

SECOND DAY

St. Paul, Minnesota, Wednesday, January 9, 1991

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Chmielewski imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. James D. Gorman.

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

Adkins	Day	Johnson, J.B.	Metzen	Riveness
Beckman	DeCramer	Johnston	Moe, R. D.	Sams
Belanger	Dicklich	Kelly	Mondale	Samuelson
Benson, D.D.	Finn	Knaak	Novak	Spear
Benson, J.E.	Flynn	Kroening	Olson	Storm
Berg	Frank	Laidig	Pappas	Stumpf
Berglin	Frederickson, D.J.	Langseth	Pariseau	Traub
Bernhagen	Frederickson, D.R.	Larson	Piper	Vickerman
Bertram	Halberg	Lessard	Pogemiller	Waldorf
Brataas	Hottinger	Luther	Price	
Chmielewski	Hughes	Marty	Ranum	
Cohen	Johnson, D.E.	Mehrkens	Reichgott	
Dahl	Johnson, D.J.	Merriam	Renneke	

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

Messrs. Davis, Gustafson, McGowan, Morse, Neuville and Solon were 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 1990 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; Department of Health, Hearing Instrument Seller Bond Study, 1990; Department of Agriculture, By-Product Lime Materials Soil Buffering Demonstration/Research Project, 1990; Department of Agriculture, Efficacy of Ranking Agricultural Chemicals According to their Potential Health Hazards, 1990; Department of Human Services, Aid to

Families With Dependent Children, Annual Report, 1989; Department of Human Services, General Assistance Medical Care, 1989; Board on Judicial Standards, Annual Report, 1989; State Board of Investment, External Money Manager Report, 1990; Department of Health, Subacute Care In Minnesota Hospitals, 1988; Southwest Regional Development Commission, Overall Work Program for Fiscal Year 1991; Board of Unlicensed Mental Health Providers, 1990; Board of Aging, Congregate Housing Service Programs, 1990; Legislative Commission on Minnesota Resources, 1991 Final Recommendations; Regional Transit Board, Metro Mobility Customer Service Quality, 1990; Board of Teaching, Biennial Report, July 1, 1988 to June 30, 1990; Board of Nursing Home Administrator, Biennial Report, July 1, 1988 to June 30, 1990; Department of Agriculture, Agricultural Chemical Response Compensation Board and the Commissioner of Agriculture, 1990; State Auditor of Minnesota, Pine Point Experimental School, Ponsford, Minnesota, year ended June 30, 1989; Board of Electricity, Biennial Report, July 1, 1989 to July 1, 1990; Spanish Speaking Affairs Council, Recommendations on Out-of-Home Placement of Children of Hispanic People in Minnesota, 1990; Board of Assessors, Biennial Report, July 1, 1989 to June 30, 1990; Department of Transportation, Results of the Minnesota Highway User Cost Allocation Study, 1990; Department of Human Services, General Assistance and Work Readiness, Annual Report, 1989; State Ethical Practices Board, Annual Report, July 1, 1989 to June 30, 1990; Board of Dentistry, Biennial Report, July 1, 1988 to June 30, 1990; Minnesota Historical Society, Sibley Site Ownership and Management Report, 1990; Board of Veterinary Medicine, Biennial Report, July 1, 1988 to June 30, 1990; Board of Chiropractic Examiners, Biennial Report, July 1, 1988 to June 30, 1990; Metropolitan Council, Work Program and Budget, 1991; Supreme Court, State Court Administrator, Report on Wiretaps, 1990; Metropolitan Council, General Land Availability for a New Major Airport to Serve the Twin Cities Metropolitan Area, 1990; Department of Public Safety, Status of the Minnesota Emergency Response Plan for High Level Radio-Active Waste Transportation Accidents/Incidents, 1990; Board of Animal Health, Annual Report, July 1, 1989 to June 30, 1990; Environmental Quality Board, Minnesota Water Plan, 1990; Legislative Commission on Minnesota Resources, Fish Hatchery Cost Comparison Study, Final Report, 1990; Board of Pharmacy, Biennial Report, July 1, 1988 to June 30, 1990; Board of Nursing, Biennial Report, July 1, 1988 to June 30, 1990; Board of Barber Examiners, Biennial Report, July 1, 1988 to June 30, 1990; Board of Optometry, Biennial Report, July 1, 1988 to June 30, 1990; Board of Teaching, Alternative Teacher Education Programs in Minnesota with Recommendations for Future Programming, 1990; Office of Administrative Hearings, Chief Administrative Law Judge, Report on Attorney Fees and Expenses, 1990; Department of Administration, Surplus State Lands, Biennial Status Report, November 15, 1988 to November 15, 1990; Regional Transit Board, Metro Mobility Customer Service Procedure, 1990; Department of Agriculture, Recommendations for a Mandatory State Crop Consultant Certification Program, 1990; Indian Affairs Council, Annual Report, July 1989 to June 1990; Minnesota Sentencing Guidelines Commission, 1991; Harmful Substance Compensation Board, Annual Report, 1990; Public Employees Retirement Association, Comprehensive Annual Financial Report, 1990; Department of Agriculture, Weather Modification Activities, 1990; Department of Jobs and Training, Community Services Block Grant Discretionary Funds, 1991; Department of Jobs and Training, Minnesota Head Start, 1991; State Auditor, Revenues, Expenditures, and Debt of the Cities in Minnesota, 1989; Department of Finance, Internal Auditing in

Minnesota State Agencies, Progress Report; University of Minnesota, Annual Report, 1990; Metropolitan Council, Metropolitan Agencies, 1990 Consolidated Financial Report; Interagency Board for Quality Assurance, Conclusions and Recommendations regarding Indicators of High Quality Long Term Care Service and the Feasibility of Establishing a Quality Incentive Program for Minnesota Nursing Homes and Boarding Care Homes, 1990; Department of Agriculture, Agricultural Contracts Task Force, 1990; State Planning Agency, Hazardous Waste Incineration: Environmental Review and Permit Processes, 1990; State Planning Agency, Biennial Report, July 1, 1989 to June 30, 1991; Departments of Corrections and Human Services, Sex Offender Treatment Programs, 1991; Department of Human Services, Child Care Information Service, 1990; Board of Peace Officer Standards and Training, Operation of Vehicles and Watercraft Without Lights, 1990; Department of Public Safety, A Plan for Implementation of Regional Teams for Response to Hazardous Materials Incidents in the State of Minnesota, 1990; Department of Public Safety, Study on the Feasibility of Requiring the Installation Back-up Warning Devices on Trucks in the State of Minnesota, 1990; Iron Range Resources and Rehabilitation Board, Northeast Minnesota Economic Protection Trust Fund, Long Range Plan for the Economic Development and Diversification of the Taconite Tax Relief Area; Board of Peace Officer Standards and Training, Regarding Monies Distributed by the P.O.S.T., Annual Report, 1990; Board of Peace Officer Standards and Training, Biennial Report, July 1, 1988 to June 30, 1990.

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
Sandra A. Dicke, Assistant Sergeant at Arms
LeClair G. Lambert, Assistant Sergeant at Arms
Frank J. Strohmayer, Index Clerk
Monsignor James D. Habiger, Chaplain

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 8, 1991

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.

Segal, Chair; Lourey; Nelson, S.; Orfield; Jaros; Hartle and Morrison have been appointed to such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 8, 1991

MOTIONS AND RESOLUTIONS

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

Senate Resolution No. 12: A Senate resolution congratulating the Tracy-Milroy Girls Volleyball team for winning the 1990 Minnesota Class A Volleyball Championship.

Referred to the Committee on Rules and Administration.

Mr. DeCramer introduced—

Senate Resolution No. 13: A Senate resolution congratulating the Hills-Beaver Creek High School Football Team for winning the 1990 State Nine-Man Football Championship.

Referred to the Committee on Rules and Administration.

Ms. Reichgott introduced—

Senate Resolution No. 14: A Senate resolution congratulating Ben Sass of Robbinsdale, Minnesota, for receiving the Heroism Award Medal from the Boy Scouts of America.

Referred to the Committee on Rules and Administration.

Mr. McGowan introduced—

Senate Resolution No. 15: A Senate resolution congratulating Robert and Barbara McGowan of Hibbing, Minnesota, on their 50th Wedding Anniversary.

Referred to the Committee on Rules and Administration.

Mr. Storm introduced—

Senate Resolution No. 16: A Senate resolution congratulating Representative Mary M. Forsythe as she retires after serving nine terms with the Minnesota House of Representatives.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Moe, R.D. and Benson, D.D. introduced—

S.F. No. 1: A bill for an act relating to finance; extending the deadline for submission of the governor's budget to the 1991 legislature.

Mr. Moe, R.D. moved that S.F. No. 1 be laid on the table. The motion prevailed.

Ms. Berglin, Messrs. Johnson, D.J.; Moe, R.D.; Ms. Piper and Mr. Luther introduced—

S.F. No. 2: A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

Referred to the Committee on Health and Human Services.

Messrs. Davis; Merriam; Moe, R.D.; Renneke and Lessard introduced—

S.F. No. 3: A bill for an act relating to wetlands; preserving, enhancing, establishing, and restoring wetlands; identifying wetlands; establishing wetland public value criteria; designating priority areas to establish and preserve wetlands; requiring local water plans to include wetlands with high public value; establishing wetland preservation areas; authorizing a tax exemption for wetland preservation areas; establishing a wetland restoration and compensation fund; establishing fees to pay for wetland establishment, preservation, and restoration; requiring permits and providing criteria for alternative uses of wetlands; requiring compensation for denied uses of wetlands; providing authority to establish and restore wetlands on private land; requiring assessment of direct benefits and payment of damages for establishment of wetlands; requiring a report on simplification and coordination of state and federal wetland permitting procedures; amending Minnesota Statutes 1990, sections 97A.475, by adding a subdivision; 103B.155; 103B.231, subdivision 6; 103B.311, subdivision 6; 103G.005, subdivisions 15 and 18; 103G.221; 103G.225; 103G.231; 103G.235; 103G.301, by adding a subdivision; 103I.208, by adding a subdivision; and 272.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 103F; 103G; 116P; and 144.

Referred to the Committee on Environment and Natural Resources.

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

S.F. No. 4: A bill for an act relating to elections; clarifying the method of withdrawal of candidates for constitutional office; authorizing political parties to select a new candidate following withdrawal or death of nominee; providing deadlines for filling vacancies in nominations; allowing substituted gubernatorial candidates to select running mates; amending Minnesota Statutes 1990, sections 204B.12; 204B.13; and 204B.41.

Referred to the Committee on Elections and Ethics.

Mr. Johnson, D.J. introduced—

S.F. No. 5: A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers, firefighters, and surviving spouses in the city of Eveleth.

Referred to the Committee on Governmental Operations.

Mr. Waldorf introduced—

S.F. No. 6: A bill for an act relating to insurance; clarifying policy requirement provisions relating to Medicare supplement insurance plans; amending Minnesota Statutes 1990, section 62A.31, subdivision 1.

Referred to the Committee on Commerce.

Mr. Waldorf introduced—

S.F. No. 7: A bill for an act relating to liquor; authorizing the possession or use of alcoholic beverages at a private school under certain conditions; amending Minnesota Statutes 1990, section 624.701, subdivision 1a.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 8: A bill for an act relating to health; prohibiting public funds, employees, and facilities from being used for abortions; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced—

S.F. No. 9: A bill for an act relating to retirement; allowing a certain public employees retirement association annuitant to repay amounts received and resume active member status.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 10: A bill for an act relating to retirement; public employees retirement association; authorizing a certain member to purchase prior service credit.

Referred to the Committee on Governmental Operations.

Messrs. Spear, Kelly, Mses. Reichgott, Ranum and Mr. McGowan introduced—

S.F. No. 11: A bill for an act relating to crimes; controlled substances; increasing penalties for sale or possession of cocaine to be identical to the penalties for sale or possession of cocaine base; amending Minnesota Statutes 1990, sections 152.021, subdivisions 1 and 2; 152.022, subdivisions 1 and 2; and 152.023, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Samuelson, Mses. Berglin, Piper, Messrs. Renneke and Solon introduced—

S.F. No. 12: A bill for an act relating to human services; providing for cost-based reimbursement for outpatient services provided by pediatric specialty hospitals to children under age 18 under the medical assistance and general assistance medical care programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 1 be taken from the table. The motion prevailed.

S.F. No. 1: A bill for an act relating to finance; extending the deadline for submission of the governor's budget to the 1991 legislature.

SUSPENSION OF RULES

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

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

Mr. Moe, R.D. moved to amend S.F. No. 1 as follows:

Page 1, line 9, delete "18" and insert "20"

The motion prevailed. So the amendment was adopted.

S.F. No. 1 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, D.J.	Merriam	Reichgott
Beckman	DeCramer	Johnson, J.B.	Metzen	Renneke
Belanger	Dicklich	Johnston	Moe, R. D.	Riveness
Benson, D.D.	Finn	Knaak	Mondale	Sams
Benson, J.E.	Flynn	Kroening	Novak	Samuelson
Berg	Frank	Laidig	Olson	Spear
Berglin	Frederickson, D.J.	Langseth	Pappas	Storm
Bernhagen	Frederickson, D.R.	Larson	Pariseau	Stumpf
Bertram	Halberg	Lessard	Piper	Traub
Chmielewski	Hottinger	Luther	Pogemiller	Vickerman
Cohen	Hughes	Marty	Price	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Ranum	

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

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, January 14, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate