

FIFTY-NINTH DAY

St. Paul, Minnesota, Monday, January 6, 1992

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

CALL OF THE SENATE

Mr. Luther 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. Arlen Hermodson.

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

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

Mrs. Benson, J.E. 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 1991 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 Human Services, Information Systems, Annual Report, 1991; Metropolitan Council, Program Evaluation Report, 1990; Board on Judicial Standards, Annual Report, 1990; Department of Finance, Financial and Compliance Report on Federally Assisted

Programs, 1990; Regional Transit Board, Alternative Fuels Report, 1991; Department of Public Safety, Motor Vehicle Crash Facts, 1990; Department of Trade and Economic Development, Science and Technology, Annual Report, 1991; Department of Revenue, Tax Research Division, Small Business Study, 1991; Department of Health, Minnesota Tobacco-Use Prevention Initiative, January, 1989 - December, 1990; Department of Agriculture, Soil-Buffering Demonstration Project and Study, By-Product Lime Materials, 1991; Department of Natural Resources, Minnesota Forest Resources Plan, 1991-1995; Southwest Regional Development Commission, Overall Work Program for fiscal year 1992; Department of Human Services, General Assistance Medical Care, Annual Report, July 1, 1989 - June 30, 1990; Department of Human Services, Minnesota Medical Assistance (Title XIX), Annual Report, July 1, 1989 - June 30, 1990; Minnesota Office of the State Auditor, Lobbying Expenses of the Counties, Cities, School Districts and Metropolitan Agencies in Minnesota, 1990; Department of Human Services, Aid to Families with Dependent Children, Annual Report, 1990; Office of Administrative Hearings, Report on Attorney Fees and Expenses, 1991; Office of the State Auditor, Pine Point Experimental School, Ponsford, MN - year ended June 30, 1990; Department of Labor and Industry, Prevailing Wage Certification, 1991; Department of Administration, Risk Management Division, Annual Report, 1991; Board of Animal Health, Annual Report, July 1, 1990 - June 30, 1991; Minnesota Supplemental Aid Program, Annual Report, 1989; Ethical Practices Board, Annual Report, July 1, 1990 - June 30, 1991; University of Minnesota, Annual Report, 1991; Minnesota State University System, Quality Incentives Report, 1991; Minnesota State University System, Capital Budget Studies, Academic Library of the Future, 1991; Minnesota Zoo, Annual Report, 1991; Upper Minnesota Valley Regional Development Commission, 1991; Minnesota Sentencing Guidelines Commission, Mandatory Minimum Law for Weapons Offenses, 1991; Minnesota Public Utilities Commission, Elimination of Four-Party Service in the State, 1992; Metropolitan Agencies, Personnel, Ethical Practices and Communication Activities, 1992; Department of Jobs and Training, Community Services Block Grant, Discretionary Funds, 1992; Department of Jobs and Training, Minnesota Head Start, 1992; Department of Human Services, Literacy Programs, 1992; St. Anthony Falls Heritage Board, Biennial Report, 1990; Harmful Substance Compensation Board, Annual Report, 1991.

MOTIONS AND RESOLUTIONS

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

Senate Resolution No. 79: A Senate resolution relating to postage.

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

For the 1992 session of the 77th Legislature, the Secretary of the Senate may purchase postage to furnish each member of the Senate 5,500 stamps. Each member named as chair of a standing committee in the Senate resolution designating committee assignments may be furnished with an additional 1,000 stamps for the necessary business of the committee.

An additional postage allowance of 1,000 stamps is authorized for the Senate Minority Leader; five other members of the minority designated by the Senate Minority Leader; and five members of the majority designated by the Senate Majority Leader.

An additional postage allowance of 1,000 stamps is authorized for the Senate Majority Leader and the Senate Minority Leader.

Each member of the Senate shall receipt to the Secretary of the Senate for the postage received.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Johnston voted in the negative.

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

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

Senate Resolution No. 80: A Senate resolution relating to expenses of interns.

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

For the 1992 session of the 77th Legislature, each member of the Senate may be reimbursed for the cost of meals and transportation furnished by the member to any volunteer interns assisting with the member's work, up to a maximum of \$35 during each week the Legislature is in session.

Requests for reimbursement must be submitted to the Secretary of the Senate monthly on forms provided for this purpose and must include a certification by the member that the amounts for which reimbursement is sought have been paid to the interns.

The Secretary of the Senate shall prepare and issue warrants for payment of intern expenses from the Senate legislative expense fund.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Berg voted in the negative.

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

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

Senate Resolution No. 81: A Senate resolution providing for Senate committee assignments.

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

That Senate Resolution No. 3, relating to standing committees of the Senate for the 77th session, Senate Permanent Journal pages 10-14, be amended as follows:

Economic Development and Housing - ~~42~~ //

Delete: Storm

Energy and Public Utilities - ~~42~~ //

Delete: Reichgott and Storm

Add: Johnson, J.B.

Finance - 30

Delete: Storm

Add: Knaak

Health and Human Services - ~~47~~ // 16

Delete: Storm

Redistricting - 10

Delete: Storm

Add: Laidig

Rules and Administration - 29

Delete: Storm

Add: Mehrkens

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Pogemiller introduced—

S.F. No. 1596: A bill for an act relating to technical and other corrections to the legislative redistricting plan; amending Laws 1991, chapter 246.

Referred to the Committee on Redistricting.

Mr. Pogemiller introduced—

S.F. No. 1597: A bill for an act relating to elections; changing the boundaries of congressional districts; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1990, sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

Referred to the Committee on Redistricting.

Mr. Marty introduced—

S.F. No. 1598: A bill for an act relating to elections; repealing the law requiring Minnesota to hold a presidential primary; repealing Minnesota Statutes 1990, sections 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; and 207A.09.

Referred to the Committee on Elections and Ethics.

Mr. Renneke introduced—

S.F. No. 1599: A bill for an act relating to taxation; exempting occasional sales of tangible personal property primarily used in a trade or business; amending Minnesota Statutes 1991 Supplement, section 297A.25, subdivision 12.

Referred to the Committee on Taxes and Tax Laws.

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

S.F. No. 1600: A bill for an act relating to elections; changing the year for implementing the presidential primary; amending Minnesota Statutes 1990, section 207A.01.

Referred to the Committee on Elections and Ethics.

Mr. Berg and Mrs. Adkins introduced—

S.F. No. 1601: A bill for an act relating to crimes; authorizing imposition of the death penalty for first degree murder following conviction for a heinous crime; providing a statutory framework, including procedures and criteria, consistent with due process for determining when the imposition of the death penalty is appropriate; providing for automatic appellate review of death penalty cases; providing for appointment of attorneys in death penalty cases; providing an administrative framework for implementing the death penalty; amending Minnesota Statutes 1990, sections 243.05, subdivision 1; 609.10; 609.12, subdivision 1; 609.135, subdivision 1; 609.185; Minnesota Statutes 1991 Supplement, section 611.25, by adding a subdivision;

proposing coding for new law as Minnesota Statutes, chapter 609A.

Referred to the Committee on Judiciary.

Messrs. Day; Benson, D.D.; Neuville; Frederickson, D.R. and Mrs. Pariseau introduced—

S.F. No. 1602: A bill for an act relating to taxation; exempting occasional sales of tangible personal property primarily used in a trade or business; amending Minnesota Statutes 1991 Supplement, section 297A.25, subdivision 12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Mondale; Pogemiller; Morse; Frederickson, D.J. and McGowan introduced—

S.F. No. 1603: A bill for an act relating to education; making educational policies negotiable terms and conditions of employment for professional employees; amending Minnesota Statutes 1990, sections 179A.03, subdivision 19; and 179A.07, subdivision 1.

Referred to the Committee on Governmental Operations.

Mrs. Adkins introduced—

S.F. No. 1604: A bill for an act relating to local government; city of Otsego; providing an excess levy penalty abatement.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Berg and Spear introduced—

S.F. No. 1605: A bill for an act relating to horse racing; prohibiting pari-mutuel licensees from accepting wagers made by telephone or made on credit; amending Minnesota Statutes 1991 Supplement, section 240.13, subdivision 8.

Referred to the Committee on Gaming Regulation.

Mr. Larson introduced—

S.F. No. 1606: A bill for an act relating to elections; repealing the law requiring Minnesota to hold a presidential primary; repealing Minnesota Statutes 1990, sections 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; and 207A.09.

Referred to the Committee on Elections and Ethics.

Mr. Mondale introduced—

S.F. No. 1607: A bill for an act relating to family law; limiting consideration of a physical or mental disability in custody determinations; amending Minnesota Statutes 1990, sections 257.025; and 518.17, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Mondale introduced—

S.F. No. 1608: A bill for an act relating to occupational health and safety; requiring a study of video display terminal operators health risks; appropriating money.

Referred to the Committee on Employment.

Messrs. Berg, Frank and Merriam introduced—

S.F. No. 1609: A bill for an act relating to metropolitan affairs; prohibiting certain metropolitan airports commission bond proceeds from being used to pay down leveraged buy-out debt; amending Minnesota Statutes 1991 Supplement, section 473.667, subdivision 11.

Referred to the Committee on Metropolitan Affairs.

Messrs. Merriam, Luther, Berg and Frank introduced—

S.F. No. 1610: A bill for an act relating to metropolitan government; setting limits on the authority of the metropolitan airports commission to incur debt; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Metropolitan Affairs.

Mr. Gustafson introduced—

S.F. No. 1611: A bill for an act relating to taxation; exempting certain ships from the sales and use tax; amending Minnesota Statutes 1990, section 297A.25, subdivision 45.

Referred to the Committee on Taxes and Tax Laws.

Mr. Samuelson, Ms. Berglin and Mr. Moe, R.D. introduced—

S.F. No. 1612: A bill for an act relating to human services; temporarily removing the time limit on work readiness assistance.

Referred to the Committee on Health and Human Services.

Mr. Samuelson introduced—

S.F. No. 1613: A bill for an act relating to human services; providing special medical assistance payment increases for small, rural hospitals; amending Minnesota Statutes 1991 Supplement, section 256.969, subdivision 20.

Referred to the Committee on Health and Human Services.

Mr. Lessard introduced—

S.F. No. 1614: A bill for an act relating to human rights; exempting certain organizations from provisions of the human rights law; amending Minnesota Statutes 1990, section 363.02, subdivision 4.

Referred to the Committee on Judiciary.

Mr. Lessard introduced—

S.F. No. 1615: A bill for an act relating to game and fish; reducing deer license fees for residents under age 18; amending Minnesota Statutes 1991 Supplement, section 97A.475, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Mr. Johnson, D.E. introduced—

S.F. No. 1616: A bill for an act relating to education; deleting a condition to the sale and issuance of certain bonds; amending Minnesota Statutes 1991 Supplement, section 124.479.

Referred to the Committee on Education.

Ms. Olson introduced—

S.F. No. 1617: A bill for an act relating to education; providing parents and guardians a greater role in curriculum decisions affecting their children; amending Minnesota Statutes 1990, section 126.666, subdivisions 1 and 4.

Referred to the Committee on Education.

Ms. Olson introduced—

S.F. No. 1618: A bill for an act relating to the environment; hazardous waste; exempting certain resins from regulation as hazardous waste; requiring the commissioner of the pollution control agency to adopt rule amendments.

Referred to the Committee on Environment and Natural Resources.

Messrs. Marty, Spear and Ms. Traub introduced—

S.F. No. 1619: A bill for an act relating to crimes; including certain assaults as disqualification for certain permits; amending Minnesota Statutes 1991 Supplement, section 624.712, subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Sams, Finn and Langseth introduced—

S.F. No. 1620: A bill for an act relating to elections; repealing the law requiring Minnesota to hold a presidential primary; repealing Minnesota Statutes 1990, sections 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; and 207A.09.

Referred to the Committee on Elections and Ethics.

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

S.F. No. 1621: A bill for an act relating to education; University of Minnesota; appropriating money for the institute of technology and system specials.

Referred to the Committee on Finance.

Mr. Pogemiller introduced—

S.F. No. 1622: A bill for an act relating to the Minneapolis park and recreation board; providing for two members appointed by the Minneapolis park and recreation board on the Minneapolis reapportionment commission; establishing standards for park board redistricting.

Referred to the Committee on Redistricting.

Messrs. Luther and McGowan introduced—

S.F. No. 1623: A bill for an act relating to alcoholic beverages; authorizing the issuance of an on-sale intoxicating liquor license.

Referred to the Committee on Commerce.

Messrs. Frank and Kroening introduced—

S.F. No. 1624: A bill for an act relating to human services; work readiness; extending eligibility duration; amending Minnesota Statutes 1991 Supplement, sections 256D.051, subdivisions 1 and 1a; and 256D.052, subdivision 4.

Referred to the Committee on Health and Human Services.

Messrs. Dicklich, Chmielewski, Cohen and Johnson, D.J. introduced—

S.F. No. 1625: A bill for an act relating to elections; providing for the reimbursement of expenses for the 1992 presidential primary election; suspending the application of party choice provisions until a condition is met; requiring county auditors, the commissioner of revenue, and the secretary of state to perform certain duties; appropriating money.

Referred to the Committee on Elections and Ethics.

Mr. Vickerman introduced—

S.F. No. 1626: A bill for an act relating to taxation; sales; modifying the exemption for occasional sales; amending Minnesota Statutes 1991 Supplement, section 297A.25, subdivision 12.

Referred to the Committee on Taxes and Tax Laws.

Mr. Morse introduced—

S.F. No. 1627: A bill for an act relating to taxation; sales; modifying the exemption for occasional sales; amending Minnesota Statutes 1991 Supplement, section 297A.25, subdivision 12.

Referred to the Committee on Taxes and Tax Laws.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, January 7, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate