

SECOND DAY

St. Paul, Minnesota, Wednesday, January 4, 1989

The Senate met at 5:45 p.m. and was called to order by the President.

Prayer was offered by Senator Dean E. Johnson.

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

Adkins	Dahl	Johnson, D.J.	Metzen	Ramstad
Anderson	Davis	Kroening	Moe, D.M.	Reichgott
Beckman	Decker	Laidig	Moe, R.D.	Renneke
Belanger	DeCramer	Langseth	Morse	Samuelson
Benson	Dicklich	Lantry	Novak	Schmitz
Berg	Diessner	Larson	Olson	Solon
Berglin	Frank	Lessard	Pariseau	Spear
Bernhagen	Frederick	Luther	Pehler	Storm
Bertram	Frederickson, D.J.	Marty	Peterson, D.C.	Stumpf
Brandl	Freeman	McGowan	Peterson, R.W.	Taylor
Brataas	Gustafson	McQuaid	Piper	Vickerman
Chmielewski	Hughes	Mehrkens	Pogemiller	Waldorf
Cohen	Johnson, D.E.	Merriam	Purfeerst	

The President declared a quorum present.

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

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 and has elected the following officers:

Robert E. Vanasek, Speaker

Edward A. Burdick, Chief Clerk

Albin A. Mathiowetz, First Assistant Chief Clerk

Teresa B. Kittridge, Second Assistant Chief Clerk

Ronald G. Lawrence, Postmaster

Song K. Kong, Assistant Postmaster

Margaret M. Olson, Assistant Sergeant at Arms

Toya A. Farrar-Orr, Assistant Sergeant at Arms

LeClair G. Lambert, Assistant Sergeant at Arms

Frank J. Strohmayer, Index Clerk

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 3, 1989

Mr. President:

I have the honor to announce that the House has appointed a committee of seven members of the House to act with a like committee on the part of the Senate to notify the Governor that the House of Representatives and the Senate of the State of Minnesota are duly organized pursuant to law and are ready to receive any message that he may have.

Sarna, Chairman; Conway; Hasskamp; Beard; Janezich; Dille and Blatz have been appointed to such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 3, 1989

Mr. President:

I have the honor to inform the Senate that the House of Representatives is duly organized pursuant to law and invites and is ready to meet with the Senate at 6:15 p.m., Wednesday, January 4, 1989, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota, said message to be delivered at 6:30 p.m., Wednesday, January 4, 1989.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 3, 1989

Mr. Moe, R.D. moved that the Senate accede to the request of the House of Representatives to meet in Joint Convention in the House Chamber at 6:30 p.m., Wednesday, January 4, 1989, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota. The motion prevailed.

Mr. President:

I have the honor to announce that the House has appointed a committee of seven members of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber, Wednesday, January 4, 1989, said Joint Convention to be convened at 6:15 p.m. and said message of the Governor to be delivered at 6:30 p.m.

Pugh, Chairman; McGuire; Ostrom; Weaver; O'Connor; Skoglund and Pauly have been appointed as members of such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 3, 1989

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. introduced—

Senate Resolution No. 15: A Senate resolution relating to appointment of a committee to escort the Governor to the House Chamber for a Joint Convention.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The President of the Senate shall appoint 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 Rudy Perpich, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, January 4, 1989, at 6:30 p.m.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following appointments:

Ms. Berglin, Messrs. Belanger, Diessner, Kroening and Larson.

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 adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 3: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 3, 1989

Mr. President:

I have the honor to announce adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 2: A Senate concurrent resolution relating to parking space on the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 4, 1989

Mr. President:

I have the honor to announce the adoption by the House of the following

Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 1: A Senate concurrent resolution relating to the adoption of temporary joint rules.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 4, 1989

MOTIONS AND RESOLUTIONS

Mr. Stumpf introduced—

Senate Resolution No. 11: A Senate resolution congratulating the Hallock Bears football team from Hallock, Minnesota, for winning the 1988 Prep Bowl VII Nine-Man championship.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 12: A Senate resolution congratulating Hopkins High School for qualifying for the Texaco Star National Academic Championship competition.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 13: A Senate resolution congratulating Minnetonka High School for receiving national recognition for its chemical abuse program.

Referred to the Committee on Rules and Administration.

Messrs. DeCramer and Frederickson, D.J. introduced—

Senate Resolution No. 14: A Senate resolution congratulating the Vikings football team from Minneota High School for winning the 1988 Class C State High School Football Championship.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Merriam; Lessard; Moe, R.D.; Pehler and Benson introduced—

S.F. No. 1: A bill for an act relating to waste management; restoring powers and duties to the waste management board.

Referred to the Committee on Environment and Natural Resources.

Mr. Merriam introduced—

S.F. No. 2: A bill for an act relating to governmental operations; eliminating use of reorganization orders to transfer appropriations, powers, or duties; amending Minnesota Statutes 1988, section 16B.37, subdivisions 1 and 2; repealing Minnesota Statutes 1988, section 16B.37, subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Luther; Moe, R.D. and Spear introduced—

S.F. No. 3: A bill for an act relating to crime; controlled substances; creating controlled substance crimes in the first, second, third, fourth, fifth, sixth, and seventh degrees; increasing penalties for controlled substance offenses; providing mandatory minimum sentences for repeat controlled substance offenses; providing a mandatory minimum sentence for a controlled substance offense committed with a dangerous weapon; creating a presumption that occupants in automobile or room knowingly possess controlled substances found there; amending Minnesota Statutes 1988, sections 152.01, by adding subdivisions; 152.096, subdivision 1; 152.097, by adding a subdivision; 152.15, subdivision 4a; 152.151; 152.18, subdivision 1; 152.20; 152.21, subdivision 6; and 609.11, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 152; repealing Minnesota Statutes 1988, sections 152.09; and 152.15, subdivisions 1, 2, 2a, 2b, 3, and 5.

Referred to the Committee on Judiciary.

Messrs. Luther; Moe, R.D. and Hughes introduced—

S.F. No. 4: A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; making related changes in the ethics in government act; limiting amounts of contributions from political action committees that may be accepted by a congressional candidate; proposing a constitutional amendment to impose campaign spending limits on congressional candidates; imposing penalties; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7, 10, 10b, 15, and by adding subdivisions; 10A.25, subdivision 10, and by adding a subdivision; 10A.255; 10A.27, by adding a subdivision; 10A.275; 10A.28; 10A.30, subdivision 2; 10A.31, subdivisions 1 to 3, 5 to 11, and by adding subdivisions; 10A.33; and 10A.335; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1988, sections 10A.27, subdivision 5; and 10A.32.

Referred to the Committee on Elections and Ethics.

Mr. Marty introduced—

S.F. No. 5: A bill for an act relating to state and local government; ethics; establishing an ethics code for public officials and employees; providing for its enforcement; establishing a board of ethics; renaming the ethical practices board and transferring certain of its duties; imposing penalties; amending Minnesota Statutes 1988, sections 10A.01, subdivision 6; and 10A.02, subdivision 1; proposing coding for new law as Minnesota Statutes,

chapter 10B; repealing Minnesota Statutes 1988, sections 10A.01, subdivisions 11 and 18; 10A.03 to 10A.10; and 43A.38.

Referred to the Committee on Elections and Ethics.

Mr. Lessard introduced—

S.F. No. 6: A bill for an act relating to taxation; exempting an Itasca county levy from the penalty for levies in excess of limitations.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard, Mrs. Lantry and Mr. Purfeerst introduced—

S.F. No. 7: A bill for an act relating to lotteries; authorizing the sale of lottery tickets; establishing a Minnesota state lottery and a lottery commission; providing for its powers and duties; establishing a program for compulsive gamblers; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 290.92, by adding a subdivision; 340A.410, subdivision 5; 541.20; 541.21; 609.75, subdivision 3; and 609.761; proposing coding for new law in Minnesota Statutes, chapters 245 and 297A; proposing coding for new law as Minnesota Statutes, chapter 240B.

Referred to the Committee on General Legislation and Public Gaming.

Mr. Dahl introduced—

S.F. No. 8: A bill for an act relating to public safety; prohibiting the sale of cigarettes and little cigars that do not meet certain standards for fire safety; requiring the commissioner of public safety to develop standards; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on General Legislation and Public Gaming.

Mr. Dahl introduced—

S.F. No. 9: A bill for an act relating to public safety; requiring inspection of commercial movie theaters; establishing requirements for movie projectionists; appropriating money; amending Minnesota Statutes 1988, sections 299H.22, subdivision 1, and by adding a subdivision; 299H.23; and 299H.28, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299H.

Referred to the Committee on General Legislation and Public Gaming.

Mr. Dahl introduced—

S.F. No. 10: A bill for an act relating to the environment; requiring volume or weight based pricing of collection of mixed municipal solid waste; requiring weekly curbside pickup of mixed municipal solid waste and recyclables; requiring collection of white goods; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Mr. Dahl introduced—

S.F. No. 11: A bill for an act relating to trade practices; utilities; regulating penalties imposed on delinquent bills; amending Minnesota Statutes 1988, section 325E.025, by adding a subdivision.

Referred to the Committee on Public Utilities and Energy.

Mr. Dahl introduced—

S.F. No. 12: A bill for an act relating to retirement; Minnesota state retirement system correctional employees retirement plan; providing retroactive plan coverage for certain correctional service personnel at the Minnesota correctional facility-Lino Lakes; requiring additional member and employer contributions; amending Minnesota Statutes 1988, section 352.91, subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Taylor introduced—

S.F. No. 13: A bill for an act relating to human services; expanding eligibility for child care sliding fee program; providing for reimbursement of child care provider accreditation fees; creating an office of child care providers assistance in the department of human services; increasing the number of certain licensing inspections; requiring a privately operated child care in the capitol complex; establishing state policy for certain inspections; exempting construction materials and equipment from sales tax; creating a tuition tax credit; creating an employer tax credit for child care operations; appropriating money; amending Minnesota Statutes 1988, sections 16B.04, subdivision 2; 16B.39, by adding a subdivision; 245A.04, by adding a subdivision; 245A.14, by adding a subdivision; 256H.10, subdivisions 1 and 2, and by adding a subdivision; 290.06, by adding subdivisions; and 297A.25, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Health and Human Services.

Mr. Taylor introduced—

S.F. No. 14: A bill for an act relating to crimes; lowering maximum allowable alcohol concentration to 0.05 for crimes involving driving while intoxicated; amending Minnesota Statutes 1988, sections 84.911, subdivision 1; 169.121, subdivisions 1 and 2; 169.123, subdivisions 2, 4, 5a, and 6; 169.129; 192A.555; 361.12, subdivision 4; 361.121, subdivision 1; and 609.21, subdivisions 1, 2, 3, and 4.

Referred to the Committee on Judiciary.

Mr. Taylor introduced—

S.F. No. 15: A bill for an act relating to capital improvements; providing for capital expenses at Mankato State University; authorizing sale of state bonds; appropriating money.

Referred to the Committee on Finance.

Mr. Taylor introduced—

S.F. No. 16: A bill for an act relating to education; proposing the Minnesota skills assessment act; proposing coding for new law in Minnesota Statutes, chapter 121.

Referred to the Committee on Education.

Mr. Ramstad introduced—

S.F. No. 17: A bill for an act relating to corrections; requiring the commissioner of corrections to incarcerate two persons per cell when necessary; creating a Minnesota board of corrections; creating a corrections reform advisory committee to report a bill to the legislature that reforms correctional law using the Texas correctional system as a model; amending Minnesota Statutes 1988, section 241.01, subdivision 3a; proposing coding for new law as Minnesota Statutes, chapter 241A.

Referred to the Committee on Health and Human Services.

Mr. Ramstad introduced—

S.F. No. 18: A bill for an act relating to child abuse reporting; defining “physical abuse” to include use of a controlled substance by a pregnant woman; amending Minnesota Statutes 1988, section 626.556, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Ramstad introduced—

S.F. No. 19: A bill for an act relating to crimes; abolishing the sentencing guidelines system of sentencing; authorizing sentencing offenders up to the maximum sentence provided by law for the offense of conviction; requiring sentencing most offenders who commit felonies to mandatory minimum sentences; requiring repeat felony offenders to be sentenced to extended terms of imprisonment; providing for sentencing offenders who commit “crimes against the person” against the elderly and handicapped to additional sentences; providing for life imprisonment without supervised release for persons convicted of murder in the first degree; increasing maximum sentences for persons convicted of criminal sexual conduct and criminal vehicular operation; requiring revocation of driver’s licenses for persons convicted of crimes when intoxicated or chemically dependent; requiring mandatory treatment programs for persons convicted of violent sexual crimes and while intoxicated; requiring mandatory HIV antibody testing for all persons convicted of criminal sexual conduct; prescribing penalties; amending Minnesota Statutes 1988, sections 152.15, subdivision 1, and by adding subdivisions; 243.18; 244.02; 244.03; 244.04, subdivision 1; 244.05, subdivisions 4 and 5; 244.08, subdivision 1; 609.10; 609.11, subdivision 1; 609.12, subdivisions 1 and 3; 609.135, subdivision 1; 609.19; 609.195; 609.20; 609.205; 609.21, subdivisions 1 and 2; 609.215; 609.221; 609.222; 609.223; 609.2231; 609.224, subdivision 1; 609.23; 609.231; 609.235; 609.24; 609.245; 609.25, subdivision 2; 609.255, subdivisions 2 and 3; 609.265; 609.27, subdivision 2; 609.28; 609.322, by adding a subdivision; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; 609.345, subdivision 2; 609.365; 609.498, subdivisions 1a and 3; 609.50; 609.561; 609.562; 609.582, subdivisions 1, 2, 3, and 4; and 609.595, by

adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 244 and 609; repealing Minnesota Statutes 1988, sections 244.09; 244.10, subdivisions 2 and 3; 609.11, subdivision 8; 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; 609.346; 609.38; 609.582, subdivision 1a; and 609.583.

Referred to the Committee on Judiciary.

Mr. Knaak introduced—

S.F. No. 20: A bill for an act relating to taxation; exempting a levy by the city of White Bear Lake from the penalty for levies in excess of levy limitations.

Referred to the Committee on Taxes and Tax Laws.

Mr. Knaak introduced—

S.F. No. 21: A bill for an act relating to education; providing for desegregation incentives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Mr. Knaak introduced—

S.F. No. 22: A bill for an act relating to the legislature; creating a legislative commission on metropolitan school desegregation; appropriating money.

Referred to the Committee on Education.

Mr. Benson introduced—

S.F. No. 23: A bill for an act relating to traffic regulations; providing exemption from two-unit vehicle restriction for horse trailers towed from place of manufacture; amending Minnesota Statutes 1988, section 169.81, subdivision 3.

Referred to the Committee on Transportation.

Messrs. Dahl and Marty introduced—

S.F. No. 24: A bill for an act relating to agriculture; prohibiting the sale of irradiated foods; proposing coding for new law in Minnesota Statutes, chapter 31.

Referred to the Committee on Agriculture and Rural Development.

Mr. Stumpf introduced—

S.F. No. 25: A bill for an act relating to the legislature; correcting inaccurate references to senate committees; removing an obsolete reference to senate and house committees; amending Minnesota Statutes 1988, sections 97A.045, subdivision 8; 97A.065, subdivision 3; 116E.035; and 480.256.

Referred to the Committee on Environment and Natural Resources.

Mr. Spear introduced—

S.F. No. 26: A bill for an act relating to courts; reenacting the statutory provision authorizing six member juries in nonfelony cases; reenacting Minnesota Statutes 1988, section 593.01, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Dahl introduced—

S.F. No. 27: A bill for an act relating to education; requiring the student member of the board of regents to be a student at the time of election; amending Minnesota Statutes 1988, section 137.023.

Referred to the Committee on Education.

Ms. Reichgott introduced—

S.F. No. 28: A bill for an act relating to probate; providing for adult health care decisions; imposing penalties; proposing coding for new law as Minnesota Statutes, chapter 145B.

Referred to the Committee on Judiciary.

Messrs. Davis, Berg and Mehrkens introduced—

S.F. No. 29: A bill for an act relating to taxation; clarifying authorization for county levy for providing funds for county agricultural societies; amending Minnesota Statutes 1988, section 38.27, subdivision 1; repealing Minnesota Statutes 1988, sections 38.17; 38.27, subdivision 3; and 38.28.

Referred to the Committee on Taxes and Tax Laws.

RECESS

Mr. Moe, R.D. moved that the Senate recess until after the conclusion of the Joint Convention. The motion prevailed.

MEMBERS EXCUSED

Messrs. Frederickson, D.R.; Knaak and Knutson were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, January 9, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate