

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1992

SIXTY-THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, JANUARY 10, 1992

The House of Representatives convened at 10:00 a.m. and was called to order by Dee Long, Speaker of the House.

Prayer was offered by Senator Pat Piper, District 31, Austin, Minnesota.

The roll was called and the following members were present:

Abrams	Girard	Krinkie	Omann	Solberg
Anderson, I.	Goodno	Krueger	Onnen	Sparby
Anderson, R. H.	Greenfield	Lasley	Orenstein	Stanisus
Battaglia	Gruenes	Leppik	Orfield	Steensma
Bauerly	Gutknecht	Lieder	Osthoff	Sviggum
Beard	Hanson	Limmer	Ostrom	Swenson
Bettermann	Hartle	Lourey	Ozment	Thompson
Blatz	Hasskamp	Lynch	Pauly	Tompkins
Bodahl	Haukoos	Macklin	Pellow	Trimble
Boo	Hausman	Mariani	Pelowski	Tunheim
Brown	Heir	Marsh	Peterson	Valento
Carlson	Henry	McEachern	Pugh	Vellenga
Carruthers	Hugoson	McGuire	Reding	Wagenius
Clark	Jacobs	McPherson	Rest	Waltman
Cooper	Jefferson	Milbert	Rice	Weaver
Dauner	Johnson, A.	Munger	Rodosovich	Wejzman
Davids	Johnson, R.	Murphy	Rukavina	Welker
Dawkins	Johnson, V.	Nelson, K.	Runbeck	Welle
Dempsey	Kahn	Nelson, S.	Sarna	Wenzel
Dorn	Kalis	Newinski	Schafer	Winter
Erhardt	Kelso	O'Connor	Schreiber	Spk. Long
Farrell	Kinkel	Ogren	Seaberg	
Frederick	Knickerbocker	Olsen, S.	Segal	
Frerichs	Koppendrayar	Olson, E.	Skoglund	
Garcia	Krambeer	Olson, K.	Smith	

A quorum was present.

Anderson, R.; Begich; Bertram; Bishop; Dille; Hufnagle; Janezich; Jaros; Jennings; Morrison; Simoneau; Uphus and Vanasek were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Koppendrayar moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 1621 and H. F. No. 1740, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carlson moved that S. F. No. 1621 be substituted for H. F. No. 1740 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 1621 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Olson, K.; Pelowski; McEachern; Bauerly and Schafer introduced:

H. F. No. 1822, A bill for an act relating to education; providing funding for full day kindergarten; changing the kindergarten pupil weight; requiring a school district to offer full day kindergarten; amending Minnesota Statutes 1991 Supplement, section 124.17, subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

Milbert introduced:

H. F. No. 1823, A bill for an act relating to statutes; providing for the numbering of session law chapters; amending Minnesota Statutes 1990, section 3C.04, subdivision 5.

The bill was read for the first time and referred to the Committee on Judiciary.

Waltman introduced:

H. F. No. 1824, A bill for an act relating to education; deleting a requirement delaying the sale and issuance of certain maximum effort school loan bonds; amending Minnesota Statutes 1991 Supplement, section 124.479.

The bill was read for the first time and referred to the Committee on Education.

Bodahl; Anderson, I.; Valento; Lieder and Kelso introduced:

H. F. No. 1825, A bill for an act relating to local government; amending various laws relating to contracts and conflicts of interest; amending Minnesota Statutes 1990, sections 412.311; 412.691; 471.345, subdivisions 3, 4, and by adding a subdivision; and 471.88, subdivision 5; repealing Minnesota Statutes 1990, section 471.88, subdivision 8.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Jennings, McEachern, Bauerly, Kelso and Schafer introduced:

H. F. No. 1826, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

The bill was read for the first time and referred to the Committee on Education.

Dille, Wenzel, Steensma, Bauerly and Girard introduced:

H. F. No. 1827, A bill for an act relating to livestock diseases; modifying requirements for certain tests; amending Minnesota Statutes 1990, sections 35.245, subdivisions 1 and 2; and 35.251; repealing Minnesota Statutes 1990, section 35.245, subdivision 1a.

The bill was read for the first time and referred to the Committee on Agriculture.

Onnen and Sviggum introduced:

H. F. No. 1828, A bill for an act relating to elections; repealing the requirement that voters indicate party preference to vote in the presidential primary; amending Minnesota Statutes 1990, sections 207A.04, subdivision 3; 207A.06, subdivision 1; and 207A.09; re-

pealing Minnesota Statutes 1990, sections 207A.03, subdivision 2; and 207A.08.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Solberg, Vellenga, Wagenius, Blatz and McGuire introduced:

H. F. No. 1829, A bill for an act relating to criminal justice; providing gender balance on the sentencing guidelines commission; amending Minnesota Statutes 1991 Supplement, section 244.09, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

Wenzel, Begich, Bodahl, Omann and Koppendrayner introduced:

H. F. No. 1830, A bill for an act relating to crime; providing for life imprisonment without release for certain persons convicted of first degree murder or repeat violent sex offenses; requiring consecutive sentences for persons convicted of multiple violent crimes; removing the crime of intentional second degree murder from the sentencing guidelines; providing mandatory minimum sentences for persons convicted of second and third degree murder, certain sex offenses, and first degree assault; reducing the good time allowance for violent offenders; granting the attorney general concurrent authority to prosecute felony offenses; expanding the sex offender registration statute; requiring the commissioner of corrections to determine whether a "psychopathic personality" commitment petition should be filed before releasing a sex offender from prison; authorizing bonding for capital improvements; changing penalties for certain prostitution related crimes; appropriating money; amending Minnesota Statutes 1990, sections 8.01; 244.04, subdivisions 1, 3, and by adding a subdivision; 244.05, subdivisions 4, 5, and by adding a subdivision; 609.15, by adding a subdivision; 609.184, subdivision 2; 609.19; 609.195; 609.221; 609.322; 609.323; 609.342, subdivision 2; 609.343, subdivision 2; and 609.346, subdivision 2a; Minnesota Statutes 1991 Supplement, section 243.166, subdivisions 1, 3, and 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Wenzel, Krueger, Bertram, Valento and Lynch introduced:

H. F. No. 1831, A bill for an act relating to crime; providing for life imprisonment without release for certain persons convicted of first degree murder or repeat violent sex offenses; requiring consecutive

sentences for persons convicted of multiple violent crimes; removing the crime of intentional second degree murder from the sentencing guidelines; providing mandatory minimum sentences for persons convicted of second and third degree murder, certain sex offenses, and first degree assault; reducing the good time allowance for violent offenders; granting the attorney general concurrent authority to prosecute felony offenses; expanding the sex offender registration statute; requiring the commissioner of corrections to determine whether a "psychopathic personality" commitment petition should be filed before releasing a sex offender from prison; authorizing bonding for capital improvements; changing penalties for certain prostitution related crimes; appropriating money; amending Minnesota Statutes 1990, sections 8.01; 244.04, subdivisions 1, 3, and by adding a subdivision; 244.05, subdivisions 4, 5, and by adding a subdivision; 609.15, by adding a subdivision; 609.184, subdivision 2; 609.19; 609.195; 609.221; 609.322; 609.323; 609.342, subdivision 2; 609.343, subdivision 2; and 609.346, subdivision 2a; Minnesota Statutes 1991 Supplement, section 243.166, subdivisions 1, 3, and 6.

The bill was read for the first time and referred to the Committee on Judiciary.

Gutknecht, Wenzel, Koppendrayner, Bauerly and Uphus introduced:

H. F. No. 1832, A bill for an act relating to agriculture; repealing the Minnesota dairy unfair trade practices act; repealing Minnesota Statutes 1990, sections 32A.01; 32A.02; 32A.03; 32A.04; 32A.05; 32A.07; 32A.08; and 32A.09.

The bill was read for the first time and referred to the Committee on Agriculture.

Wejcman, Vellenga, Greenfield and Kalis introduced:

H. F. No. 1833, A bill for an act relating to traffic regulations; permitting certain cities to provide for volunteer enforcement of certain regulations; amending Minnesota Statutes 1990, section 169.346, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

McPherson, Haukoos, Valento, Macklin and Hugoson introduced:

H. F. No. 1834, 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.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Bettermann and Heir introduced:

H. F. No. 1835, 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.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Gutknecht, Rest, Sviggum, McPherson and Olson, E., introduced:

H. F. No. 1836, A bill for an act relating to taxation; property; reducing the penalties for taxes paid within ten days of the date due; amending Minnesota Statutes 1990, section 279.01, subdivision 3; and Minnesota Statutes 1991 Supplement, section 279.01, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Jaros, Reding, Brown, Clark and Runbeck introduced:

H. F. No. 1837, A bill for an act relating to education; requiring instruction in Native American and ethnic cultures in the public schools; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

Cooper, Long, Simoneau, Welle and Anderson, I., introduced:

H. F. No. 1838, A bill for an act relating to the environment; forgiving advances and loans made under a pilot litigation loan project relating to wastewater treatment.

The bill was read for the first time and referred to the Committee on Appropriations.

Farrell, Skoglund and Newinski introduced:

H. F. No. 1839, A bill for an act relating to insurance; title; requiring all licensees engaged in the business of title insurance as agent or insurer to compete actively in the marketplace for their business; proposing coding for new law in Minnesota Statutes, chapter 68A.

The bill was read for the first time and referred to the Committee on Commerce.

Solberg, Vellenga, Bishop, Wejcman and Wagenius introduced:

H. F. No. 1840, 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.

The bill was read for the first time and referred to the Committee on Judiciary.

Macklin, Vellenga, Morrison, Pugh and Seaberg introduced:

H. F. No. 1841, A bill for an act relating to crimes; expanding the crime of second degree murder to include certain deaths caused by domestic assault; amending Minnesota Statutes 1990, section 609.19.

The bill was read for the first time and referred to the Committee on Judiciary.

Morrison, Vellenga, Pugh, Milbert and Macklin introduced:

H. F. No. 1842, A bill for an act relating to child witnesses; expanding the circumstances under which special arrangements may be made for taking testimony from child witnesses in court proceedings; amending Minnesota Statutes 1990, section 595.02, subdivision 4.

The bill was read for the first time and referred to the Committee on Judiciary.

O'Connor, Abrams, Long, Dempsey and Osthoff introduced:

H. F. No. 1843, A bill for an act relating to elections; prohibiting transfer of certain money from a campaign committee that has

received a public subsidy; proposing coding for new law in Minnesota Statutes, chapter 10A.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

O'Connor, Abrams, Osthoff, Dempsey and Long introduced:

H. F. No. 1844, A bill for an act relating to elections; prohibiting certain transfers of money between political committees; amending Minnesota Statutes 1990, section 10A.17, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Stanisus, Smith, Krambeer, Haukoos and Sviggum introduced:

H. F. No. 1845, 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.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Lasley, Thompson, Lieder and Olson, E., introduced:

H. F. No. 1846, 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.

The bill was read for the first time and referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1623.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

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

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Schreiber moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1623 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Schreiber motion and the roll was called. There were 69 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Seaberg
Anderson, R. H.	Girard	Koppendrayner	Olson, E.	Smith
Bettermann	Goodno	Krambeer	Omann	Sparby
Blatz	Gruenes	Krinkie	Onnen	Stanisus
Boo	Gutknecht	Leppik	Ozment	Svigum
Carlson	Hartle	Lieder	Pauly	Swenson
Carruthers	Haukoos	Limmer	Pellow	Thompson
Cooper	Heir	Lynch	Peterson	Tompkins
Dauner	Henry	Macklin	Pugh	Valento
Davids	Hugoson	Marsh	Rest	Waltman
Dempsey	Johnson, A.	McPherson	Rukavina	Weaver
Erhardt	Johnson, R.	Milbert	Runbeck	Welker
Farrell	Johnson, V.	Newinski	Schafer	Winter
Frederick	Kinkel	Ogren	Schreiber	

Those who voted in the negative were:

Anderson, I.	Greenfield	Lasley	Orenstein	Trimble
Battaglia	Hanson	Lourey	Orfield	Tunheim
Bauerly	Hasskamp	Mariani	Ostrom	Vellenga
Beard	Hausman	McEachern	Pelowski	Wagenius
Bodahl	Jacobs	McGuire	Reding	Wejcmann
Brown	Jefferson	Murphy	Rice	Welle
Clark	Kahn	Nelson, K.	Sarna	Wenzel
Dawkins	Kalis	Nelson, S.	Skoglund	Spk. Long
Dorn	Kelso	O'Connor	Solberg	
Garcia	Krueger	Olson, K.	Steensma	

The motion did not prevail.

S. F. No. 1623 was referred to the Committee on Regulated Industries.

MOTIONS AND RESOLUTIONS

Cooper moved that the name of Schafer be added as an author on H. F. No. 1784. The motion prevailed.

Pugh moved that H. F. No. 1819 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Judiciary. The motion prevailed.

ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, January 13, 1992. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, January 13, 1992.

EDWARD A. BURDICK, Chief Clerk, House of Representatives