

THIRTEENTH DAY

St. Paul, Minnesota, Thursday, February 11, 1993

The Senate met at 9:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rabbi Howard Siegel.

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

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott	
Day	Knutson	Mondale	Riveness	

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 the passage by the House of the following House File, herewith transmitted: H.F. No. 35.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 9, 1993

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 35: A bill for an act relating to education; authorizing a qualifying school district to recertify a levy.

Mr. Moe, R.D. moved that H.F. No. 35 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 119: A bill for an act relating to health; modifying requirements for the nursing assistant competency evaluation program; amending Minnesota Statutes 1992, section 144A.61, subdivision 3a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 97: A bill for an act relating to health; clean indoor air; providing for an exemption from the prohibition on the use of tobacco products in public schools to permit use for religious or cultural purposes; amending Minnesota Statutes 1992, sections 144.4165; and 609.685, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, delete "*or a*"

Page 1, line 22, delete everything before "*that*"

Page 1, delete line 23 and insert "*spiritual or cultural purposes*"

Page 1, line 24, delete everything before "*may*" and delete "*smoke or otherwise*"

Page 1, line 25, delete "*for*" and insert "*part of*"

Page 1, line 26, delete everything before the period and insert "*spiritual or cultural ceremony*"

Page 2, line 6, delete "*a person*" and insert "*an Indian*"

Page 2, line 7, delete everything after "*years*"

Page 2, line 8, delete everything before "*if*"

Page 2, line 9, delete "*for*" and insert "*as part of a*" and delete "*artistic,*" and delete the second comma

Page 2, line 10, delete everything after "*cultural*" and insert "*ceremony.*"

Page 2, delete lines 11 and 12

Amend the title as follows:

Page 1, line 4, delete "*religious*" and insert "*spiritual*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 134: A bill for an act relating to human services; changing nursing home license surcharges; amending Minnesota Statutes 1992, section 256.9657, subdivisions 1 and 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "licensed" insert "beds"

Page 1, line 15, after "the" insert "second"

Page 1, line 16, delete "*delicensing of beds*" and insert "*receipt of timely notice by the commissioner of human services that beds have been delicensed*"

Page 1, delete line 21

Page 1, line 22, delete everything before the period and insert "*commissioner of health in writing when beds are delicensed. The commissioner must notify the commissioner of human services within ten working days after receiving written notification. If the notification is received by the commissioner of human services by the 15th of the month, the invoice for the second following month must be reduced to recognize the delicensing of beds*"

Page 1, line 23, delete "respond to" and insert "acknowledge"

Page 2, line 21, after the period, insert "*The commissioner shall implement the waiver after it has been approved by the secretary.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 52: A bill for an act relating to education; authorizing a qualifying school district to recertify a levy; providing for school board elections in the St. Louis county, Babbitt, Tower-Soudan district consolidation; permitting an operating debt levy for the Babbitt school district; repealing Laws 1977, chapter 92.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 10, delete "FEBRUARY 18" and insert "MARCH 5"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 119, 97, 134 and 52 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Hottinger moved that the name of Mr. Merriam be added as a co-author to S.F. No. 32. The motion prevailed.

Mr. Beckman moved that the name of Mr. Stevens be added as a co-author to S.F. No. 55. The motion prevailed.

Mr. Cohen moved that the name of Mr. Merriam be added as a co-author to S.F. No. 190. The motion prevailed.

Mr. Bertram moved that the name of Mr. Larson be added as a co-author to S.F. No. 193. The motion prevailed.

Ms. Ranum moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 216. The motion prevailed.

Ms. Berglin moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 222. The motion prevailed.

Mr. Finn moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 234. The motion prevailed.

Mr. Finn moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 242. The motion prevailed.

Mr. Moe, R.D. moved that H.F. No. 35 be taken from the table. The motion prevailed.

H.F. No. 35: A bill for an act relating to education; authorizing a qualifying school district to recertify a levy.

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 H.F. No. 35 and that the rules of the Senate be so far suspended as to give H.F. No. 35 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 35 was read the second time.

Mr. Moe, R.D. moved to amend H.F. No. 35 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 35, and insert the language after the enacting clause, and the title, of S.F. No. 52, the second engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 35 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, D.E.	Langseth	Mondale
Anderson	Cohen	Johnson, D.J.	Larson	Morse
Beckman	Day	Johnson, J.B.	Lesewski	Murphy
Belanger	Dille	Johnston	Lessard	Neuville
Benson, D.D.	Finn	Kelly	Luther	Novak
Benson, J.E.	Flynn	Kiscaden	Marty	Oliver
Berg	Frederickson	Knutson	McGowan	Olson
Bertram	Hanson	Krentz	Merriam	Pappas
Betzold	Hottinger	Kroening	Metzen	Pariseau
Chandler	Janezich	Laidig	Moe, R.D.	Piper

Pogemiller
Price
Ranum
Reichgott

Riveness
Robertson
Runbeck

Sams
Samuelson
Solon

Spear
Stevens
Stumpf

Terwilliger
Vickerman
Wiener

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Moe, R.D. moved that S.F. No. 52, on General Orders, be stricken and laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Betzold introduced—

S.F. No. 249: A bill for an act relating to human services; adding an exception to the moratorium on the development of group residential housing beds; amending Minnesota Statutes 1992, section 256I.04, subdivision 3.

Referred to the Committee on Health Care.

Mr. Betzold introduced—

S.F. No. 250: A bill for an act relating to cities; limiting the service of charter commission members; fixing procedures for charter amendments; amending Minnesota Statutes 1992, sections 410.05, subdivision 2; and 410.12, subdivision 3.

Referred to the Committee on Metropolitan and Local Government.

Mr. Chmielewski introduced—

S.F. No. 251: A bill for an act relating to natural resources; appropriating money for the Minnesota rock, gem, and mineral interpretative center; powers and duties of the commissioner of natural resources.

Referred to the Committee on Environment and Natural Resources.

Mr. Stumpf introduced—

S.F. No. 252: A bill for an act relating to education; authorizing a fund transfer for independent school district No. 437, Argyle.

Referred to the Committee on Education.

Mr. Marty introduced—

S.F. No. 253: A bill for an act relating to occupations and professions; clarifying the training requirements of private detectives and security guards; amending Minnesota Statutes 1992, sections 326.336, subdivision 2; and 326.3361, subdivisions 1, 2, and 3.

Referred to the Committee on Crime Prevention.

Mr. Price introduced—

S.F. No. 254: A bill for an act relating to taxation; property; authorizing counties to accept tax payments by credit card; amending Minnesota Statutes 1992, section 276.02.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kroening and Pogemiller introduced—

S.F. No. 255: A bill for an act relating to retirement; providing continued coverage in the Minnesota state retirement system for certain employees; amending Minnesota Statutes 1992, sections 352.01, subdivision 2a; and 352.04, subdivision 6.

Referred to the Committee on Governmental Operations and Reform.

Mses. Pappas, Anderson, Runbeck, Mr. Belanger and Mrs. Benson, J.E. introduced—

S.F. No. 256: A bill for an act relating to child care; extending the prohibition on smoking to family day care providers; updating the reference to the rule governing child care centers; amending Minnesota Statutes 1992, section 144.414, subdivision 2.

Referred to the Committee on Family Services.

Messrs. Oliver, Day and Ms. Johnston introduced—

S.F. No. 257: 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.

Referred to the Committee on Crime Prevention.

Mr. Finn introduced—

S.F. No. 258: A bill for an act relating to education; extending the time for the Cass Lake school district to enter into construction contracts.

Referred to the Committee on Education.

Messrs. Stumpf, Bertram and Mrs. Adkins introduced—

S.F. No. 259: A bill for an act relating to gambling; permitting organizations to conduct contests involving certain card games for senior citizens; amending Minnesota Statutes 1992, sections 349.151, subdivision 4; and 609.761, by adding a subdivision.

Referred to the Committee on Gaming Regulation.

Ms. Johnson, J.B. and Mr. Pogemiller introduced—

S.F. No. 260: A bill for an act relating to education; changing the number of years over which school districts may certify reorganization operating debt; amending Minnesota Statutes 1992, section 122.531, subdivision 4a.

Referred to the Committee on Education.

Mr. Samuelson, Meses. Berglin, Piper, Messrs. Sams and Vickerman introduced—

S.F. No. 261: A bill for an act relating to human services; requiring the approval of the legislature if the commissioner of human services modifies the rules established to determine payment rates for inpatient hospital services under medical assistance and general assistance medical care; amending Minnesota Statutes 1992, sections 256.9685, subdivision 1; 256.969, subdivision 2; and 256.9695, subdivision 5.

Referred to the Committee on Health Care.

Messrs. Kelly and Chandler introduced—

S.F. No. 262: A bill for an act relating to the city of Saint Paul; authorizing the city by ordinance to prepare, adopt, and amend design districts and design framework, to establish a design advisory committee, and to establish design review procedures to preserve and enhance the city's appearance and environmental quality.

Referred to the Committee on Metropolitan and Local Government.

Ms. Johnson, J.B.; Messrs. Stumpf, Beckman, Ms. Krentz and Mr. Vickerman introduced—

S.F. No. 263: A bill for an act relating to education; modifying the referendum revenue program; creating a discretionary revenue program; increasing equalization aid; eliminating supplemental revenue; amending Minnesota Statutes 1992, sections 124A.03; and 124A.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 124A; repealing Minnesota Statutes 1992, sections 124A.03, subdivision 1f; and 124A.22, subdivisions 8, 8a, 8b, and 9.

Referred to the Committee on Education.

Ms. Anderson, Mr. Novak, Ms. Runbeck and Mr. Chandler introduced—

S.F. No. 264: A bill for an act relating to housing; changing program review requirements; increasing deferred loan limits; expanding the types of eligible users of the homesharing program; expanding the project eligibility of the housing trust fund; authorizing cities to sell single-family residential housing under the neighborhood land trust program; expanding the types of eligible service providers and changing the authorized payment structure of the rental assistance for family stabilization program; increasing the income limits for rental housing assistance; establishing the community rehabilitation fund account; consolidating the blighted residential property and capital reserve programs; authorizing tribal Indian housing demonstration projects; amending Minnesota Statutes 1992, sections 462A.05, subdivisions 14a and 24; 462A.07, subdivision 15; 462A.201, subdivision 2; 462A.202, subdivision 7; 462A.205, subdivisions 2, 3, 4, 5, 6, 7, and by adding subdivisions; 462A.21, subdivisions 4c, 8c, and by adding a subdivision; and 462C.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 462A; repealing Minnesota Statutes 1992, sections 462A.05, subdivision 37; and 462A.32.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Finn, Spear, Luther and Ms. Reichgott introduced—

S.F. No. 265: A bill for an act relating to business corporations; making various technical changes; amending Minnesota Statutes 1992, sections 302A.011, subdivisions 26, 38, 53, and by adding a subdivision; 302A.105; 302A.111, subdivisions 3 and 4; 302A.115, subdivision 1; 302A.117, subdivision 1; 302A.123, subdivision 3; 302A.133; 302A.135, subdivisions 1 and 3; 302A.137; 302A.153; 302A.171, subdivision 2; 302A.231, subdivision 3; 302A.233; 302A.237; 302A.241, subdivision 1; 302A.255, subdivision 2; 302A.401, subdivisions 1 and 3; 302A.402, subdivisions 1, 2, and by adding a subdivision; 302A.403, subdivisions 2 and 4; 302A.413, subdivisions 4 and 9; 302A.423, subdivision 2; 302A.435, subdivisions 1 and 3; 302A.437, subdivision 2; 302A.447, subdivisions 2 and 3; 302A.449, subdivision 1; 302A.461, subdivision 4; 302A.463; 302A.471, subdivision 3; 302A.473, subdivisions 4 and 7; 302A.501, subdivision 1; 302A.521, subdivision 6; 302A.551, subdivision 1; 302A.553, subdivision 1; 302A.559, subdivision 1; 302A.613, subdivisions 2 and 3; 302A.621, subdivision 6; 302A.641, subdivision 1; 302A.671, subdivision 3; 302A.673, subdivisions 1 and 3; 302A.711, subdivisions 1 and 2; and 302A.901, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Chmielewski, Mrs. Adkins, Mr. Sams, Mmes. Benson, J.E. and Pariseau introduced—

S.F. No. 266: A bill for an act relating to health; providing a woman considering abortion the right to certain information before giving consent; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health Care.

Messrs. Sams, Berg, Langseth, Chmielewski and Dille introduced—

S.F. No. 267: A bill for an act relating to taxation; excluding certain classes of property from the general education tax; adjusting income tax brackets; amending Minnesota Statutes 1992, sections 124A.23, subdivision 1, and by adding a subdivision; 275.08, subdivisions 1b, 1c, and 1d; and 290.06, subdivisions 2c and 2d.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.E. introduced—

S.F. No. 268: A bill for an act relating to education; extending the time for the New London-Spicer school district to enter into construction contracts.

Referred to the Committee on Education.

Mr. Cohen introduced—

S.F. No. 269: A bill for an act relating to metropolitan government; requiring at least one member of metropolitan transit commission to be disabled user of transit system; amending Minnesota Statutes 1992, section 473.404, subdivision 2.

Referred to the Committee on Metropolitan and Local Government.

Mr. Cohen introduced—

S.F. No. 270: A bill for an act relating to elections; changing certain margins requiring automatic recounts; amending Minnesota Statutes 1992, section 204C.35, subdivision 1.

Referred to the Committee on Ethics and Campaign Reform.

Ms. Johnson, J.B.; Messrs. Merriam, Mondale, Chandler and Frederickson introduced—

S.F. No. 271: A bill for an act relating to waste management; encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging; prohibiting disposal of unprocessed mixed municipal solid waste; authorizing counties to count waste reduction toward 1996 recycling goals; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of commercial waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that organized waste collection is one of several tools for cities and counties to use to collect waste; requiring labeling of hazardous household products; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and to collect spent lamps; extending by one year the solid waste field citation pilot program; clarifying the effects of the repeal of the metropolitan landfill siting process; amending Minnesota Statutes 1992, sections 16B.122, by adding a subdivision; 17.135; 115.071, subdivision 1; 115A.03, by adding a subdivision; 115A.034; 115A.5501, subdivision 3; 115A.551, subdivision 2a; 115A.552, subdivision 2; 115A.56; 115A.916; 115A.929; 115A.932, subdivision 1; 115A.94, subdivisions 5 and 6; 115A.941; 115A.9651; 115A.981; 116.78, by adding a subdivision; 116.92, subdivision 7; 216B.241, by adding a subdivision; 325E.12; 325E.125, subdivision 1; 325E.1251; 325E.32; 400.08, subdivision 3; Laws 1991, chapter 347, article 1, sections 15, subdivisions 1 and 6; and 20; Laws 1992, chapter 593, article 1, section 55; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Mr. Moe, R.D. introduced—

S.F. No. 272: A bill for an act relating to retirement; permitting benefit accrual after age 60 for certain members of the state patrol retirement plan.

Referred to the Committee on Governmental Operations and Reform.

Mr. Knutson, Ms. Johnston, Mrs. Pariseau, Mr. Murphy and Ms. Wiener introduced—

S.F. No. 273: A bill for an act relating to highways; changing description of

legislative Route No. 279 in state trunk highway system after agreement to transfer part of old route to Dakota county.

Referred to the Committee on Transportation and Public Transit.

Mr. Knutson, Mses. Robertson, Ranum, Mr. Neuville and Ms. Anderson introduced—

S.F. No. 274: A bill for an act relating to crime; authorizing warrantless arrests for assaults committed against a person with whom the offender has a child or unborn child in common; amending Minnesota Statutes 1992, section 629.341, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Knutson, Mrs. Pariseau, Messrs. Neuville, Marty and McGowan introduced—

S.F. No. 275: A bill for an act relating to criminal procedure; venue of actions for illegal consumption of alcoholic beverages by minors; amending Minnesota Statutes 1992, section 340A.503, subdivision 1.

Referred to the Committee on Crime Prevention.

Messrs. Chandler, Janezich, Solon, Luther and Belanger introduced—

S.F. No. 276: A bill for an act relating to financial institutions; credit unions; regulating investments in share certificates; authorizing credit unions to make reverse mortgage loans; regulating credit unions as depositories of various funds; amending Minnesota Statutes 1992, sections 11A.24, subdivision 4; 41B.19, subdivision 6; 47.58, subdivision 1; 48.64; 48.86; 50.14, subdivision 13; 52.04, subdivision 1; 80A.14, subdivisions 4 and 9; 116J.8765, subdivision 4; 118.01, subdivision 1; 118.10; 136.31, subdivision 6; 427.01; 446A.11, subdivision 9; 475.67, subdivision 5; and 520.01, subdivision 2.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Merriam, Ms. Hanson, Mr. Betzold and Ms. Krentz introduced—

S.F. No. 277: A bill for an act relating to local government; creating the office of Anoka county coroner; appointing a physician as county coroner; appointing assistant coroners; designating deputy coroners; establishing the duties of the coroner.

Referred to the Committee on Metropolitan and Local Government.

Mr. Finn, Ms. Berglin, Messrs. Sams and Chmielewski introduced—

S.F. No. 278: A bill for an act relating to alcoholic beverages; increasing the sales tax rate on alcoholic beverages to ten percent; providing for the dedication of a portion of the revenues from the sales tax on alcoholic beverages to the chemical dependency treatment account; eliminating requirements for a sliding fee schedule for persons eligible for chemical dependency fund services; amending Minnesota Statutes 1992, sections 254B.02, subdivision 1; 254B.04, subdivision 1; 297A.02, subdivision 3; and 297A.44,

subdivision 1; repealing Minnesota Statutes 1992, section 254B.04, subdivision 3.

Referred to the Committee on Health Care.

Mr. Dille and Ms. Hanson introduced—

S.F. No. 279: A bill for an act relating to education; authorizing an additional day on which a referendum may be conducted; amending Minnesota Statutes 1992, section 124A.03, subdivision 2.

Referred to the Committee on Education.

Mr. Dille and Ms. Hanson introduced—

S.F. No. 280: A bill for an act relating to education; authorizing a second day on which a referendum may be conducted in certain school districts.

Referred to the Committee on Education.

Messrs. Finn; Chmielewski; Berg; Benson, D.D. and Neuville introduced—

S.F. No. 281: A bill for an act relating to taxation; providing for payment of certain in-lieu taxes; amending Minnesota Statutes 1992, sections 97A.061; and 477A.14.

Referred to the Committee on Environment and Natural Resources.

Ms. Berglin and Mr. Samuelson introduced—

S.F. No. 282: A bill for an act relating to medical assistance; modifying hospital reimbursement rates; amending Minnesota Statutes 1992, section 256.969, subdivisions 9, 20, and by adding subdivisions.

Referred to the Committee on Health Care.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 15, 1993. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate