

### SIXTY-THIRD DAY

St. Paul, Minnesota, Thursday, January 31, 1980

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

#### CALL OF THE SENATE

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

Ashbach	Gunderson	Lessard	Peterson	Staples
Bang	Hanson	Luther	Pillsbury	Stern
Barrette	Hughes	McCutcheon	Purfeerst	Stokowski
Bernhagen	Humphrey	Menning	Rued	Strand
Brataas	Jensen	Moe	Schaaf	Ueland, A.
Chmielewski	Johnson	Nelson	Schmitz	Vega
Coleman	Keefe, J.	Nichols	Setzepfandt	Wegener
Dunn	Keefe, S.	Ogdahl	Sieloff	Willet
Engler	Kirchner	Olhoff	Sikorski	
Frederick	Kleinbaum	Penny	Sillers	
Gearty	Knaak	Perpich	Spear	

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

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

The roll was called, and the following Senators answered to their names:

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

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

#### MEMBERS EXCUSED

Mr. Stumpf was excused from the Session of today.

**REPORTS AND RESOLUTIONS FILED DURING THE INTERIM  
WITH THE SECRETARY OF THE SENATE**

Various reports were filed during the 1979 interim by Retirement and Relief Associations and are filed in the office of the Secretary of the Senate; also reports made by the Legislative Audit Commission on various state institutions and boards; Pollution Control Agency, Analysis of the Resource Recovery Grants-In-Aid-Program, Alternatives for Improved Waste Water Treatment in Small Rural Communities; Mpls. Teachers' Retirement Fund Association, Sixty-ninth Annual Report of the Board of Trustees; Dept. of Finance, Public Employment Study, Final Report, 1979; University of Minnesota, Progress Report on Planning, 1979; Dept. of Finance, Statewide Cost Allocation Plan, 1977; Regional Development Commission, Great Lakes Commission, 1978-1979; Regional Development Commission, Southeastern Minnesota, 1978; Dept. of Personnel, Specialized Training and Development Activities; Dept. of Administration, Division of Procurement, Small Business Procurement Act, 1979; Indian Affairs Intertribal Board, 1979; Minnesota State Arts Board, Regional Program Information, 1981; Department of Public Welfare, Biennium Report on the Minnesota Supplemental Aid Program, 1977 and 1978; Minnesota Dept. of Health, Progress Report on Supplemental Food Programs; Dept. of Administration, Data Processing Budget Supplement, 1979-81; Family Farm Advisory Council, Minnesota Family Farm Security Act of 1976; Metropolitan Council, Metropolitan Waste Control Commission 1980 Budget; Dept. of Transportation, Rail User Loan Guarantee Program, 1979; Dept. of Administration, Role of Personnel Board, 1979; Dept. of Finance, Financial Report, year ended June 30, 1979; Commissioner of Education, Pre School Health Screening Programs; Metropolitan Council, Metropolitan Transit Commission 1980 Budget; Council on Quality Education.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time and referred to the committees indicated.

Mrs. Brataas, Messrs. Laufenburger and Pillsbury introduced—

S. F. No. 1708: A bill for an act relating to workers' compensation; changing special compensation fund assessment procedures; providing for reimbursement to certain insurers; amending Minnesota Statutes, 1979 Supplement, Sections 176.131, Subdivision 10; and 176.191, Subdivision 3.

Referred to the Committee on Employment.

Messrs. Nelson, Perpich, Kirchner and Knutson introduced—

S. F. No. 1709: A bill for an act relating to corrections; providing for licensing of correctional facilities; regulating inmate earnings; providing for the investment of funds in the correc-

tional industries revolving account; prohibiting the introduction of contraband into other state institutions; prescribing penalties; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 243.24, Subdivision 1; Minnesota Statutes, 1979 Supplement, Sections 241.27, Subdivision 2; and 243.55, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Ashbach; Mrs. Knaak; Messrs. Keefe, J. and Keefe, S. introduced—

S. F. No. 1710: A bill for an act relating to real estate; enacting the uniform condominium act; providing for taxation as a separate parcel; regulating eminent domain awards; regulating the creation of condominiums; protecting the purchasers of condominiums; regulating condominium declaration; regulating the management of condominiums.

Referred to the Committee on Judiciary.

Messrs. Nelson, Strand, Setzepfandt, Olson and Sillers introduced—

S. F. No. 1711: A bill for an act relating to taxation; income tax; providing for an investment credit for purchases of farm equipment; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Strand, Ogdahl, Renneke, Peterson and Schmitz introduced—

S. F. No. 1712: A bill for an act relating to retirement; providing for periodic increases in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes, 1979 Supplement, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Nelson, Setzepfandt and Renneke introduced—

S. F. No. 1713: A bill for an act relating to regional development; providing for the dissolution and property tax levies of regional development commissions; amending Minnesota Statutes 1978, Sections 462.387, by adding a subdivision; and 462.396, Subdivision 2.

Referred to the Committee on Local Government.

Mr. Engler introduced—

S. F. No. 1714: A bill for an act relating to the town of Castle Rock; authorizing the establishment of a detached banking facility.

Referred to the Committee on Commerce.

Mrs. Knaak, Messrs. Purfeerst, Hughes, Mrs. Brataas and Mr. Barrette introduced—

S. F. No. 1715: A bill for an act relating to education; providing mobility incentives for teachers at the school for the deaf and at the braille and sight-saving school; amending Minnesota Statutes 1978, Section 354.094, Subdivisions 1 and 5; and Minnesota Statutes, 1979 Supplement, Section 354.094, Subdivisions 3 and 6.

Referred to the Committee on Education.

Mrs. Brataas, Messrs. Laufenburger, Bang and Nichols introduced—

S. F. No. 1716: A bill for an act relating to workers' compensation; providing an annual date for adjusting supplementary benefit levels; amending Minnesota Statutes, 1979 Supplement, Section 176.132, Subdivision 2.

Referred to the Committee on Employment.

Mr. Ogdahl introduced—

S. F. No. 1717: A bill for an act relating to retirement; local police and salaried firefighters relief associations; providing limited annual automatic post retirement adjustments for certain newly employed, active and retired local relief association members with municipal approval.

Referred to the Committee on Governmental Operations.

Messrs. Sillers and Moe introduced—

S. F. No. 1718: A bill for an act relating to historical interpretive centers; appropriating money.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Merriam and Barrette introduced—

S. F. No. 1719: A bill for an act relating to taxation; providing that payments mailed by or on settlement day but received later shall be treated as payments received by settlement day; modifying some provisions to take account of the new treatment of

payments mailed by or on settlement day and received later; amending Minnesota Statutes 1978, Sections 276.09; 276.10; and 276.11.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knutson introduced—

S. F. No. 1720: A bill for an act relating to crimes; prohibiting the possession, manufacture, or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1978, Sections 152.01, by adding a subdivision; 152.19, Subdivisions 1 and 3; and Chapter 152, by adding sections.

Referred to the Committee on Judiciary.

Mr. Laufenburger, Mrs. Staples, Mr. Frederick, Mrs. Brataas and Mr. Nelson introduced—

S. F. No. 1721: A bill for an act relating to unemployment compensation; including certain services as within definition of employment; providing for the noncharging of certain benefits; regulating accounts of successor employers; regulating reimbursements; providing for deductions from benefits; clarifying a certain disqualification from benefits; regulating employer protests; regulating certain interest charges and penalties; providing for adjustments; amending Minnesota Statutes 1978, Sections 268.06, Subdivisions 25, 26 and 28; 268.10, Subdivision 1; 268.16, Subdivisions 1, 2 and 6; and Minnesota Statutes, 1979 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivisions 5, 22 and 33; 268.08, Subdivision 3; and 268.09, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Renneke, Tennessen, Sieloff, Bernhagen and Davies introduced—

S. F. No. 1722: A bill for an act relating to corrections; prescribing penalties for persons who introduce contraband into state hospitals; amending Minnesota Statutes, 1979 Supplement, Section 243.55.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Spear; Keefe, J.; Ogdahl and Tennessen introduced—

S. F. No. 1723: A bill for an act relating to the city of Minneapolis; exempting arts organizations from the admissions and amusements tax; amending Laws 1969, Chapter 1092, Section 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Spear; Mrs. Staples and Mr. Keefe, J. introduced—

S. F. No. 1724: A bill for an act relating to taxation; exempting admissions to events or premises of nonprofit arts organizations from the sales tax; amending Minnesota Statutes, 1979 Supplement, Section 297A. 25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced—

S. F. No. 1725: A bill for an act relating to education; defining "nonsectarian nonpublic school" and modifying the definition of "neutral site" to include a nonsectarian nonpublic school for purposes of certain sections providing aid to nonpublic school children; amending Minnesota Statutes 1978, Section 123.932, Subdivision 9, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Davies, Knoll, Spear, Knutson and Sieloff introduced—

S. F. No. 1726: A bill for an act relating to children; providing for review of foster care of certain developmentally disabled children; amending Minnesota Statutes 1978, Section 257.071, Subdivision 3, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Davies, Sieloff, Knutson, Tennessen and Spear introduced—

S. F. No. 1727: A bill for an act relating to acknowledgement of instruments; providing that legal documents can be signed and certified to be true under penalty of perjury in lieu of acknowledgement in the presence of a notary public; prescribing penalties; amending Minnesota Statutes 1978, Section 609.48, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Davies, Knutson, Hanson, Tennessen and Spear introduced—

S. F. No. 1728: A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1978, Section 595.02.

Referred to the Committee on Judiciary.

Messrs. Davies, McCutcheon, Gearty, Barrette and Merriam introduced—

S. F. No. 1729: A bill for an act relating to crimes; eliminating

the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Davies, Knutson, Tennesen and Keefe, J. introduced—

S. F. No. 1730: A bill for an act relating to real estate; prohibiting time shared estates in real property; amending Minnesota Statutes 1978, Chapter 500, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Davies, Jensen, Knutson, Tennesen and Gearty introduced—

S. F. No. 1731: A bill for an act relating to trade secrets; enacting the uniform trade secrets act.

Referred to the Committee on Commerce.

Messrs. Olhoft, Kirchner, Nelson, Wegener and Olson introduced—

S. F. No. 1732: A bill for an act relating to public welfare; allowing county boards to delegate certain powers to county welfare boards; allowing human services boards to appoint a director on a permissive basis; amending Minnesota Statutes, 1979 Supplement, Sections 256E.08, by adding a subdivision; and 402.05, Subdivision 1a.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Nelson introduced—

S. F. No. 1733: A bill for an act relating to public buildings; appropriating money for the Hormel Institute.

Referred to the Committee on Finance.

Messrs. Setzepfandt, Schmitz, Dunn and Renneke introduced—

S. F. No. 1734: A bill for an act relating to agriculture; renaming the livestock sanitary board; repealing obsolete language; regulating treatment of diseased animals; eliminating certain local boards; providing a penalty; amending Minnesota Statutes 1978, Sections 17A.04, Subdivision 6; 29.051; 29.061; 29.081;

35.01, Subdivisions 1 and 2; 35.02, Subdivision 1; 35.03; 35.05; 35.06; 35.063; 35.065; 35.08; 35.09; 35.10; 35.11; 35.12; 35.13; 35.15; 35.16; 35.245; 35.67; 35.68; 35.695; 35.70, Subdivision 1, 3 and 4; 35.71, Subdivisions 3 and 7; 35.81; 35.82; 35.822; 35.830; 35.831; 346.26; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39; repealing Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Sikorski, Anderson, Dunn and Bernhagen introduced—

S. F. No. 1735: A bill for an act relating to courts; tenth judicial district; authorizing two additional judges; authorizing appointment of a law clerk for each district court judge; amending Minnesota Statutes 1978, Sections 2.722, Subdivision 1; and 484.545, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Dunn, Wegener, Schmitz, Engler and Ueland, A. introduced—

S. F. No. 1736: A bill for an act relating to highways; providing a penalty for certain unlawful uses of or actions on public highways; prohibiting the erection of a fence on the right of way of a town road; amending Minnesota Statutes 1978, Section 160.27, Subdivision 5.

Referred to the Committee on Local Government.

Messrs. Nichols and Strand introduced—

S. F. No. 1737: A bill for an act relating to education; authorizing school districts to provide bus transportation for certain pupils who live within a mile of school; allowing districts to charge a fee for the transportation.

Referred to the Committee on Education.

Messrs. Nichols, Setzepfandt and Strand introduced—

S. F. No. 1738: A bill for an act relating to corrections; authorizing the confinement of pre-trial detainees and sentenced persons up to 90 days in lockup facilities.



Referred to the Committee on Health, Welfare and Corrections.

Messrs. Engler, Laufenburger, Penny, Purfeerst and Frederick introduced—

S. F. No. 1739: A bill for an act relating to transportation; permitting informational notations on recorded maps and plats; simplifying correction of errors on them; amending Minnesota Statutes 1978, Section 160.085, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Nelson, Sikorski and Schaaf introduced—

S. F. No. 1740: A bill for an act relating to education; changing the definition of teacher in the law governing limitations on the amount of severance pay for teachers; improving some of the language in a severance pay law; amending Minnesota Statutes, 1979 Supplement, Section 465.72.

Referred to the Committee on Governmental Operations.

Messrs. Peterson; Laufenburger; Bang; Keefe, S. and Mrs. Brataas introduced—

S. F. No. 1741: A bill for an act relating to motor vehicles; exempting certain retail installment contracts from the Motor Vehicle Installment Sales Act; amending Minnesota Statutes 1978, Section 168.66, Subdivision 4.

Referred to the Committee on Commerce.

Messrs. Dieterich; Knoll; Ulland, J.; Hanson and Anderson introduced—

S. F. No. 1742: A bill for an act relating to taxation; income tax; providing a credit for energy conservation expenditures; amending Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S. F. No. 1743: A bill for an act relating to taxation; real property; providing for the classification and assessment of certain recreational property; amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich, Schaaf, Nichols, Knutson and Vega introduced—

S. F. No. 1744: A bill for an act relating to recreation; requiring minimum insurance and a certificate of inspection for certain ski lifts, amusement rides, and amusement attractions before their operation; authorizing the commissioner of labor and industry to make the inspections and to prescribe safety rules; authorizing the commissioner to delegate inspection authority to other agencies or political subdivisions; establishing an advisory board; requiring disconnection of hazardous lifts or rides and reporting of serious injuries; establishing penalties; appropriating money.

Referred to the Committee on Governmental Operations.

Mr. Laufenburger introduced—

S. F. No. 1745: A bill for an act relating to counties; providing for publication and examination of accounts; amending Minnesota Statutes, 1979 Supplement, Section 375.17.

Referred to the Committee on Local Government.

Messrs. Frederick, Laufenburger, Bernhagen and Ueland, A. introduced—

S. F. No. 1746: A bill for an act relating to unemployment compensation; cancelling wage credits for certain employees; amending Minnesota Statutes, 1979 Supplement, Section 268.07, Subdivision 3.

Referred to the Committee on Employment.

Mr. Knoll introduced—

S. F. No. 1747: A bill for an act relating to taxation; correcting the text of the residential energy income tax credit provision; amending Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Renneke, Rued, Knutson, Frederick and Ueland, A. introduced—

S. F. No. 1748: A bill for an act relating to health; authorizing the commissioner of health to issue orders concerning well water quality; amending Minnesota Statutes 1978, Section 156A.05, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Bang, Laufenburger and Ashbach introduced—

S. F. No. 1749: A bill for an act relating to insurance; providing the commissioner with rule-making power on the subject of

unfair methods and unfair or deceptive acts and practices; amending Minnesota Statutes 1978, Section 72A.19.

Referred to the Committee on Commerce.

Messrs. Bang, Laufenburger, Ashbach and Jensen introduced—

S. F. No. 1750: A bill for an act relating to commerce; regulating the sale of subdivided lands; prescribing certain registration and exemption procedures and requirements; modifying the enforcement powers and procedures of the commissioner of securities; prescribing certain fees; providing certain penalties; amending Minnesota Statutes 1978, Sections 83.23, Subdivision 4; 83.26; 83.27; 83.28, Subdivision 2; 83.29, Subdivision 1; 83.30, Subdivision 2; 83.31; 83.35, Subdivisions 1, 2 and 3; and 83.37, Subdivision 1; repealing Minnesota Statutes 1978, Section 83.35, Subdivision 5.

Referred to the Committee on Commerce.

Messrs. Ueland, A.; Purfeerst; Engler and Frederick introduced—

S. F. No. 1751: A bill for an act relating to highway traffic regulations; providing that the operation of certain motorcycles does not require a two-wheeled vehicle endorsement on the operator's driver's license; amending Minnesota Statutes 1978, Section 169.974, Subdivision 2; and by adding a subdivision.

Referred to the Committee on Transportation.

Mr. Knutson, Mrs. Knaak, Mr. Bang, Mrs. Staples and Mr. Solon introduced—

S. F. No. 1752: A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1978, Sections 325.972; and 325.976.

Referred to the Committee on Commerce.

Messrs. Chmielewski and Olson introduced—

S. F. No. 1753: A bill for an act relating to labor; regulating certain steam engines and boilers and steam engine and boiler operators; amending Minnesota Statutes 1978, Chapter 183, by adding a section.

Referred to the Committee on Employment.

Messrs. Wegener, Olhoff, Chmielewski, Engler and Renneke introduced—

S. F. No. 1754: A bill for an act creating a legislative commis-

sion to study and recommend town zoning and planning laws; appropriating money.

Referred to the Committee on Local Government.

Messrs. Wegener, Olhoft, Chmielewski, Engler and Renneke introduced—

S. F. No. 1755: A bill for an act relating to towns; permitting compensation and providing for mileage of deputy clerks; amending Minnesota Statutes 1978, Section 367.05, Subdivision 2.

Referred to the Committee on Local Government.

Messrs. Chmielewski, Renneke, Engler, Setzepfandt and Schmitz introduced—

S. F. No. 1756: A bill for an act relating to highways; providing that a resolution of a county board revoking a county highway that would revert to a town is not effective until the highway meets town road specification standards; amending Minnesota Statutes 1978, Section 163.11, Subdivision 5a.

Referred to the Committee on Transportation.

Mr. Moe introduced—

S. F. No. 1757: A bill for an act relating to motor vehicles; providing for the registration and taxation of certain vehicles for a period of less than 12 months under certain circumstances; amending Minnesota Statutes 1978, Sections 168.012, Subdivision 7; 168.013, Subdivision 6; and 168.017, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Moe introduced—

S. F. No. 1758: A bill for an act relating to workers' compensation; providing for insurance rate setting by individual insurance companies; eliminating duties of rating bureau of Minnesota; creating duties for the commissioner of insurance; amending Minnesota Statutes 1978, Sections 70A.02; 70A.09; 70A.16; 79.09; 79.24; 79.28; 79.29; 79.30; 79.31; 79.32; Chapter 79, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 79.075; 79.21; 79.211; 79.25, Subdivision 1; repealing Minnesota Statutes 1978, Sections 79.08; 79.11; 79.12; 79.13; 79.14; 79.15; 79.16; 79.17; 79.18; 79.19; 79.20; 79.26; 79.27; Minnesota Statutes, 1979 Supplement, Sections 79.01, Subdivision 7; 79.071; 79.072; 79.073; 79.076; 79.10; 79.171; and 79.22.

Referred to the Committee on Employment.

Mr. Schmitz introduced—

S. F. No. 1759: A bill for an act relating to counties; providing

for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; amending Minnesota Statutes 1978, Section 387.20, Subdivisions 1 and 6.

Referred to the Committee on Local Government.

Mr. Sillers introduced—

S. F. No. 1760: A bill for an act relating to retirement; authorizing membership in the public employees' police and fire fund for the Moorhead police chief.

Referred to the Committee on Governmental Operations.

Messrs. Moe, Perpich, Mrs. Staples, Messrs. Knutson and Renneke introduced—

S. F. No. 1761: A bill for an act relating to health; requiring a study of certain hospital costs by the legislative auditor.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Rued, Ashbach, Bernhagen, Barrette and Frederick introduced—

S. F. No. 1762: A bill for an act relating to the legislature: proposing an amendment to the Minnesota Constitution, Article XI, by adding a section; providing a constitutional limit on state appropriations; providing a statute implementing the amendment.

Referred to the Committee on Finance.

Messrs. Knutson, Purfeerst, Engler and Vega introduced—

S. F. No. 1763: A bill for an act relating to driver's licenses; providing for the disposition of the county fee in Dakota County.

Referred to the Committee on Local Government.

Messrs. Frederick, Setzepfandt and Olhoft introduced—

S. F. No. 1764: A bill for an act relating to taxation; property tax; providing for uncontested hearings for property valuation; availability of assessor's field cards; information to be included on valuation notices; clarifying the computation of agricultural aid credit; clarifying acreage available for homestead credit; changing date for county board of equalization meeting and transfer of books to treasurer; changing penalty and interest rates; clarifying the role of administrative auditor in fiscal disparities; amending Minnesota Statutes 1978, Sections 270.11, Subdivision 6; 272.70; 273.121; 273.13, Subdivision 6a; 273.135, Subdivision 1; 274.13, Subdivision 1; 274.14; 276.01; 279.01;

279.37, Subdivision 2; 282.01, Subdivisions 1 and 4; 282.222, Subdivision 4; 282.261; and 473F.08, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 273.13, Subdivision 6; and 282.15; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34; 275.35; and 473F.08, Subdivisions 7 and 8.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Penny, Nichols, Peterson, Frederick and Olhoft introduced—

S. F. No. 1765: A bill for an act relating to taxation; income tax; providing that certain unemployment compensation be included in gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe, Strand, Setzepfandt, Engler and Johnson introduced—

S. F. No. 1766: A bill for an act relating to agriculture; requiring the preparation of agricultural impact statements for certain public projects; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Kleinbaum introduced—

S. F. No. 1767: A bill for an act relating to retirement; providing for the amortization of the unfunded accrued liability of the St. Cloud firefighters' relief association.

Referred to the Committee on Governmental Operations.

Messrs. Menning, Humphrey, Moe, Bernhagen and Olhoft introduced—

S. F. No. 1768: A bill for an act relating to energy; establishing a program of annual monetary awards for ideas in the fields of alternative energy sources and energy conservation; appropriating funds.

Referred to the Committee on Energy and Housing.

Mr. Spear, Mrs. Staples, Messrs. Perpich, Kirchner and Vega introduced—

S. F. No. 1769: A bill for an act relating to general assistance; authorizing and setting minimum limits for allowances for personal needs in certain cases; amending Minnesota Statutes 1978, Section 256D.06, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Knutson, Rued, Barrette, Mrs. Knaak and Mr. Solon introduced—

S. F. No. 1770: A bill for an act relating to health; requiring certain immunizations for children; requiring certain schools to maintain immunization records and make certain reports; amending Minnesota Statutes 1978, Section 123.70.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Sillers and Ulland, J. introduced—

S. F. No. 1771: A bill for an act relating to highway traffic regulations; regulating speed in certain speed zones; authorizing local authorities to establish speed limits within high pedestrian conflict zones; amending Minnesota Statutes, 1979 Supplement, Section 169.14, Subdivision 5a.

Referred to the Committee on Transportation.

Messrs. Menning, Moe, Schmitz and Purfeerst introduced—

S. F. No. 1772: A bill for an act relating to highway traffic regulations; authorizing an annual permit for certain oversize vehicles transporting implements of husbandry; prescribing limitations on the use of the vehicles; amending Minnesota Statutes 1978, Section 169.70, Subdivision 1.

Referred to the Committee on Transportation.

Messrs. Spear; Rued; Keefe, S.; Sikorski and Bernhagen introduced—

S. F. No. 1773: A bill for an act relating to intoxicating liquor; authorizing the production and sale of table or sparkling wines produced by a Minnesota farm winery; providing for the taxation thereof.

Referred to the Committee on Commerce.

Messrs. Ulland, J. and Bernhagen introduced—

S. F. No. 1774: A bill for an act relating to energy; establishing state programs for emergency energy assistance, administration of federal grants, supplementing federal weatherization grants, reimbursing counties for home heating expenditures, and emergency energy conservation grants; appropriating funds.

Referred to the Committee on Energy and Housing.

**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. 1507.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 21, 1979

**FIRST READING OF HOUSE BILLS**

The following bill was read the first time and referred to the committee indicated.

H. F. No. 1507: A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1978, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; and 638.08; repealing Minnesota Statutes 1978, Section 7.07.

Referred to the Committee on Finance.

**REPORTS OF COMMITTEES**

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1646: A bill for an act relating to executions; providing that issuance of an execution may be made without docketing of the judgment in the county where the money or personal property is owed to the judgment debtor by a third party; amending Minnesota Statutes 1978, Section 550.07.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1644: A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1978, Section 117.042.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred



S. F. No. 64: A bill for an act relating to evidence; declaring certain kinds of records of legislative proceedings to be not relevant evidence of legislative intent.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1978, Section 645.16, is amended to read:

645.16 [LEGISLATIVE INTENT CONTROLS.] The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature. Every law shall be construed, if possible, to give effect to all its provisions.

When the words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.

When the words of a law are not explicit, the intention of the legislature may be ascertained by considering, among other matters:

- (1) The occasion and necessity for the law;
- (2) The circumstances under which it was enacted;
- (3) The mischief to be remedied;
- (4) The object to be attained;
- (5) The former law, if any, including other laws upon the same or similar subjects;
- (6) The consequences of a particular interpretation;
- (7) ~~The contemporaneous legislative history~~ *bill as introduced and with amendments as reflected in the journals of the legislative bodies ; and*
- (8) Legislative and administrative interpretations of the statute."

Page 1, line 9, after "in" insert "*either personal recollections of legislators, legislative staff or other individuals involved in the legislative process, or in*"

Page 1, line 13, after "because" insert "all"

Page 1, line 16, after "that" insert "*testimony of legislators, legislative staff or other individuals involved in the legislative process, and*"

Page 1, line 22, before "Verbatim" insert "*Testimony of legislators, legislative staff and other individuals involved in the legislative process, and*"

Page 2, line 3, delete ". They" and insert ", and"

Renumber the sections in sequence

Underline all new language in the bill

Amend the title as follows:

Page 1, line 2, after the semicolon insert "limiting the legislative history admissible to determine legislative intent;"

Page 1, line 2, after "declaring" insert "testimony of certain individuals and"

Page 1, line 4, after "intent" insert "; amending Minnesota Statutes 1978, Section 645.16"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 1623: A bill for an act relating to transportation; requiring any public transit system receiving state financial assistance to provide for public transportation to all persons 65 years of age or over; amending Minnesota Statutes 1978, Sections 174.22, by adding a subdivision; 174.23, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 174.23, Subdivision 2; and 473.408, Subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, delete "Any public" and insert "A regular route"

Page 3, after line 10, insert:

"Sec. 5. [APPROPRIATION.] *The sum of \$1,000,000 is appropriated from the general fund to the commissioner of transportation for the purposes of sections 1 to 4 to be available until June 30, 1981.*

Sec. 6. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Schaaf from the Committee on Governmental Operations, to which was referred

S. F. No. 1665: A bill for an act relating to public contracts; providing for progress payments; authorizing alternative means of securing full performance; amending Minnesota Statutes 1978, Sections 161.322; 162.04; 162.10; and 429.041, Subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 29, delete "*such*" and insert "*that*"

Page 7, line 19, delete "1979" and insert "1980"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 993: A bill for an act relating to health; establishing a council on physical fitness; prescribing its duties; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, after "FITNESS" insert "AND HEALTH"

Page 1, line 22, after "fitness" insert "and health"

Page 4, line 10, delete "1979" and insert "1980"

Amend the title as follows:

Page 1, line 3, after "fitness" insert "and health"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

#### SECOND READING OF SENATE BILLS

S. F. No. 1644 was read the second time.

S. F. Nos. 1646, 64 and 1665 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### MOTIONS AND RESOLUTIONS

Mr. Bernhagen introduced—

Senate Resolution No. 42: A Senate resolution commending the people of the city of Litchfield for their "Sister City" program. Providing for the adoption of the City of Hartford, Alabama by the City of Litchfield as their "Sister City".

Referred to the Committee on Rules and Administration.

Mr. Spear moved that the name of Mr. Sikorski be added as co-author to S. F. No. 391. The motion prevailed.

Mrs. Brataas moved that her name be stricken as co-author to S. F. No. 789. The motion prevailed.

S. F. No. 129 and the Conference Committee Report thereon were reported to the Senate.

Mr. Luther moved that S. F. No. 129 and the Conference Committee Report thereon be returned to the Conference Committee as previously constituted. The motion prevailed.

**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1261 a Special Order to be heard immediately.

Mr. Schaaf moved that S. F. No. 1261 be taken from the table. The motion prevailed.

S. F. No. 1261: A bill for an act relating to public transit; authorizing the acquisition, betterment, operation and maintenance of a people mover system in St. Paul; authorizing financial participation in its construction by Ramsey County; establishing a procedure for payment of the operating deficit by the metropolitan transit commission, the city of St. Paul and benefited property owners; providing for assistance by the state; authorizing issuance of bonds by Ramsey County and payment from a tax levied on commercial and industrial property in Ramsey County; appropriating money; amending Laws 1979, Chapter 46, Section 1, by adding a subdivision; repealing Laws 1977, Chapter 454, Section 45.

Mr. Schaaf moved to amend S. F. No. 1261 as follows:

Delete everything after the enacting clause and insert:

*"Section 1. [DEFINITIONS.] Subdivision 1. The definitions in this section apply to sections 1 to 14.*

*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 this act.*

*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 commercial 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 2.*

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

**Sec. 2. [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 this act 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 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 11. 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 this act, and any additional legislation that may be necessary or appropriate. In addition to filing copies of the report as provided in section 3.195, the board shall provide an oral presentation to the appropriate standing committees of the legislature.*

**Sec. 3. [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. 4. [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.*

**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 concur-*

rence 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. 5. [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. 6. [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 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. 7. [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 reim-*

bursed 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. 8. [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 9.

**Subd. 2.** For the purposes of this section and section 9, "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 9.

**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 9. 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 9.

The city shall levy assessments on benefited properties pursuant to section 5 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 5.

*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 benefited 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 benefited properties to pay the operating deficit for the preceding calendar year pursuant to section 9;*

*(d) Determine whether the city, the commission or owners of benefited 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 benefited properties to pay that estimated operating deficit pursuant to section 9;*

*(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 benefited 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 5.*

*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. 9. [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 \$300,000 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 5.*

*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 5.*

*Subd. 4. If the operating deficit for any year exceeds the amounts required to be paid pursuant to subdivisions 2 and 3, owners of benefited properties shall pay one-half of the excess up to a maximum of \$800,000, subject to escalation as provided in subdivision 5, and the city shall pay the remaining amount of the excess. Payments by owners of benefited properties shall be pursuant to assessments levied by the city pursuant to section 5.*

*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 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. 10. [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 II, 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. 11. Minnesota Statutes, 1979 Supplement, Section 473.436, 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 1. The proceeds of the obligations shall be expended as provided in the joint powers agreement entered into by the commission pursuant to section 2. 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 8 and 9. 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. 12. [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 3, 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 of Minnesota Statutes, Chapter 117, for such taking and assessment and award of damages.*

Sec. 13. [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 11.*

*Sec. 14. [RELATIONSHIP TO TAX INCREMENT FINANCING DISTRICTS.] After approval of this act 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. In the case of a tax increment financing project for which certification has been requested from the county auditor prior to approval of this act, there may be no geographic enlargement of the district to add any property located within one half mile of the route. If a district for which certification was requested prior to approval of this act includes property located within one half mile of the route, no bonds may be issued after the date of the approval of this act by the municipality or the authority responsible for the project for the purpose of financing project activities within the district.*

*Sec. 15. [REPEALER.] Laws 1977, Chapter 454, Section 45, is repealed.*

*Sec. 16. [EFFECTIVE DATE.] This act is effective upon approval by resolution of the St. Paul city council and by resolution of the metropolitan transit commission. The resolutions shall be adopted after published notice to the public and public hearing."*

**Amend the title as follows:**

**Page 1, line 4, delete "authorizing"**

**Page 1, delete line 5**

**Page 1, line 6, delete "Ramsey County;"**

**Page 1, line 10, after "of" insert "capital improvement"**

**Page 1, line 11, delete everything after "by"**

**Page 1, delete lines 12 and 13**

**Page 1, line 14, delete everything before "by" and insert "the Twin Cities Metropolitan Transit Commission; amending Minnesota Statutes, 1979 Supplement, Section 473.436,"**

**Mr. Tennessen moved that S. F. No. 1261 be re-referred to the Committee on Transportation.**

## CALL OF THE SENATE

Mr. Schaaf imposed a call of the Senate for the balance of the proceedings on S. F. No. 1261. The following Senators answered to their names:

Anderson	Gearty	Lessard	Pillsbury	Stern
Bang	Gunderson	Luther	Purfeerst	Stokowski
Barrette	Hanson	McCutcheon	Renneke	Strand
Benedict	Hughes	Menning	Rued	Tenessen
Bernhagen	Humphrey	Moe	Schaaf	Ueland, A.
Brataas	Jensen	Nelson	Schmitz	Ulland, J.
Chmielewski	Johnson	Nichols	Setzepfandt	Vega
Davies	Keefe, J.	Ogdahl	Sieloff	Wegener
Dieterich	Kirchner	Olhoff	Sikorski	Willet
Dunn	Knaak	Olson	Sillers	
Engler	Knutson	Penny	Spear	
Frederick	Laufenburger	Peterson	Staples	

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

The question recurred on the motion of Mr. Tennessen.

The roll was called, and there were yeas 20 and nays 42, as follows:

Those who voted in the affirmative were:

Barrette	Dieterich	Luther	Renneke	Spear
Benedict	Gunderson	Menning	Rued	Staples
Bernhagen	Knaak	Olhoff	Schmitz	Tenessen
Davies	Knutson	Purfeerst	Sieloff	Ulland, J.

Those who voted in the negative were:

Anderson	Hanson	Laufenburger	Perpich	Stokowski
Ashbach	Hughes	Lessard	Peterson	Strand
Bang	Humphrey	McCutcheon	Pillsbury	Ueland, A.
Brataas	Jensen	Moe	Schaaf	Vega
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Dunn	Keefe, J.	Nichols	Sikorski	Willet
Engler	Keefe, S.	Ogdahl	Sillers	
Frederick	Kirchner	Olson	Solon	
Gearty	Kleinbaum	Penny	Stern	

The motion did not prevail.

The question recurred on the motion of Mr. Schaaf. The motion prevailed. So the amendment was adopted.

S. F. No. 1261 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 41 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Frederick	Humphrey	Keefe, S.
Ashbach	Chmielewski	Gearty	Jensen	Kirchner
Bang	Dunn	Hanson	Johnson	Kleinbaum
Bernhagen	Engler	Hughes	Keefe, J.	Knoll

Laufenburger	Nichols	Purfeerst	Stern	Willet
Lessard	Ogdahl	Schaaf	Stokowski	
Menning	Perpich	Setzepfandt	Ueland, A.	
Moe	Peterson	Sillers	Vega	
Nelson	Pillsbury	Solon	Wegener	

Those who voted in the negative were:

Barrette	Knaak	Olhoft	Schmitz	Tennessee
Benedict	Knutson	Olson	Sieloff	
Davies	Luther	Penny	Spear	
Dieterich	McCutcheon	Renneke	Staples	
Gunderson	Merriam	Rued	Strand	

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Hanson moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, February 4, 1980. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate