Ulland, J.
Dieterich	Kleinbaum	Ogdahl	Sieloff	Vega
Dunn	Knaak	Olhoff	Sikoraki	Wegener
Engler	Knoll	Olson	Sillers	Willet

Mr. Frederick voted in the negative.

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

—CONTINUED

The following bill was read the first time.

Messrs. Anderson, Ogdahl, Peterson, Humphrey and Knoll introduced—

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 infor-

mation 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.

SUSPENSION OF RULES

Mr. Anderson moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S. F. No. 2 and that the rules of the Senate be so far suspended as to give S. F. No. 2 its second and third reading and place it on its final passage. The motion prevailed.

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

CALL OF THE SENATE

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

Anderson	Gearty	Knutson	Perpich	Stokowski
Ashbach	Gunderson	Laufenburger	Pillsbury	Strand
Bang	Hanson	Lessard	Purfeerst	Stumpf
Benedict	Hughes	Luther	Renneke	Tennesen
Bernhagen	Humphrey	McCutcheon	Rued	Ueland, A.
Chenoweth	Jensen	Menning	Schmitz	Ulland, J.
Chmielewski	Johnson	Merriam	Setzepfandt	Vega
Coleman	Keefe, J.	Moe	Sieloff	Wegener
Davies	Keefe, S.	Nelson	Sikorski	Willet
Dieterich	Kirchner	Ogdahl	Sillers	
Dunn	Kleinbaum	Olhoff	Solon	
Engler	Knaak	Olson	Spear	
Frederick	Knoll	Penny	Staples	

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

S. F. No. 2 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Pillsbury	Stokowski
Ashbach	Gunderson	Laufenburger	Purfeerst	Strand
Bang	Hanson	Lessard	Renneke	Stumpf
Benedict	Hughes	Luther	Rued	Tennessee
Bernhagen	Humphrey	McCutcheon	Schaaf	Ueland, A.
Chenoweth	Jensen	Menning	Schmitz	Ulland, J.
Chmielewski	Johnson	Merriam	Setzepfandt	Vega
Coleman	Keefe, J.	Moe	Sieloff	Wegener
Davies	Keefe, S.	Nelson	Sikorski	Willet
Dieterich	Kirchner	Ogdahl	Sillers	
Dunn	Kleinbaum	Olhoff	Solon	
Engler	Knaak	Olson	Spear	
Frederick	Knoll	Perpich	Staples	

Mr. Penny voted in the negative.

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS —CONTINUED

The following bill was read the first time.

Mr. Schaaf introduced—

S. F. No. 3: 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.

Mr. Schaaf moved that S. F. No. 3 be laid on the table. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess until 1:30 o'clock p.m. The motion prevailed.

The hour of 1:30 o'clock p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Coleman moved that the Senate do now recess until 2:30 o'clock p.m. The motion prevailed.

The hour of 2:30 o'clock p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

Anderson	Dunn	Kirchner	Ogdahl	Sillers
Ashbach	Engler	Kleinbaum	Olhoff	Staples
Bang	Frederick	Knoll	Penny	Stokowski
Benedict	Gearty	Knutson	Pillsbury	Stumpf
Chenoweth	Gunderson	Laufenburger	Renneke	Tennessee
Chmielewski	Hanson	Luther	Rued	Ueland, A.
Coleman	Hughes	McCutcheon	Schmitz	Ulland, J.
Davies	Johnson	Merriam	Sieloff	Wegener
Dieterich	Keefe, S.	Moe	Sikorski	Willet

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

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications, Messages From the House and First Reading of House Bills.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 24, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the pleasure of advising you that I have delivered to the Office of the Secretary of the Senate the names of notaries public in the State of Minnesota.

Pursuant to the provisions of Article V, Section 3, I hereby appoint those individuals as notaries public, and hereby request the advice and consent of the Senate in those appointments.

Very truly yours,

Albert H. Quie, Governor

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to allow confirmation of the appointments of the notaries public today. The motion prevailed.

CONFIRMATION

Mr. Tennesen moved to confirm the appointments of these notaries public and those appointed since the Senate last confirmed the appointments of notaries public. The motion prevailed. So the appointments were confirmed.

MESSAGES FROM THE HOUSE

Mr. President:

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

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.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 24, 1979

FIRST READING OF HOUSE BILLS

H. F. No. 1 was read the first time.

SUSPENSION OF RULES

Mr. Moe moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1 and that the rules of the Senate be so far suspended as to give H. F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

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

H. F. No. 1 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Pillsbury	Stokowski
Ashbach	Gunderson	Laufenburger	Purfeerst	Strand
Bang	Hanson	Lessard	Renneke	Stumpf
Benedict	Hughes	Luther	Rued	Tennessee
Bernhagen	Humphrey	Menning	Schaaf	Ueland, A.
Chenoweth	Jensen	Merriam	Schmitz	Ulland, J.
Chmielewski	Johnson	Moe	Setzepfandt	Vega
Coleman	Keefe, J.	Nelson	Sieloff	Wegener
Davies	Keefe, S.	Ogdahl	Sikorski	Willet
Dieterich	Kirchner	Olhoft	Sillers	
Dunn	Kleinbaum	Olson	Solon	
Engler	Knaak	Penny	Spear	
Frederick	Knoll	Perpich	Staples	

Mr. McCutcheon voted in the negative.

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Messages from the House.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. Nos. 1 and 2.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 24, 1979

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman introduced—

Senate Resolution No. 3: A Senate resolution relating to adjournment of the 1979 Special Session.

BE IT RESOLVED, by the Senate:

That the Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the Special Session sine die.

That the Secretary of the Senate may correct and approve the Journal of the Senate for the Special Session of 1979.

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Coleman moved that the Senate do now adjourn sine die. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate