

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1992

SIXTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 13, 1992

The House of Representatives convened at 2:30 p.m. and was called to order by Dee Long, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

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

The roll was called and the following members were present:

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

A quorum was present.

Cooper and Pauly were excused.

Farrell was excused until 4:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Johnson, A., 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 STANDING COMMITTEES

Osthoff from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 1731, 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1990, section 207A.01, is amended to read:

207A.01 [PRESIDENTIAL PRIMARY.]

A presidential primary must be held on the first Tuesday in April of each year after 1993 in which a president and vice president of the United States are to be nominated and elected, at which the voters of this state may express their preference among the candidates of the major political party of their choice, for that party's nomination to be president of the United States or may vote for uncommitted delegates to the national party convention. For the purposes of sections 207A.01 to 207A.07, “political party” or “party” means a political party as defined in section 200.02, subdivision 7.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to elections; changing the year for implementing the presidential primary; amending Minnesota Statutes 1990, section 207A.01.”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1731 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Lourey; Cooper; Johnson, R.; Solberg and Ostrom introduced:

H. F. No. 1847, 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.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Wagenius introduced:

H. F. No. 1848, A bill for an act relating to the city of Minneapolis; authorizing the city to issue general obligation bonds to finance certain parking, plaza, and other improvements related to federal courts project.

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

Vellenga, Solberg, Carruthers, Blatz and Wagenius introduced:

H. F. No. 1849, A bill for an act relating to crime; increasing penalties for certain sex offenders; providing for life imprisonment for certain repeat sex offenders; increasing supervision of sex offenders following release from prison; eliminating the "good time" reduction in a prison sentence unless a sex offender satisfactorily completes a treatment program in prison; prohibiting the release of a prison inmate on a weekend or holiday; requiring review of sex offenders for psychopathic personality commitment before prison release; amending Minnesota Statutes 1990, sections 241.67, subdi-

vision 3; 244.04, subdivision 1; 244.05, subdivisions 1, 3, 4, 5, and by adding a subdivision; 609.1352, subdivision 5, and by adding a subdivision; 609.342, subdivision 2; 609.343, subdivision 2; 609.346, subdivisions 2, 2a, and by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 244.05, subdivision 6; and 244.12, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Kelso introduced:

H. F. No. 1850, A bill for an act relating to education; authorizing an optional extra referendum levy in 1992 for independent school district No. 719, Prior Lake.

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

Kelso introduced:

H. F. No. 1851, A bill for an act relating to taxation; providing for payment of property tax refunds to the personal representative of a decedent; amending Minnesota Statutes 1990, section 290A.18, subdivision 1.

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

Welker introduced:

H. F. No. 1852, A bill for an act relating to Chippewa county; permitting the consolidation of the offices of auditor and treasurer.

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

Bishop, Pugh and Dorn introduced:

H. F. No. 1853, A bill for an act relating to Olmsted county; permitting the appointment of the recorder; authorizing the abolishment and reorganization of the office.

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

Garcia, Rest and Henry introduced:

H. F. No. 1854, A bill for an act relating to the city of Richfield; providing for the application of fiscal disparities to a certain tax increment financing district.

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

Welle moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Knickerbocker, Olson, E., and Weaver were excused for the remainder of today's session.

CALL OF THE HOUSE

On the motion of Welle and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Welle moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

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 Files, herewith transmitted:

S. F. Nos. 11, 1622, 1598 and 1612.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 11, A bill for an act relating to crimes; controlled substances; increasing penalties for sale or possession of powder cocaine to be identical to the penalties for sale or possession of cocaine base; amending the definition of sale to include possession with intent to sell; amending Minnesota Statutes 1990, sections 152.01, subdivision 15a, and by adding a subdivision; 152.021, subdivision 2; 152.022, subdivision 2; 152.025, subdivision 2; Minnesota Statutes 1991 Supplement, sections 152.01, subdivision 20; 152.021, subdivision 1; 152.022, subdivision 1; and 152.023, subdivision 2.

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

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.

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

S. F. No. 1598, A bill for an act relating to elections; changing the year for implementing the presidential primary; eliminating requirement that primary voters identify themselves by party; amend-

ing Minnesota Statutes 1990, section 207A.01; repealing Minnesota Statutes 1990, sections 207A.03, subdivision 2; and 207A.08.

The bill was read for the first time.

Lasley moved that S. F. No. 1598 and H. F. No. 1731, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

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

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

GENERAL ORDERS

Welle moved that the bill on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Schafer moved that the name of Hugoson be added as an author on H. F. No. 1733. The motion prevailed.

Onnen moved that the name of Anderson, R. H., be added as an author on H. F. No. 1828. The motion prevailed.

Bettermann moved that the name of Anderson, R. H., be added as an author on H. F. No. 1835. The motion prevailed.

Abrams was excused for the remainder of today's session.

MOTION TO OVERRIDE LINE ITEM VETO

Bauerly; McEachern; Kelso; Nelson, K., and Lasley moved that Article 5, Section 9, page 115, lines 29 through 33, deletion of an open and standing appropriation, Chapter 265, H. F. No. 700, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the motion to reconsider and repass the

line item veto relating to Article 5, Section 9, page 115, lines 29 through 33, deletion of an open and standing appropriation, Chapter 265, H. F. No. 700, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 86 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Farrell	Koppendrayner	Orfield	Steensma
Anderson, R.	Garcia	Krambeer	Osthoff	Thompson
Anderson, R. H.	Greenfield	Krueger	Ostrom	Tompkins
Battaglia	Hanson	Lasley	Pelowski	Trimble
Bauerly	Hasskamp	Lieder	Peterson	Tunheim
Beard	Hausman	Lourey	Pugh	Vanasek
Begich	Heir	Mariani	Reding	Vellenga
Bertram	Jacobs	McEachern	Rest	Wagenius
Bettermann	Janezich	McGuire	Rice	Waltman
Bodahl	Jaros	Milbert	Rodosovich	Wejcman
Brown	Jefferson	Munger	Rukavina	Welle
Carlson	Jennings	Murphy	Runbeck	Wenzel
Carruthers	Johnson, A.	Nelson, K.	Sarna	Winter
Clark	Johnson, R.	Nelson, S.	Segal	Spk. Long
Dauner	Kahn	O'Connor	Simoneau	
Dawkins	Kalis	Ogren	Skoglund	
Dille	Kelso	Olson, K.	Solberg	
Dorn	Kinkel	Orenstein	Sparby	

Those who voted in the negative were:

Bishop	Goodno	Krinkie	Olsen, S.	Stanisus
Blatz	Gruenes	Leppik	Omann	Sviggum
Boo	Gutknecht	Limmer	Onnen	Swenson
Davids	Hartle	Lynch	Ozment	Uphus
Dempsey	Haukoos	Macklin	Pellow	Valento
Erhardt	Henry	Marsh	Schafer	Welker
Frederick	Hufnagle	McPherson	Schreiber	
Frerichs	Hugoson	Morrison	Seaberg	
Girard	Johnson, V.	Newinski	Smith	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and not repassed.

ADJOURNMENT

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Tuesday, January 14, 1992.

EDWARD A. BURDICK, Chief Clerk, House of Representatives