

## SIXTY-FOURTH DAY

St. Paul, Minnesota, Monday, January 13, 1992

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

### CALL OF THE SENATE

Mr. Moe, R.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. Edward J. Campbell.

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

Mr. Gustafson was excused from the Session of today from 2:30 to 3:00 p.m.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

January 10, 1992

The Honorable Jerome M. Hughes  
President of the Senate

Dear President Hughes:

I have vetoed and am returning Chapter 358, Senate File 1596/House File 1726, a bill changing the boundaries of State legislative districts. This legislation would provide new Senate and House of Representative districts for the next 10 years.

During last year's session I attempted to veto Chapter 246 on Constitutional grounds as well as on grounds of simple fairness. That bill was in fact ultimately declared unconstitutional. Unfortunately, the new proposal embodied in Chapter 358 does not correct the problems inherent in Chapter 246. It lacks the essential element of fairness, both in its substance and in the process through which it was drafted.

After the original bill was declared unconstitutional, I wrote to the Legislative leadership and proposed that new legislation be prepared by either of two methods:

- Negotiation between Republican and Democrat legislative leaders, to produce a bi-partisan plan, or
- By referring the matter to a Commission with membership equally divided between Republican and Democrat appointees. Sitting legislators would not be eligible for the Commission, and both parties would agree to abide by its results.

I have never received a response to that request, and the bill pushed through Committee this week reflects no effort at developing a fair, negotiated or bi-partisan solution.

I had earlier called on a bi-partisan Reapportionment Advisory Committee to give me their recommendations on criteria that should be considered in any legislative redistricting plan. The Committee found that, in upholding constitutional principles, legislative districts must be contiguous and adhere to the one person, one vote principle. To accomplish this, the Committee recommended a maximum deviation of one percent from the ideal population. This bill permits excessive deviation.

I established policy priorities for any redistricting plan in this order: (a) enhancement of the interests of minority groups, (b) maintainance, as far as possible, of the boundaries of existing political subdivisions such as municipalities and counties, and (c) the development of geographically and geometrically compact and convenient districts.

The proposed redistricting plan falls short of attaining the first priority. Fairness to minorities is a fundamental precept. And this bill dilutes minority votes in violation of that precept. For example, Minnesota's largest minority group is the African-American Community. This bill unfairly spreads African-Americans over three legislative districts in Minneapolis.

The plan also makes the assumption that all minorities have common interests and should be grouped together. Even with this insensitive assumption, no Senate district has 50 percent minorities. I believe Minnesota can do

better than that. The way to do better is to draw the minority districts first.

The bill separates Minnesota Native American reservations into different districts. This is not consistent with the fundamental goal of consolidating minority voting power. In all cases, district plans should be drawn to preserve the strength of minority voting populations and increase the probability of minority representation.

Chapter 358 is also contrary to the Committee's recommendation to respect political lines as much as possible. Too many county lines are cut. Political boundaries do not receive as much respect as is practicable. Cities are sliced, suburbs are divided and townships are fragmented. These deficiencies must be corrected.

Finally, the Committee's third priority is that districts be geographically and geometrically compact. The new redistricting plan embodied in Chapter 358 continues the existence of too many oddly shaped districts. For example, the metro district boundaries are confusing and the districts are anything but compact.

The deficiencies in Chapter 358 reflect a flawed process. Because of these flaws, and because this legislation which will affect Minnesota for the next 10 years was prepared with no bi-partisan input, I must veto this bill.

Sincerely,  
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that S.F. No. 1596 and the veto message thereon be laid on the table. The motion prevailed.

January 10, 1992

The Honorable Jerome M. Hughes  
President of the Senate

Dear President Hughes:

I have vetoed and am returning Chapter 357, Senate File 1597/House File 1728, a bill changing the boundaries of Minnesota congressional districts. The bill fails to meet essential standards of fairness, and I question its constitutionality.

First, it is obvious that prior voter behavior has driven the drawing of these district lines. The plan is designed to protect certain incumbents and produce a preordained ratio of majority and minority members in the state's congressional delegation.

Second, congressional districts must be contiguous and compact. Contiguous these districts may be; but compact they are not. For example District six wraps from Hastings to Buffalo. District eight commences on the Canadian border and enters the city of Anoka. This may produce political advantage for the drafters, but it thwarts the concept of community of interest.

Chapter 357 shows little regard for the integrity of existing political subdivision boundaries. For example, Bloomington is again cut apart and Inver Grove Heights is again divided. The city of Delano is cut in two. Division of political subdivisions is not minimized to the extent practicable.

Finally, Chapter 357 fails to maximize minority voter representation. Districts four and five utilize congressional lines that divide areas with sizable concentrations of minority populations. These lines diminish the voting strength of these minority populations.

Chapter 357 does not comply with constitutional criteria for redistricting. Equally important, it lacks fundamental fairness. Last year I had written to the Legislative leadership and proposed that the redistricting legislation be prepared by either of two methods:

- Negotiation between Republican and Democrat legislative leaders, to produce a bi-partisan plan, or failing that,
- Referring the matter to a Commission with membership equally divided between Republican and Democrat appointees. Sitting legislators would not be eligible for the Commission, and both parties would agree to abide by its results.

I have never received a response to that request, and the bill pushed through Committee this week reflects no effort at developing a fair, negotiated or bi-partisan solution. For these reasons, I must veto Chapter 357.

Sincerely,  
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that S.F. No. 1597 and the veto message thereon 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.

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

S.F. No. 1598: A bill for an act relating to elections; providing for a presidential primary by mail; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1990, sections 207A.03; 207A.04; and 207A.07.

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

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."

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. 1612: A bill for an act relating to human services; temporarily removing the time limit on work readiness assistance.

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

Page 1, line 8, delete "*June*" and insert "*April*"

Page 1, lines 13 and 16, delete "*July*" and insert "*May*"

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

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.

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

Page 1, line 12, after the semicolon, insert "*or*"

Page 1, delete line 13

Page 1, line 14, delete "*(4)*" and insert "*(3)*"

Page 1, after line 15, insert:

"Sec. 2. Minnesota Statutes 1990, section 349.2127, is amended by adding a subdivision to read:

*Subd. 8. [GAMBLING PURCHASES ON CREDIT.] An organization may not accept a credit card or other form of credit in payment for the purchase of gambling equipment or for a chance to participate in lawful gambling."*

Page 1, line 16, delete "*2*" and insert "*3*"

Page 1, line 17, delete "*Section 1*" and insert "*This act*"

Amend the title as follows:

Page 1, line 2, delete "horse racing" and insert "gambling"

Page 1, line 3, delete "by telephone or"

Page 1, line 4, delete "made" and after the semicolon, insert "prohibiting lawful gambling organizations from accepting credit cards or other forms of credit for lawful gambling purchases;" and after "amending" insert "Minnesota Statutes 1990, section 349.2127, by adding a subdivision;"

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 11: 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.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1990, section 152.01, is amended by adding a subdivision to read:

*Subd. 3a. [COCAINE.] "Cocaine" means coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine, the salts and isomers of cocaine and ecgonine, and the salts of their isomers and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical with any of those substances, except decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.*

Sec. 2. Minnesota Statutes 1990, section 152.01, subdivision 15a, is amended to read:

Subd. 15a. [SELL.] "Sell" means:

(1) to sell, give away, barter, deliver, exchange, distribute or dispose of to another, *or to manufacture*; or

(2) to offer or agree to ~~do the same; or to manufacture~~ *perform an act listed in clause (1); or*

(3) *to possess with intent to perform an act listed in clause (1).*

Sec. 3. Minnesota Statutes 1991 Supplement, section 152.01, subdivision 20, is amended to read:

Subd. 20. [UNLAWFULLY.] "Unlawfully" means selling, *or possessing,* ~~or possessing with intent to sell~~ a controlled substance in a manner not authorized by law.

Sec. 4. Minnesota Statutes 1991 Supplement, section 152.021, subdivision 1, is amended to read:

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the first degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing cocaine base;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug *other than cocaine*;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units; or

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols, or one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols in a school zone, a park zone, or a public housing zone.”

Page 2, line 10, after “drug” insert “*other than cocaine*”

Pages 2 and 3, delete section 3 and insert:

“Sec. 6. Minnesota Statutes 1991 Supplement, section 152.022, subdivision 1, is amended to read:

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of three grams or more containing cocaine base;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug *other than cocaine*;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols;

(5) the person unlawfully sells any amount of a schedule I or II narcotic drug to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or

(6) the person unlawfully sells any of the following in a school zone, a park zone, or a public housing zone:

(i) any amount of a schedule I or II narcotic drug;

(ii) one or more mixtures containing methamphetamine or amphetamine; or

(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.”

Page 3, line 15, after "drug" insert "*other than cocaine*"

Pages 3 and 4, delete sections 5 and 6 and insert:

"Sec. 8. Minnesota Statutes 1991 Supplement, section 152.023, subdivision 2, is amended to read:

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully possesses one or more mixtures of a total weight of three grams or more containing cocaine ~~base~~;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug *other than cocaine*;

~~(3) the person unlawfully possesses one or more mixtures containing a narcotic drug with the intent to sell it;~~

~~(4) the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;~~

~~(5) (4) the person unlawfully possesses any amount of a schedule I or II narcotic drug in a school zone, a park zone, or a public housing zone;~~

~~(6) (5) the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or~~

~~(7) (6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, or a public housing zone.~~

Sec. 9. Minnesota Statutes 1990, section 152.025, subdivision 2, is amended to read:

Subd. 2. [POSSESSION AND OTHER CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

~~(2) the person unlawfully possesses one or more mixtures containing marijuana or Tetrahydrocannabinols with the intent to sell it, except a small amount of marijuana for no remuneration; or~~

~~(3) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:~~

~~(i) fraud, deceit, misrepresentation, or subterfuge;~~

~~(ii) using a false name or giving false credit; or~~

~~(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.~~

Sec. 10. [EFFECTIVE DATE.]

*Sections 1 to 9 are effective the day following final enactment and apply to crimes committed on or after that date."*



Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before "cocaine" insert "powder"

Page 1, line 5, after the semicolon, insert "amending the definition of sale to include possession with intent to sell;"

Page 1, line 6, after "sections" insert "152.01, subdivision 15a, and by adding a subdivision;" and delete "subdivisions 1 and" and insert "subdivision"

Page 1, delete line 7 and insert "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."

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

Mr. Spear from the Committee on Judiciary, to which was referred

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.

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

Page 1, line 14, after the second comma, insert "*assault in the fifth degree if the assault was committed within five years of a previous conviction under sections 609.221 to 609.224, malicious punishment of a child,*"

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1990, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources;

(b) a person who has been convicted in this state or elsewhere of a *felony* or crime of violence unless ten years have elapsed since the person has been restored to civil rights or *unless ten years have elapsed since the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other felony or crime of violence.* For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been *felonies* or crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts; or

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate."

Delete the title and insert:

"A bill for an act relating to crimes; expanding list of offenses that result in ineligibility for a pistol permit to include all felonies, domestic abuse, and malicious punishment of a child; amending Minnesota Statutes 1990, section 624.713, subdivision 1; and Minnesota Statutes 1991 Supplement, section 624.712, subdivision 5."

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 1598, 1612, 1605, 11 and 1619 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Cohen moved that the name of Mr. Lessard be added as a co-author to S.F. No. 27. The motion prevailed.

Mr. Mondale moved that the name of Mr. Kelly be added as a co-author to S.F. No. 1607. The motion prevailed.

Mr. Mondale moved that the names of Messrs. Solon and Chmielewski be added as co-authors to S.F. No. 1608. The motion prevailed.

Mr. Lessard moved that the names of Mr. Vickerman, Mrs. Adkins and

Mr. Belanger be added as co-authors to S.F. No. 1614. The motion prevailed.

### 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 S.F. No. 11 and that the rules of the Senate be so far suspended as to give S.F. No. 11, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

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.

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

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### 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 S.F. No. 1598 and that the rules of the Senate be so far suspended as to give S.F. No. 1598, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 1598: A bill for an act relating to elections; changing the year for implementing the presidential primary; amending Minnesota Statutes 1990, section 207A.01.

Mr. McGowan moved to amend S.F. No. 1598 as follows:

Page 1, after line 18, insert:

“Sec. 2. [REPEALER.]

*Minnesota Statutes 1990, sections 207A.03, subdivision 2; and 207A.08, are repealed.”*

Page 1, line 20, delete “*Section 1 is*” and insert “*Sections 1 and 2 are*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “eliminating requirement that primary voters identify themselves by party;”

Page 1, line 4, before the period, insert “; repealing Minnesota Statutes 1990, sections 207A.03, subdivision 2; and 207A.08”

The motion prevailed. So the amendment was adopted.

S.F. No. 1598 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 57 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Chmielewski	Dicklich	Johnson, D.J.	McGowan
Benson, D.D.	Cohen	Frank	Knaak	Pogemiller

So the bill, as amended, was passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved that the Senate take up the Calendar. The motion prevailed.

### CALENDAR

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.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### 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 S.F. No. 1612 and that the rules of the Senate be so far suspended as to give S.F. No. 1612, now on General Orders, its third reading and place it on its final passage. 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.

Mr. Samuelson moved to amend S.F. No. 1612 as follows:

Page 1, line 11, after the period, insert "*The commissioner shall send a notice to the last known address of all persons whose assistance was terminated because of the time limit informing them that they may be eligible for additional work readiness assistance if they reapply. If these persons reapply by February 29, 1992, and meet all other eligibility criteria, they are eligible for assistance beginning February 1, 1992. The eligibility period for those who reapply after February 29, 1992, and for all other work readiness applicants begins on the first day of the calendar month following the date of application or following the date all eligibility factors are met, whichever is later.*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1612 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 46 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Solon
Beckman	Finn	Langseth	Pappas	Spear
Benson, J.E.	Flynn	Lessard	Piper	Stumpf
Berg	Frank	Luther	Pogemiller	Traub
Berglin	Frederickson, D.J.	Marty	Price	Vickerman
Bertram	Hottinger	Merriam	Ranum	Waldorf
Chmielewski	Hughes	Metzen	Reichgott	
Cohen	Johnson, D.J.	Moe, R. D.	Riveness	
Davis	Johnson, J.B.	Mondale	Sams	
DeCramer	Kelly	Morse	Samuelson	

Those who voted in the negative were:

Belanger	Day	Johnson, D.E.	McGowan	Pariseau
Benson, D.D.	Frederickson, D.R.	Johnston	Mehrkens	Renneke
Bernhagen	Gustafson	Knaak	Neuville	Terwilliger
Brataas	Halberg	Laidig	Olson	

So the bill, as amended, was passed and its title was agreed to.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. No. 1609, which the committee recommends be re-referred to the Committee on Economic Development and Housing.

Mr. Finn moved that S.F. No. 1609 be referred to the Committee on Economic Development and Housing.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 35 and nays 30, as follows:

Those who voted in the affirmative were:

Beckman	Davis	Hughes	Metzen	Sams
Belanger	Dicklich	Johnson, D.J.	Novak	Samuelson
Benson, J.E.	Finn	Johnson, J.B.	Olson	Solon
Berglin	Frederickson, D.J.	Kroening	Pappas	Spear
Bertram	Gustafson	Laidig	Pariseau	Stumpf
Brataas	Halberg	Langseth	Piper	Terwilliger
Chmielewski	Hottinger	Lessard	Riveness	Traub

Those who voted in the negative were:

Adkins	Day	Johnston	McGowan	Neuville
Benson, D.D.	DeCramer	Kelly	Mehrkens	Ranum
Berg	Flynn	Knaak	Merriam	Reichgott
Bernhagen	Frank	Larson	Moe, R.D.	Renneke
Cohen	Frederickson, D.R.	Luther	Mondale	Vickerman
Dahl	Johnson, D.E.	Marty	Morse	Waldorf

The motion prevailed.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Solon introduced—

S.F. No. 1665: A bill for an act relating to retirement; state patrol retirement plan; eliminating an age-related limit on service credit; amending Minnesota Statutes 1990, section 352B.01, subdivision 3.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 1666: 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.

Referred to the Committee on Local Government.

Messrs. Sams and Chmielewski introduced—

S.F. No. 1667: A bill for an act relating to lawful gambling; specifying that certain expenditures for recreational snowmobiling are lawful purposes; amending Minnesota Statutes 1991 Supplement, section 349.12, subdivision 25.

Referred to the Committee on Gaming Regulation.

Mr. Samuelson introduced—

S.F. No. 1668: A bill for an act relating to local government; authorizing mail balloting for certain municipalities; amending Minnesota Statutes 1990, section 204B.45, subdivisions 1 and 2.

Referred to the Committee on Elections and Ethics.

Messrs. Finn, Morse and Lessard introduced—

S.F. No. 1669: A bill for an act relating to watercraft; allowing towing of persons with personal watercraft equipped with rearview mirrors; amending Minnesota Statutes 1991 Supplement, section 86B.313, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Messrs. Dicklich and Lessard introduced—

S.F. No. 1670: A bill for an act relating to education; restoring aid authorization and aid for late activity buses; amending Minnesota Statutes 1991 Supplement, sections 124.223, subdivision 1; 124.225, subdivision 1; and Laws 1991, chapter 265, article 2, section 19, subdivision 2.

Referred to the Committee on Education.

Mr. Luther introduced—

S.F. No. 1671: 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.

Referred to the Committee on Judiciary.

Messrs. Johnson, D.J.; Sams; Samuelson and Finn introduced—

S.F. No. 1672: 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.

Referred to the Committee on Judiciary.

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

S.F. No. 1673: A bill for an act relating to natural resources; prohibiting water ski slalom courses on certain waters of the state; proposing coding for new law in Minnesota Statutes, chapter 86B.

Referred to the Committee on Environment and Natural Resources.

Mr. Pogemiller and Ms. Flynn introduced—

S.F. No. 1674: 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.

Referred to the Committee on Transportation.

Ms. Berglin introduced—

S.F. No. 1675: A bill for an act relating to aging; establishing an advisory task force to study issues of concern to Indian elders; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Human Services.

Messrs. Bertram and Finn introduced—

S.F. No. 1676: A bill for an act relating to education; removing certain restrictions on issuing and selling school loan bonds; amending Minnesota Statutes 1991 Supplement, section 124.479.

Referred to the Committee on Education.



Messrs. Sams, Langseth and Larson introduced—

S.F. No. 1677: A bill for an act relating to liquor; authorizing municipal liquor stores to jointly purchase intoxicating malt liquor; amending Minnesota Statutes 1990, section 340A.312, by adding a subdivision.

Referred to the Committee on Commerce.

Ms. Berglin introduced—

S.F. No. 1678: A bill for an act relating to child care centers; prohibiting retaliation against persons who file complaints; prohibiting the use of beanbags and walkers; amending Minnesota Statutes 1990, section 245A.14, by adding subdivisions.

Referred to the Committee on Health and Human Services.

Mr. Solon introduced—

S.F. No. 1679: A bill for an act relating to lotteries; requiring the director to establish sports pool games; establishing a human resources account in the general fund, to which all net proceeds from these games must be credited; appropriating money for nutrition, housing, and health care; amending Minnesota Statutes 1990, sections 145A.14, by adding a subdivision; 349A.04; and 349A.13; Minnesota Statutes 1991 Supplement, section 349A.10, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 256 and 268.

Referred to the Committee on Gaming Regulation.

Ms. Johnson, J.B.; Messrs. Davis and Chmielewski introduced—

S.F. No. 1680: 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.

Messrs. DeCramer, Berg and Davis introduced—

S.F. No. 1681: 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.

Referred to the Committee on Agriculture and Rural Development.

Mr. Lessard introduced—

S.F. No. 1682: 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. Johnson, D.E. introduced—

S.F. No. 1683: 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.

Ms. Johnson, J.B. introduced—

S.F. No. 1684: A bill for an act relating to education; approving a maximum effort school loan program capital loan.

Referred to the Committee on Education.

Ms. Johnson, J.B.; Messrs. Sams and Langseth introduced—

S.F. No. 1685: A bill for an act relating to education; authorizing transportation aid for late transportation for pupils involved in after school activities; amending Minnesota Statutes 1991 Supplement, sections 124.223, subdivision 1; and 124.225, subdivision 1; Laws 1991, chapter 265, article 2, section 19, subdivision 2.

Referred to the Committee on Education.

Messrs. Frederickson, D.R. and Merriam introduced—

S.F. No. 1686: A bill for an act relating to life insurance; authorizing policies for the benefit of a charity; proposing coding for new law in Minnesota Statutes, chapter 61A.

Referred to the Committee on Commerce.

Mr. Spear, Ms. Ranum, Messrs. Kelly, Marty and Ms. Traub introduced—

S.F. No. 1687: 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, subdivision 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.

Referred to the Committee on Judiciary.

Mses. Johnston, Olson and Mr. Belanger introduced—

S.F. No. 1688: 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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Metzzen, Luther, Mehrkens, Solon and Ms. Pappas introduced—

S.F. No. 1689: A bill for an act relating to insurance; property and casualty; regulating certain terminations and modifications or changes to certain agent agreements; modifying the definition of loss ratio experience; modifying membership in the board of review; amending Minnesota Statutes 1990, sections 60A.172; and 60A.177, subdivision 3.

Referred to the Committee on Commerce.

Messrs. Dahl, Mondale, Mses. Olson, Reichgott and Mr. Riveness introduced—

S.F. No. 1690: A bill for an act relating to education; restricting intermediate district revenue to members of intermediate school districts; modifying and clarifying procedures for withdrawal from membership in intermediate districts; eliminating state approval in certain circumstances; authorizing intermediate districts to levy to restore one year's revenue reduction; repealing intermediate district revenue for school districts; amending Minnesota Statutes 1990, section 136D.75; Minnesota Statutes 1991 Supplement, sections 124.2727, subdivision 6; 136D.22, subdivision 3; 136D.71, subdivision 2; 136D.76, subdivision 2; and 136D.82, subdivision 3; repealing Minnesota Statutes 1990, section 136D.76, subdivision 3; Minnesota Statutes 1991 Supplement, sections 124.2727, subdivisions 1, 2, 3, 4, and 5; and 136D.90, subdivision 2.

Referred to the Committee on Education.

Messrs. Kelly, Cohen, Knaak, Belanger and Stumpf introduced—

S.F. No. 1691: A bill for an act relating to courts; authorizing certain appearances in conciliation court; modifying and clarifying conciliation court jurisdiction and procedures; increasing jurisdictional amounts; amending Minnesota Statutes 1990, sections 487.30, subdivisions 1, 3a, 4, 7, and by adding subdivisions; 488A.12, subdivision 3; and 488A.29, subdivision 3; Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3; repealing Minnesota Statutes 1990, section 487.30, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. McGowan, Knaak, Chmielewski and Mrs. Adkins introduced—

S.F. No. 1692: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; authorizing the death penalty for first degree murder.

Referred to the Committee on Judiciary. Mr. McGowan questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Waldorf, Neuville, Stumpf, Mmes. Adkins and Benson, J.E. introduced—

S.F. No. 1693: A bill for an act relating to crimes; providing that certain health care providers who administer medications to relieve another person's

pain do not violate the law making it a crime to aid or attempt aiding suicide; authorizing certain licensure disciplinary options against physicians, physician assistants, nurses, dentists, and pharmacists who are convicted of aiding or attempting to aid suicide; amending Minnesota Statutes 1990, sections 147.091, subdivision 1; 148.261, subdivision 1; 150A.08, subdivision 1; 151.06, subdivision 1; and 609.215, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 147.

Referred to the Committee on Judiciary.

Ms. Traub, Mr. Mondale, Mses. Flynn, Ranum and Olson introduced—

S.F. No. 1694: A bill for an act relating to Hennepin county; authorizing expenditures to improve and maintain lake quality; proposing coding for new law in Minnesota Statutes, chapter 383B.

Referred to the Committee on Local Government.

Ms. Traub, Mrs. Adkins, Messrs. Hottinger and Solon introduced—

S.F. No. 1695: A bill for an act relating to commerce; real estate brokers; creating a lien for unpaid leasing commissions and providing for its enforcement; proposing coding for new law in Minnesota Statutes, chapter 514.

Referred to the Committee on Commerce.

Mr. Frederickson, D.R.; Mrs. Adkins, Messrs. Frederickson, D.J. and Neuville introduced—

S.F. No. 1696: A bill for an act relating to alcoholic beverages; municipal liquor stores; specifying the conditions under which a municipality is required to hold a public hearing on the question of continued operation of a municipal liquor store; amending Minnesota Statutes 1990, section 340A.602.

Referred to the Committee on Commerce.

Messrs. Mondale, Hottinger, Mses. Pappas, Ranum and Mr. Sams introduced—

S.F. No. 1697: A bill for an act relating to higher education; requiring state university and community college students to participate in community service; amending Minnesota Statutes 1990, section 135A.11.

Referred to the Committee on Education.

Messrs. Mondale, Luther, Hottinger, Cohen and Mrs. Brataas introduced—

S.F. No. 1698: A bill for an act relating to commerce; restraint of trade; providing a civil remedy for injury to business reputation or dilution of quality of a mark; providing grounds for injunctive relief; proposing coding for new law in Minnesota Statutes, chapter 325D.

Referred to the Committee on Commerce.

Messrs. Finn, Cohen, Spear, McGowan and Merriam introduced—

S.F. No. 1699: A bill for an act relating to courts; providing for the creation of a board of Minnesota certified shorthand court reporters; proposing coding for new law in Minnesota Statutes, chapter 486.

Referred to the Committee on Judiciary.

Ms. Ranum, Messrs. Hottinger, Cohen, Ms. Traub and Mr. Mondale introduced—

S.F. No. 1700: A bill for an act relating to family law; modifying the requirements for a person other than a parent who seeks child custody or visitation; amending Minnesota Statutes 1990, section 518.156, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Day, Ms. Berglin and Mr. Sams introduced—

S.F. No. 1701: A bill for an act relating to human services; defining certain terms; providing for certain child care funding; appropriating money; amending Minnesota Statutes 1990, sections 256H.01, subdivision 9, and by adding a subdivision; and 256H.10, subdivision 1; Minnesota Statutes 1991 Supplement, sections 256H.03, subdivisions 4 and 6; and 256H.05, subdivision 1b, and by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Dahl, Morse, Ms. Johnson, J.B. and Mr. Merriam introduced—

S.F. No. 1702: A bill for an act relating to education; providing for an open and standing appropriation for debt service equalization aid; appropriating money for debt service equalization aid for school districts; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Finance.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Wednesday, January 15, 1992. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate