

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION -- 1993

EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 25, 1993

The House of Representatives convened at 2:30 p.m. and was called to order by Dee Long, Speaker of the House.

Prayer was offered by Senator Pat Piper, District 27, Austin, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Davids	Hausman	Krueger	Neary	Rest	Tunheim
Anderson, I.	Dawkins	Holsten	Lasley	Nelson	Rhodes	Van Dellen
Anderson, R.	Dehler	Hugoson	Leppik	Ness	Rice	Vellenga
Asch	Delmont	Huntley	Lieder	Olson, K.	Rodosovich	Vickerman
Battaglia	Dempsey	Jacobs	Limmer	Olson, M.	Rukavina	Wagenius
Bauerly	Dorn	Jaros	Lindner	Ornen	Sarna	Waltman
Bergson	Erhardt	Jefferson	Lourey	Opatz	Seagren	Weaver
Bertram	Evans	Johnson, A.	Luther	Orenstein	Sekhon	Wejcman
Bettermann	Farrell	Johnson, R.	Lynch	Orfield	Simoneau	Welle
Bishop	Frerichs	Johnson, V.	Macklin	Osthoff	Skoglund	Wenzel
Blatz	Garcia	Kahn	Mahon	Ostrom	Solberg	Winter
Brown, C.	Girard	Kalis	Mariani	Ozment	Sparby	Wolf
Brown, K.	Goodno	Kelley	McCollum	Pauly	Stanius	Worke
Carlson	Greenfield	Kelso	McGuire	Pawlenty	Steensma	Workman
Carruthers	Greiling	Kinkel	Milbert	Pelowski	Sviggum	Spk. Long
Clark	Gruenes	Klinzing	Molnau	Perlt	Swenson	
Commers	Gutknecht	Knickerbocker	Morrison	Peterson	Tomassoni	
Cooper	Hasskamp	Koppendrayner	Mosel	Pugh	Tompkins	
Dauner	Haukoos	Krinkie	Murphy	Reding	Trimble	

A quorum was present.

Beard; Jennings; Olson, E., and Smith were excused.

Munger was excused until 2:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Mosel moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

McGuire; Johnson, A.; Pelowski; Orenstein and Vellenga introduced:

H. F. No. 88, A bill for an act relating to motor vehicles; requiring junking certificates of title; regulating title branding for damaged vehicles; amending Minnesota Statutes 1992, sections 168A.01, subdivisions 6a, 17a, 17b, and by adding a subdivision; 168A.04, subdivisions 1 and 4; 168A.05, subdivisions 3 and 5; 168A.15; 168A.151, subdivisions 1, 4, and by adding a subdivision; 325F.6641, subdivision 1; 325F.6642, subdivisions 2, 3, 5, and 6; and 325F.6644; repealing Minnesota Statutes 1992, section 168A.151, subdivisions 2, 3, and 5.

The bill was read for the first time and referred to the Committee on Transportation and Public Transit.

Anderson, I.; Johnson, R.; Sparby and Battaglia introduced:

H. F. No. 89, A bill for an act relating to appropriations; appropriating money for a cold weather resource center.

The bill was read for the first time and referred to the Committee on Economic Development, Infrastructure and Regulation Finance.

Hausman, Reding, Asch and Gruenes introduced:

H. F. No. 90, A bill for an act relating to insurance; accident and health; regulating coverage for the use of off-label drugs; amending Minnesota Statutes 1992, sections 43A.23, subdivision 1; and 62A.011, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Winter, Sparby, Steensma and Johnson, R., introduced:

H. F. No. 91, A bill for an act relating to solid waste; requiring the state to pay solid waste management fees imposed by counties; amending Minnesota Statutes 1992, section 400.08, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Van Dellen, Molnau, Holsten, Hugoson and Pawlenty introduced:

H. F. No. 92, A bill for an act relating to workers' compensation; defining "suitable job"; modifying permanent total disability benefits; eliminating supplementary benefits in certain circumstances; abolishing the workers' compensation court of appeals; amending Minnesota Statutes 1992, sections 176.101, subdivisions 3e, 4, and 5; 176.66, subdivision 11; 480A.06, subdivisions 3 and 4; repealing Minnesota Statutes 1992, sections 175A.01; 175A.02; 175A.03; 175A.04; 175A.05; 175A.06; 175A.07; 175A.08; 175A.09; 175A.10; and 176.132, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Jaros, Osthoff, Lourey, Lieder and Pauly introduced:

H. F. No. 93, A bill for an act relating to elections; raising the public campaign financing checkoff amount; prohibiting acceptance by certain candidates of contributions from political funds and political committees; requiring media to provide equal access to all major political party candidates; amending Minnesota Statutes 1992, sections

10A.31, subdivisions 1 and 3; 10A.322, by adding a subdivision; and 10A.335; proposing coding for new law in Minnesota Statutes, chapter 211B.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Elections.

Lourey introduced:

H. F. No. 94, A bill for an act relating to motor vehicles; exempting certain manufacturers of snowmobile trailers from being required to have a dealer's license to transport the trailers; amending Minnesota Statutes 1992, section 168.27, subdivision 22.

The bill was read for the first time and referred to the Committee on Transportation and Public Transit.

Lourey introduced:

H. F. No. 95, A bill for an act relating to public lands; authorizing independent school district No. 577 of Willow River to sell certain lands to correct an erroneous boundary assumption.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Tunheim; Goodno; Sparby; Johnson, R., and Opatz introduced:

H. F. No. 96, A bill for an act relating to watercraft; mirror requirements for watercraft towing persons on various devices; amending Minnesota Statutes 1992, section 86B.313, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Rukavina; Beard; Farrell; Johnson, R., and Bergson introduced:

H. F. No. 97, A bill for an act relating to labor relations; regulating public employment labor relations; modifying the definition of a confidential employee; amending Minnesota Statutes 1992, section 179A.03, subdivision 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Leppik, Rest and Swenson introduced:

H. F. No. 98, A bill for an act relating to driving while intoxicated; increasing driver's license revocation periods and restricting issuance of limited licenses to persons convicted of DWI, to comply with federal standards; lowering the statutory alcohol concentration limit from 0.10 to 0.08; amending Minnesota Statutes 1992, sections 169.121, subdivisions 1, 2, 4, 8, 10a, and by adding a subdivision; 169.123, subdivisions 2, 4, 5a, 6, 10, and by adding a subdivision; 171.30, subdivision 2a; and 609.21.

The bill was read for the first time and referred to the Committee on Judiciary.

Lasley; Anderson, I.; Rest; Bauerly and Koppendrayner introduced:

H. F. No. 99, A bill for an act relating to local government; permitting the creation of regional public library districts; amending Minnesota Statutes 1992, sections 134.001, by adding a subdivision; and 134.351, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 134.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Blatz, Weaver and Murphy introduced:

H. F. No. 100, A bill for an act relating to crime; creating the crimes of stalking and aggravated stalking; authorizing warrantless arrests of alleged stalkers; requiring arrest and detention of alleged stalkers in lieu of release on citation; providing for conditions of pretrial release; providing penalties; amending Minnesota Statutes 1992, sections 609.02, subdivisions 12 and 13; 629.34, subdivision 1; and 629.72; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Judiciary.

Goodno, Dauner, Davids, Leppik and Jennings introduced:

H. F. No. 101, A bill for an act relating to general assistance; requiring social security numbers as a condition of eligibility; requiring the county agency to verify the alien status of noncitizens; proposing coding for new law in Minnesota Statutes, chapter 256D.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Murphy, Huntley and Battaglia introduced:

H. F. No. 102, A bill for an act relating to appropriations; appropriating money for construction on the Superior Vista trail.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Skoglund, Munger, Kahn, Garcia and Blatz introduced:

H. F. No. 103, A bill for an act relating to appropriations; appropriating money for a visitor center at Fort Snelling state park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Anderson, R.; Nelson and Dauner introduced:

H. F. No. 104, A bill for an act relating to Otter Tail county; allowing use of certain land in Otter Tail county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Tunheim introduced:

H. F. No. 105, A bill for an act relating to education; allowing the Badger school district an excess fund balance for five years in certain circumstances; amending Laws 1991, chapter 265, article 1, section 30.

The bill was read for the first time and referred to the Committee on Education.

Krueger, Hugoson, Jacobs, Hasskamp and Sarna introduced:

H. F. No. 106, A bill for an act relating to telecommunications; prohibiting cellular telephone companies from charging customer for making emergency call; proposing coding for new law in Minnesota Statutes, chapter 403.

The bill was read for the first time and referred to the Committee on Regulated Industries and Energy.

Kelso, Skoglund and Vellenga introduced:

H. F. No. 107, A bill for an act relating to education; replacing the levy funding program with a grant program for the early childhood family education home visiting program; requiring ongoing training; appropriating money; amending Minnesota Statutes 1992, section 121.882, subdivision 2b; and Laws 1992, chapter 571, article 10, section 29.

The bill was read for the first time and referred to the Committee on Education.

Jacobs introduced:

H. F. No. 108, A bill for an act relating to taxation; providing for purchase of certain tax-forfeited lands by prior owners; amending Minnesota Statutes 1992, sections 282.01, subdivision 7; 282.012; and 282.241.

The bill was read for the first time and referred to the Committee on Taxes.

Murphy, Lourey, Battaglia and Olson, K., introduced:

H. F. No. 109, A bill for an act relating to natural resources; directing establishment of a visitor center at the Moose Lake state recreation area; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hasskamp, Wenzel and Kinkel introduced:

H. F. No. 110, A bill for an act relating to retirement; authorizing an increase in lump sum benefits payable by the Brainerd fire department relief association.

The bill was read for the first time and referred to the Committee on Governmental Operations and Gaming.

Olson, K., introduced:

H. F. No. 111, A bill for an act relating to highways; designating the B. E. Grottum memorial highway in Jackson county; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation and Public Transit.

Anderson, R., introduced:

H. F. No. 112, A bill for an act relating to day care licensing; authorizing the commissioner of human services to grant special variances for care of school age children; amending Minnesota Statutes 1992, section 245A.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Orenstein introduced:

H. F. No. 113, A bill for an act relating to traffic regulations; specifying that a pedestrian lawfully in a crosswalk with pedestrian control signals must be given the right-of-way by all vehicles; amending Minnesota Statutes 1992, section 169.06, subdivision 6.

The bill was read for the first time and referred to the Committee on Transportation and Public Transit.

Steensma and Winter introduced:

H. F. No. 114, A bill for an act relating to education; specifying fiscal year 1993 as the first year of cooperation for two school districts.

The bill was read for the first time and referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I have the honor to announce that the Senate has appointed a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Arne H. Carlson, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Tuesday, January 26, 1993, at 7:00 p.m.

Ms. Hanson; Messrs. Hottinger and Laidig; Ms. Lesewski and Mr. Murphy have been appointed as members of such committee on the part of the Senate.

PATRICK E. FLAHAVEN, Secretary of the Senate

CALENDAR

H. F. No. 1, A bill for an act relating to the legislature; providing for the designation of successor legislative committees; proposing coding for new law in Minnesota Statutes, chapter 3.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Davids	Haukoos	Krinkie	Mosel	Pugh	Tomassoni
Anderson, I.	Dawkins	Hausman	Krueger	Neary	Reding	Tompkins
Anderson, R.	Dehler	Holsten	Lasley	Nelson	Rest	Trimble
Asch	Delmont	Hugoson	Leppik	Ness	Rhodes	Tunheim
Bauerly	Dempsey	Huntley	Lieder	Olson, K.	Rice	Van Dellen
Bergson	Dorn	Jacobs	Limmer	Olson, M.	Rodosovich	Vellenga
Bertram	Erhardt	Jaros	Lindner	Onnen	Rukavina	Vickerman
Bettermann	Evans	Jefferson	Lourey	Opatz	Sarna	Wagenius
Bishop	Farrell	Johnson, A.	Luther	Orenstein	Seagren	Waltman
Blatz	Frerichs	Johnson, R.	Lynch	Orfield	Sekhon	Weaver
Brown, C.	Garcia	Johnson, V.	Macklin	Osthoff	Simoneau	Wejcmn
Brown, K.	Girard	Kahn	Mahon	Ostrom	Skoglund	Welle
Carlson	Goodno	Kalis	Mariani	Ozment	Solberg	Wenzel
Carruthers	Greenfield	Kelley	McCollum	Pauly	Sparby	Winter
Clark	Greiling	Kelso	McGuire	Pawlenty	Stanisus	Wolf
Commers	Gruenes	Kinkel	Milbert	Pelowski	Steensma	Worke
Cooper	Gutknecht	Klinzing	Molnau	Perlt	Sviggum	Workman
Dauner	Hasskamp	Knickerbocker	Morrison	Peterson	Swenson	Spk. Long

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of H. F. No. 11.

H. F. No. 11, A bill for an act relating to education; directing the Lincoln county auditor to certify certain 1993 levies for the Verdi school district.

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 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauids	Hausman	Krueger	Neary	Rest	Tunheim
Anderson, I.	Dawkins	Holsten	Lasley	Nelson	Rhodes	Van Dellen
Anderson, R.	Dehler	Hugoson	Leppik	Ness	Rice	Vellenga
Asch	Delmont	Huntley	Lieder	Olson, K.	Rodosovich	Vickerman
Battaglia	Dempsey	Jacobs	Limmer	Olson, M.	Rukavina	Wagenius
Bauerly	Dorn	Jaros	Lindner	Onnen	Sarna	Waltman
Bergson	Erhardt	Jefferson	Lourey	Opatz	Seagren	Weaver
Bertram	Evans	Johnson, A.	Luther	Orenstein	Sekhon	Wejcmán
Bettermann	Farrell	Johnson, R.	Lynch	Orfield	Simoneau	Welle
Bishop	Frerichs	Johnson, V.	Macklin	Osthoff	Skoglund	Wenzel
Blatz	Garcia	Kahn	Mahon	Ostrom	Solberg	Winter
Brown, C.	Girard	Kalis	Mariani	Ozment	Sparby	Wolf
Brown, K.	Goodno	Kelley	McCollum	Pauly	Stanius	Worke
Carlson	Greenfield	Kelso	McGuire	Pawlenty	Steensma	Workman
Carruthers	Greiling	Kinkel	Milbert	Pelowski	Sviggum	Spk. Long
Clark	Gruenes	Klinzing	Molnau	Perlt	Swenson	
Commers	Gutknecht	Knickerbocker	Morrison	Peterson	Tomassoni	
Cooper	Hasskamp	Koppendrayner	Mosel	Pugh	Tompkins	
Dauner	Haukoos	Krinkie	Murphy	Reding	Trimble	

The bill was passed and its title agreed to.

GENERAL ORDERS

Welle moved that the bill on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Anderson, I., moved that the name of Nelson be added as an author on H. F. No. 14. The motion prevailed.

Greenfield moved that the name of Asch be added as an author on H. F. No. 29. The motion prevailed.

Jefferson moved that the name of Skoglund be added as an author on H. F. No. 74. The motion prevailed.

Peterson moved that the name of Morrison be added as an author on H. F. No. 79. The motion prevailed.

Long, Welle, Jefferson, Sviggum, Mariani and Rodosovich introduced:

House Resolution No. 1, A house resolution commemorating the life and work of Justice Thurgood Marshall.

SUSPENSION OF RULES

Jefferson moved that the rules be so far suspended that House Resolution No. 1 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 1

A house resolution commemorating the life and work of Justice Thurgood Marshall.

Whereas, Thurgood Marshall, the great-grandson of slaves, was born in Baltimore, Maryland, on July 2, 1908; and

Whereas, he graduated from Howard University Law School in 1933, ranking first in his class; and

Whereas, he practiced law in Baltimore, specializing in civil rights litigation; and

Whereas, from 1936, he worked for the National Association for the Advancement of Colored People, and in 1940 became the chief of its legal staff; and

Whereas, he argued 32 cases before the United States Supreme Court and won 29 of those cases; and

Whereas, among these cases were:

--Smith v. Allwright (1944), in which the court declared unconstitutional a state's exclusion of African-American voters from primary elections,

--Shelley v. Kraemer (1948), which ended state judicial enforcement of racial "restrictive covenants" in housing,

--Sweatt v. Painter and McLaurin v. Oklahoma State Regents (both 1950), in which the court declared unconstitutional "separate but equal" facilities for African-American professionals and graduate students in state universities,

--Brown v. Board of Education of Topeka (1954), in which racial segregation in public schools was declared unconstitutional; and

Whereas, in 1961 he was nominated to the United States Court of Appeals for the Second Circuit by President John F. Kennedy; and

Whereas, he was named United States Solicitor General in 1965 by President Lyndon B. Johnson and nominated to the United States Supreme Court in 1967, becoming the first African-American to hold the office of Supreme Court Justice; and

Whereas, throughout his career on the court, in majority opinions and in dissents, he defended not only the cause of civil rights for people of color, but the broader cause of the rights of the individual, in particular the right of privacy and the rights of criminal defendants; and

Whereas, Thurgood Marshall died on January 24, 1993; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it holds in honor the memory of Justice Thurgood Marshall, and extends condolences to his family and his fellow justices of the United States Supreme Court.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to the family of Justice Thurgood Marshall.

Jefferson moved that House Resolution No. 1 be now adopted. The motion prevailed and House Resolution No. 1 was adopted.

Welle introduced:

House Concurrent Resolution No. 1, A house concurrent resolution relating to adjournment for more than three days.

SUSPENSION OF RULES

Welle moved that the rules be so far suspended that House Concurrent Resolution No. 1 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 1

A house concurrent resolution relating to adjournment for more than three days.

Be It Resolved by the House of Representatives of the State of Minnesota, the Senate concurring:

1. Upon its adjournment on February 1, 1993, the House of Representatives may set its next day of meeting more than three days after the day of adjournment.
2. Upon its adjournment on February 1, 1993, the Senate may set its next day of meeting more than three days after the day of adjournment.
3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consents to the adjournment of the other for more than three days.

Welle moved that House Concurrent Resolution No. 1 be now adopted. The motion prevailed and House Concurrent Resolution No. 1 was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the committee to escort the Governor to the House Chamber for the Joint Convention on Tuesday, January 26, 1993:

Asch, Mosel, Lourey, Kinkel and Seagren.

ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 6:30 p.m., Tuesday, January 26, 1993. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 6:30 p.m., Tuesday, January 26, 1993.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

