

TENTH DAY

St. Paul, Minnesota, Monday, February 4, 1991

The Senate met at 2:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Benson, D.D. 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. Julie Matula.

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

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

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

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

Ms. Pappas was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

January 30, 1991

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The Honorable Jerome M. Hughes

President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F. No. | H.F. No. | Session Laws Chapter No. | Time and Date Approved 1991 | Date Filed 1991 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
| | 47 | 2 | 10:50 a.m. January 30 | January 30 |

Sincerely,
Joan Anderson Growe
Secretary of State

January 31, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF AGRICULTURE

Elton Redalen, P.O. Box 110, Fountain, Fillmore County, Minnesota, has been appointed by me, effective January 10, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Agriculture and Rural Development.)

January 31, 1991

Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF COMMERCE

Bert McKasy, 716 Round Hill Road, Mendota Heights, Dakota County, Minnesota, has been appointed by me, effective January 14, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Commerce.)

January 31, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

CHAIR, METROPOLITAN COUNCIL

Mary Anderson, 3030 Scott Avenue North, Golden Valley, Hennepin County, Minnesota, has been appointed by me, effective January 7, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Metropolitan Affairs.)

January 31, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF PUBLIC SAFETY

Ralph Church, 2328 145th Avenue Northwest, Andover, Anoka County, Minnesota, has been appointed by me, effective January 7, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Transportation.)

January 31, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF PUBLIC SERVICE

Krista Sanda, 1945 Oakdale Avenue, West St. Paul, Dakota County, Minnesota, has been appointed by me, effective January 7, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Energy and Public Utilities.)

January 31, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF REVENUE

Dorothy McClung, 4370 Snelling Avenue North, St. Paul, Ramsey County, Minnesota, has been appointed by me, effective January 7, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Taxes and Tax Laws.)

January 31, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF STATE PLANNING

Linda Kohl, 2161 Arcade Street, St. Paul, Ramsey County, Minnesota, has been appointed by me, effective January 7, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Governmental Operations.)

January 31, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF VETERANS AFFAIRS

Bernard Melter, 107 Village Avenue, Cannon Falls, Goodhue County, Minnesota, has been appointed by me, effective January 14, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Veterans and General Legislation.)

Warmest regards,
Arne H. Carlson, Governor

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. 14.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 31, 1991

FIRST READING OF HOUSE BILLS

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

H.F. No. 14: A resolution expressing support for the President and our armed forces in the conflict with Iraq; urging support for military families in the United States, and calling on the governor to declare a day of prayer for peace.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 30, now on General Orders.

MOTIONS AND RESOLUTIONS

Mr. Bertram moved that his name be stricken as a co-author to S.F. No. 23. The motion prevailed.

Mr. Larson moved that his name be stricken as a co-author to S.F. No. 24. The motion prevailed.

Mr. McGowan moved that his name be stricken as a co-author to S.F. No. 45. The motion prevailed.

Mr. Morse moved that the name of Mr. Mehrkens be added as a co-author to S.F. No. 76. The motion prevailed.

Mr. Kroening moved that his name be stricken as a co-author to S.F. No. 78. The motion prevailed.

Ms. Berglin moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 120. The motion prevailed.

Ms. Traub moved that her name be stricken as a co-author to S.F. No. 122. The motion prevailed.

Ms. Pappas moved that the name of Mr. Knaak be added as a co-author to S.F. No. 122. The motion prevailed.

Mr. Marty moved that the name of Mr. Kelly be added as a co-author to S.F. No. 130. The motion prevailed.

Mr. Marty moved that the name of Ms. Piper be added as a co-author to S.F. No. 137. The motion prevailed.

Mr. Finn introduced—

Senate Resolution No. 22: A Senate resolution congratulating Jeff Granger of Bemidji, Minnesota, for being named the 1990 Minnesota Conservation Officer of the Year.

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. Sams, Storm, Vickerman and Ms. Berglin introduced—

S.F. No. 148: A bill for an act relating to human services; case management of persons with mental retardation or related conditions; authorizing alternative methods for delivery of services; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Human Services.

Mr. Moe, R.D. introduced—

S.F. No. 149: A bill for an act relating to taxation; allowing Mahnomon county and the city of Mahnomon to make special levies for the Mahnomon county hospital; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Samuelson introduced—

S.F. No. 150: A bill for an act relating to human services; providing a three percent increase to persons who provide direct care or services to human services clients; appropriating money.

Referred to the Committee on Health and Human Services.

Messrs. Kroening, Bertram, Mrs. Pariseau, Messrs. Sams and Merriam introduced—

S.F. No. 151: A bill for an act relating to public safety; creating the Minnesota advisory council on fire protection systems; requiring licensing and certifying of the fire protection industry; providing for rules and an exemption; creating fire protection systems account; providing for fees; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 299M.

Referred to the Committee on Veterans and General Legislation.

Messrs. Mehrkens and DeCramer introduced—

S.F. No. 152: A bill for an act relating to education; permitting a referendum on combining school districts before formal cooperation begins; amending Minnesota Statutes 1990, section 122.243, subdivision 2.

Referred to the Committee on Education.

Messrs. Solon, Samuelson, Merriam and Metzen introduced—

S.F. No. 153: A bill for an act relating to health; providing for the establishment of a joint legislative study commission to study the educational programs for primary care at the University of Minnesota medical school; appropriating money.

Referred to the Committee on Education.

Mr. Merriam, Mrs. Pariseau, Messrs. Frank, DeCramer and Morse introduced—

S.F. No. 154: A bill for an act relating to manufactured home parks; providing for notice and right to purchase for conversion or the closing of

a park under certain circumstances; amending Minnesota Statutes 1990, section 327C.095, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

Referred to the Committee on Economic Development and Housing.

Messrs. Samuelson, Vickerman, Finn, Sams and Ms. Piper introduced—

S.F. No. 155: A bill for an act relating to human services; authorizing counties to retain one-half of the nonfederal share of child support recoveries that are directly attributable to county effort; amending Minnesota Statutes 1990, section 256.019.

Referred to the Committee on Health and Human Services.

Messrs. Spear, Kelly, Luther, Knaak and Finn introduced—

S.F. No. 156: A bill for an act relating to judicial procedures; changing provisions relating to public defense; amending Minnesota Statutes 1990, sections 383B.32, subdivision 2; 383B.63, subdivision 6; 611.215; 611.23; 611.24; 611.26; 611.263; repealing Minnesota Statutes 1990, sections 383B.63, subdivision 1; 611.215, subdivision 4; 611.261; and Laws 1989, chapter 335, article 3, section 38.

Referred to the Committee on Judiciary.

Messrs. Hughes; Moe, R.D. and Ms. Olson introduced—

S.F. No. 157: A bill for an act relating to education; authorizing the state board of education to appoint the commissioner of education; amending Minnesota Statutes 1990, section 121.16, subdivision 1.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 158: A bill for an act relating to education; providing for flagging of school records of missing children; proposing coding for new law in Minnesota Statutes, chapter 120.

Referred to the Committee on Education.

Mr. Waldorf introduced—

S.F. No. 159: A bill for an act relating to state government; administrative rulemaking; requiring the department of health to adopt rules to allow all licensed podiatrists to have the opportunity to become health maintenance organization participating entities.

Referred to the Committee on Health and Human Services.

Messrs. Berg; Benson, D.D.; Frederickson, D.J.; Moe, R.D. and Bernhagen introduced—

S.F. No. 160: A bill for an act relating to taxation; providing that sales of certain materials used for a reduced farm production program are exempt from the sales tax; amending Minnesota Statutes 1990, section 297A.25, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 161: A bill for an act relating to witnesses; providing an exception to the medical privilege in certain criminal cases; amending Minnesota Statutes 1990, section 595.02, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Lessard introduced—

S.F. No. 162: A bill for an act relating to the city of Nashwauk; authorizing an increase in benefits payable to surviving spouses by the police relief association; amending Laws 1943, chapter 196, section 4, as amended.

Referred to the Committee on Governmental Operations.

Mr. Solon introduced—

S.F. No. 163: A bill for an act relating to human services; establishing a penalty for delayed medical assistance payments; establishing presumptive eligibility for medical assistance applications; establishing a minimum wage adjustment for nursing home employees; clarifying rebasing methodology; identifying annual inflation factor determination for nursing homes; creating a deferred cost adjustment to nursing home operating costs; establishing limits for nursing home plant and maintenance expenses; authorizing additional funds for increased costs under the omnibus budget reconciliation act; clarifying exceptions to the Medicare distinct part requirements for nursing facilities; amending Minnesota Statutes 1990, sections 256B.03, by adding a subdivision; 256B.056, by adding a subdivision; 256B.431, subdivisions 2i, 2l, 3c, 8, and by adding subdivisions; and 256B.48, subdivision 6.

Referred to the Committee on Health and Human Services.

Messrs. Hughes and Price introduced—

S.F. No. 164: A bill for an act relating to the city of Maplewood; providing an exception from the police civil service system for the chief of police.

Referred to the Committee on Local Government.

Messrs. Price, Kelly, Luther, Novak and Dicklich introduced—

S.F. No. 165: A bill for an act relating to labor; regulating employment of children; establishing a child labor curfew; providing penalties; amending Minnesota Statutes 1990, sections 181A.04, by adding a subdivision; and 181A.12.

Referred to the Committee on Employment.

Messrs. Novak, Price, Ms. Traub, Messrs. Pogemiller and Belanger introduced—

S.F. No. 166: A bill for an act relating to taxation; reducing the property tax class rate applied to certain homesteads; amending Minnesota Statutes 1990, section 273.13, subdivision 22.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnston, Messrs. Lessard, Renneke, Samuelson and Mrs. Pariseau introduced—

S.F. No. 167: A resolution memorializing the President and Congress of the United States to enact full veteran benefits for military personnel called to active service, including those called from reserve and National Guard units.

Referred to the Committee on Veterans and General Legislation.

Messrs. Berg; Sams; Bertram; Benson, D.D. and Larson introduced—

S.F. No. 168: A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

Referred to the Committee on Judiciary.

Messrs. Dicklich, Beckman, Mehrkens, Mses. Pappas and Reichgott introduced—

S.F. No. 169: A bill for an act relating to education; establishing grants for parent-to-parent support programs; appropriating money; amending Minnesota Statutes 1990, section 120.17, by adding a subdivision.

Referred to the Committee on Education.

Mr. Johnson, D.E.; Mrs. Benson, J.E.; Mr. Moe, R.D.; Mrs. Pariseau and Mr. Dahl introduced—

S.F. No. 170: A bill for an act relating to capital improvements; authorizing state bonds for maximum effort school loans for certain school districts; appropriating money.

Referred to the Committee on Education.

Messrs. Bertram; Benson, D.D.; Moe, R.D.; Ms. Johnson, J.B. and Mr. Sams introduced—

S.F. No. 171: A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

Referred to the Committee on Veterans and General Legislation.

Messrs. Bertram; Benson, D.D.; Moe, R.D.; Ms. Johnson, J.B. and Mr. Sams introduced—

S.F. No. 172: A resolution memorializing the Congress of the United States to continue funding of the POW/MIA special investigation that is being conducted by the United States Senate Foreign Relations Committee.

Referred to the Committee on Veterans and General Legislation.

Messrs. Chmielewski, Riveness and Ms. Ranum introduced—

S.F. No. 173: A bill for an act relating to public employees; defining the term “employee” for the purpose of the public employees labor relations act; amending Minnesota Statutes 1990, section 179A.03, subdivision 14.

Referred to the Committee on Governmental Operations.

Messrs. Dahl; Johnson, D.J.; Mehrkens and Larson introduced—

S.F. No. 174: A bill for an act relating to education; revising certain open enrollment deadlines; amending Minnesota Statutes 1990, section 120.062, subdivisions 4, 6, and 8a.

Referred to the Committee on Education.

Mr. Davis introduced—

S.F. No. 175: A bill for an act relating to taxation; exempting the city of Isle from certain tax increment financing provisions.

Referred to the Committee on Economic Development and Housing.

Mr. Hughes, Ms. Traub, Messrs. Dicklich, Dahl and Mehrkens introduced—

S.F. No. 176: A bill for an act relating to education; expanding early childhood family education programs and revenue to low-income children and their families; appropriating money; amending Minnesota Statutes 1990, sections 121.882, subdivision 6, and by adding a subdivision; 124.175; and 124.2711, subdivisions 1 and 4.

Referred to the Committee on Education.

Messrs. Berg, Bernhagen, Vickerman and Renneke introduced—

S.F. No. 177: A bill for an act relating to agriculture; abolishing the right of first refusal of an immediately preceding former owner who was a participant in the family farm security program; amending Minnesota Statutes 1990, section 500.24, subdivision 6.

Referred to the Committee on Agriculture and Rural Development.

Mr. Chmielewski introduced—

S.F. No. 178: A bill for an act relating to game and fish; providing for issuance and requiring display of black tags by deer hunters; amending Minnesota Statutes 1990, sections 97A.485, by adding a subdivision; and 97B.071.

Referred to the Committee on Environment and Natural Resources.

Messrs. Davis; Morse; Stumpf; Benson, D.D. and Bertram introduced—

S.F. No. 179: A bill for an act relating to taxation; modifying the method of determining agricultural market value for property tax purposes; amending Minnesota Statutes 1990, sections 124.2131, subdivision 1; 273.11, subdivision 1, and by adding a subdivision; and 273.111, subdivision 4; repealing Minnesota Statutes 1990, section 273.11, subdivision 10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Morse; Benson, D.D.; Novak; Bernhagen and Price introduced—

S.F. No. 180: A bill for an act relating to taxation; exempting certain planting services from the sales tax; providing that certain sales of shrubbery, trees, plants, and sod are treated as contracts for the improvement of real property; amending Minnesota Statutes 1990, section 297A.01, subdivisions 3 and 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Benson, D.D.; Storm; Day; Mrs. Benson, J.E. and Mr. Neuville introduced—

S.F. No. 181: A bill for an act relating to insurance; accident and health; requiring the commissioner of commerce to administer health care plans for Minnesota residents who are not covered by other plans; establishing minimum benefits for these plans; allowing a tax credit for premiums paid for coverage; appropriating money; amending Minnesota Statutes 1990, sections 290.01, subdivision 19a; and 290.92, subdivisions 5 and 5a; proposing coding for new law in Minnesota Statutes, chapter 290; proposing coding for new law as Minnesota Statutes, chapter 62K.

Referred to the Committee on Health and Human Services.

Ms. Johnston introduced—

S.F. No. 182: A resolution memorializing in support of the President of the United States and the United States military personnel stationed in the Persian Gulf region and their families.

Referred to the Committee on Veterans and General Legislation.

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

S.F. No. 183: A bill for an act relating to taxation; authorizing an increase in the special levy for income maintenance and social services in Swift county.

Referred to the Committee on Taxes and Tax Laws.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, February 7, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate