

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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FOURTH DAY

St. Paul, Minnesota, Thursday, January 16, 1997

The Senate met at 11:30 a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

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

Anderson	Higgins	Langseth	Olson	Scheid
Beckman	Hottinger	Larson	Ourada	Solon
Belanger	Janezich	Lesewski	Pappas	Spear
Berg	Johnson, D.E.	Lessard	Pariseau	Stevens
Berglin	Johnson, D.H.	Limmer	Piper	Stumpf
Betzold	Johnson, J.B.	Lourey	Pogemiller	Ten Eyck
Cohen	Junge	Marty	Price	Terwilliger
Day	Kelley, S.P.	Metzen	Ranum	Vickerman
Dille	Kelly, R.C.	Moe, R.D.	Robertson	Wiener
Fischbach	Kiscaden	Morse	Robling	Wiger
Flynn	Kleis	Murphy	Runbeck	
Foley	Knutson	Neuville	Sams	
Frederickson	Krentz	Novak	Samuelson	
Hanson	Laidig	Oliver	Scheevel	

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. Johnson, D.J. was excused from the Session of today.

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

**Senate Concurrent Resolution No. 3:** A Senate concurrent resolution relating to the adjournment of the Senate and House of Representatives on January 16, 1997.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 13, 1997

### MOTIONS AND RESOLUTIONS

Ms. Junge moved that the names of Messrs. Hottinger and Price be added as co-authors to S.F. No. 6. The motion prevailed.

Mr. Neuville moved that the names of Mrs. Pariseau and Ms. Olson be added as co-authors to S.F. No. 11. The motion prevailed.

Mr. Solon moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 19. The motion prevailed.

Mr. Neuville moved that the name of Mr. Kleis be added as a co-author to S.F. No. 25. The motion prevailed.

Mr. Vickerman moved that the names of Mses. Hanson and Runbeck be added as co-authors to S.F. No. 26. The motion prevailed.

Mr. Pogemiller moved that his name be stricken as chief author and the name of Ms. Junge be added as chief author to S.F. No. 32. The motion prevailed.

Mr. Johnson, D.E. moved that S.F. No. 5 be withdrawn from the Committee on Taxes and re-referred to the Committee on Local and Metropolitan Government. The motion prevailed.

#### **Mr. Scheevel introduced--**

**Senate Resolution No. 15:** A Senate resolution congratulating the Chatfield (Chosen Valley) High School football team on winning the 1996 State High School Class C football tournament.

Referred to the Committee on Rules and Administration.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Mr. Murphy introduced--**

**S.F. No. 46:** A bill for an act relating to taxation; increasing the homestead market value subject to the one percent class rate; amending Minnesota Statutes 1996, section 273.13, subdivision 22.

Referred to the Committee on Local and Metropolitan Government.

#### **Mr. Murphy introduced--**

**S.F. No. 47:** A bill for an act relating to crimes; lowering per se alcohol level for impairment offenses from 0.10 to 0.08 for operating snowmobile, off-highway motorcycle, all-terrain vehicle, motorboat, or motor vehicle, for hunting, and for handling explosives; amending Minnesota Statutes 1996, sections 84.91, subdivision 1; 84.911, subdivision 1; 86B.331, subdivisions 1 and 4; 86B.335, subdivision 1; 97B.065, subdivision 1; 97B.066, subdivision 1; 169.121, subdivisions 1 and 2; 169.123, subdivisions 2, 4, 5a, and 6; 192A.555; and 609.21, subdivision 1.

Referred to the Committee on Crime Prevention.

**Mr. Murphy introduced--**

**S.F. No. 48:** A bill for an act relating to energy; eliminating the requirement to find an alternative site for dry cask storage; amending Minnesota Statutes 1996, section 116C.771; repealing Minnesota Statutes 1996, section 116C.80.

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

**Mrs. Fischbach, Mr. Sams, Mrs. Robling, Messrs. Vickerman and Beckman introduced--**

**S.F. No. 49:** A bill for an act relating to health; prohibiting partial-birth abortions; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

**Mr. Wiger, Ms. Runbeck, Messrs. Laidig, Pogemiller and Ms. Krentz introduced--**

**S.F. No. 50:** A bill for an act relating to education; further examining a year-round school/extended week or day pilot program; requiring an evaluation; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Messrs. Janezich; Johnson, D.J.; Murphy and Pogemiller introduced--**

**S.F. No. 51:** A bill for an act relating to retirement; providing benefit increases for the Eveleth police and fire trust fund.

Referred to the Committee on Governmental Operations and Veterans.

**Ms. Pappas, Messrs. Kelly, R.C.; Cohen; Wiger and Ms. Anderson introduced--**

**S.F. No. 52:** A bill for an act relating to taxation; extending the duration of the joint property tax advisory committee comprised of the city of St. Paul, Ramsey county, and independent school district No. 625, and making permanent the requirement of joint public hearings; amending Laws 1993, chapter 375, article 7, section 29.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Betzold and Ms. Kiscaden introduced--**

**S.F. No. 53:** A bill for an act relating to civil commitment; allowing the designated agency to consent to voluntary treatment for certain incompetent persons; creating a new standard for court-ordered early intervention to provide less intrusive treatment; modifying standards and procedures for the administration of neuroleptic medications; providing for access to records; amending the provisional discharge procedures; amending Minnesota Statutes 1996, sections 13.42, subdivision 3; 253B.02, subdivision 15, and by adding a subdivision; 253B.04; 253B.07, subdivisions 1, 2, and 7; and 253B.15, subdivisions 1, 1a, 2, 3, 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1996, sections 253B.03, subdivision 6c; and 253B.15, subdivisions 4 and 6.

Referred to the Committee on Judiciary.

**Messrs. Lessard, Samuelson, Vickerman, Frederickson and Laidig introduced--**

**S.F. No. 54:** A bill for an act relating to natural resources; establishing the snowmobile trails board; creating a snowmobile trails fund; providing for distribution of tax proceeds; appropriating money; amending Minnesota Statutes 1996, section 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

**Mses. Higgins, Flynn, Ranum, Berglin and Mr. Spear introduced--**

**S.F. No. 55:** A bill for an act relating to the city of Minneapolis; authorizing the city of Minneapolis to regulate pistols.

Referred to the Committee on Crime Prevention.

**Mr. Janezich introduced--**

**S.F. No. 56:** A bill for an act relating to employment; providing for the protection of benefits for certain technical college employees.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Betzold introduced--**

**S.F. No. 57:** A bill for an act relating to civil commitment; clarifying and reorganizing portions of the commitment act; requiring medical documentation of a patient's refusal to be examined and allowing determination of need for treatment based on other information; limiting more than one medical hold within seven days; prohibiting prepetition screeners from filing commitment petitions; limiting use of prepetition screening reports in unrelated proceedings; requiring distribution to specified parties; removing time limits on continuances; modifying provisions for proposed patients who are nonresidents; increasing time for return after provisional discharge; modifying provisions governing special review boards; increasing time for hearing appeals; amending Minnesota Statutes 1996, sections 253B.01; 253B.02, subdivisions 2, 4, 4a, 7, 9, 13, 14, 15, 18, and by adding a subdivision; 253B.03, subdivisions 1, 2, 3, 4, 5, 6, 6b, 7, 8, and by adding a subdivision; 253B.04; 253B.05, subdivisions 1, 2, 3, 4, and by adding a subdivision; 253B.06; 253B.07, subdivisions 1, 2, 2a, 3, 4, 5, 7, and by adding subdivisions; 253B.08, subdivisions 1, 2, 3, 5, and by adding subdivisions; 253B.09, subdivisions 1, 2, 3, 5, and by adding a subdivision; 253B.093, subdivisions 1, 2, and 3; 253B.095; 253B.10; 253B.11, subdivision 2; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, subdivisions 1 and 2; 253B.14; 253B.15, subdivisions 10 and 11; 253B.16, subdivision 1; 253B.17, subdivisions 1 and 3; 253B.18, subdivisions 1, 2, 3, 4a, 4b, 5, 6, 7, 12, 14, 15, and by adding a subdivision; 253B.185, subdivision 4; 253B.19, subdivisions 1 and 2; 253B.20, subdivisions 1, 3, 4, 6, and 7; 253B.21, subdivisions 1, 2, 3, 4, and by adding a subdivision; 253B.22, subdivision 1; and 253B.23, subdivisions 1, 6, 7, and 9; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1996, sections 253B.03, subdivisions 6c and 9; 253B.05, subdivisions 2a and 5; 253B.07, subdivision 6; 253B.08, subdivisions 4 and 6; 253B.091; 253B.12, subdivisions 5 and 8; 253B.13, subdivision 3; 253B.18, subdivision 4; 253B.21, subdivision 5; and 253B.23, subdivision 1a.

Referred to the Committee on Judiciary.

**Messrs. Larson, Day, Neuville and Berg introduced--**

**S.F. No. 58:** A bill for an act proposing an amendment to the Minnesota Constitution; repealing article XIII, section 3; repealing the constitutional autonomy of the University of Minnesota.

Referred to the Committee on Children, Families and Learning.

**Mr. Marty introduced--**

**S.F. No. 59:** A bill for an act proposing an amendment to the Minnesota Constitution; providing for a unicameral legislature; changing article IV; article VIII, sections 1 and 6; article IX, sections 1 and 2; and article XI, section 5; providing by statute for a legislature of 99 members; amending Minnesota Statutes 1996, sections 2.021; and 2.031, subdivision 1.

Referred to the Committee on Election Laws.

**Messrs. Stumpf, Langseth, Pogemiller, Larson and Ms. Wiener introduced--**

**S.F. No. 60:** A bill for an act relating to education; appropriating money to the Minnesota state colleges and universities and the University of Minnesota for information technology initiatives.

Referred to the Committee on Children, Families and Learning.

**Ms. Johnson, J.B.; Mr. Murphy, Ms. Hanson, Mr. Day and Mrs. Robling introduced--**

**S.F. No. 61:** A bill for an act relating to drivers' licenses; allowing exemption from drug and alcohol testing requirement for commercial motor vehicle driver who works as relief, replacement, or emergency snow plow operator; amending Minnesota Statutes 1996, section 171.03.

Referred to the Committee on Transportation.

**Messrs. Vickerman, Sams, Scheevel, Mmes. Lourey and Pariseau introduced--**

**S.F. No. 62:** A bill for an act relating to partition fences; making the state and counties responsible for a share of costs of certain fences; amending Minnesota Statutes 1996, section 344.03, subdivision 1.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Vickerman, Lessard, Stumpf, Frederickson and Mrs. Pariseau introduced--**

**S.F. No. 63:** A bill for an act relating to natural resources; creating a beaver damage control board; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 103E.

Referred to the Committee on Environment and Natural Resources.

**Ms. Junge introduced--**

**S.F. No. 64:** A bill for an act relating to retirement; authorizing purchase of service credit in the Minnesota state retirement system, the teachers retirement association, and first-class city teachers retirement fund associations for voluntary service under federal law; amending Minnesota Statutes 1996, sections 352.27; 354.53; and 354A.093.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Stevens introduced--**

**S.F. No. 65:** A bill for an act relating to tax increment financing; authorizing the expenditure of revenues derived from a tax increment financing district located in the city of Foley outside of the district.

Referred to the Committee on Local and Metropolitan Government.

**Ms. Runbeck, Mr. Belanger, Mrs. Pariseau, Ms. Pappas and Mr. Price introduced--**

**S.F. No. 66:** A bill for an act relating to taxation; sales tax on motor vehicles; excluding the transfer by gift to certain nonprofit organizations; amending Minnesota Statutes 1996, section 297B.01, subdivisions 7 and 8.

Referred to the Committee on Taxes.

**Messrs. Kelly, R.C.; Ten Eyck; Johnson D.H.; Neuville and Ms. Higgins introduced--**

**S.F. No. 67:** A bill for an act relating to corrections; modifying multiple occupancy requirements applicable to state prisons; amending Minnesota Statutes 1996, section 243.53.

Referred to the Committee on Crime Prevention.

**Messrs. Larson, Day, Ms. Kiscaden and Mr. Berg introduced--**

**S.F. No. 68:** A bill for an act relating to elections; providing for the election of members of the state legislature without party designation; amending Minnesota Statutes 1996, sections 10A.27, subdivision 4; 10A.275, subdivision 3; 10A.31, subdivisions 5 and 12; 10A.315; 204D.08, subdivisions 4 and 6; 204D.13, subdivision 1; and 204D.14, by adding a subdivision.

Referred to the Committee on Election Laws.

**Messrs. Larson, Day, Knutson and Neuville introduced--**

**S.F. No. 69:** A bill for an act proposing an amendment to the Minnesota Constitution to provide for a unicameral legislature; changing article IV; article V, sections 3 and 5; article VIII, section 1; article IX, sections 1 and 2; and article XI, section 5; providing by law for a unicameral legislature of 135 members; amending Minnesota Statutes 1996, sections 2.021; and 2.031, subdivision 1.

Referred to the Committee on Election Laws.

**Messrs. Larson, Day, Knutson, Ms. Kiscaden and Mr. Berg introduced--**

**S.F. No. 70:** A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; providing for a single regular session of the legislature in each odd-numbered year.

Referred to the Committee on Election Laws.

**Ms. Runbeck, Messrs. Day; Belanger; Kelly, R.C. and Ms. Hanson introduced--**

**S.F. No. 71:** A bill for an act relating to traffic regulations; allowing peace officer to stop and issue citation to driver for single offense of allowing child to ride in vehicle without seat belt; amending Minnesota Statutes 1996, section 169.686, subdivision 1.

Referred to the Committee on Transportation.

**Mr. Marty, Mrs. Scheid and Mr. Frederickson introduced--**

**S.F. No. 72:** A bill for an act relating to elections; changing and clarifying provisions of the Minnesota election law; amending Minnesota Statutes 1996, sections 200.031; 201.061, subdivision 1; 201.071, subdivision 1; 201.081; 201.12, subdivision 2; 201.121, subdivision 1; 201.13, subdivisions 1 and 2; 201.15; 201.161; 201.171; 203B.01, by adding a subdivision; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.08, subdivision 1; 203B.11, subdivision 1, and by adding a subdivision; 203B.12, subdivision 2, and by adding a subdivision; 203B.13, subdivisions 1 and 2; 203B.16, by adding a subdivision; 203B.19; 204B.06, by adding a subdivision; 204B.146; 204B.15; 204B.16, subdivisions 1a and 3; 204B.22, subdivision 1; 204B.23; 204B.27, by adding a subdivision; 204B.31; 204B.36, subdivision 2; 204C.08, by adding a subdivision; 204C.15, subdivision 1; 204C.31, subdivision 2; 204C.32; 204C.33, subdivision 1; 205.10, subdivision 3; 205.13, subdivision 1; 205.17, by adding a subdivision; 205A.05, subdivision 1; 205A.08, by adding a subdivision; 206.55; 206.56, subdivisions 1, 3, 5, 8, and 9; 206.57; 206.58; 206.59; 206.61, subdivisions 1, 3, and 5; 206.62; 206.64, subdivision 1; 206.66; 206.80; 206.81; 206.83; 206.84, subdivisions 3, 6, and 7; 206.86, subdivisions 1 and 2; 206.90, subdivisions 4 and 6; 207A.03, subdivision 2; 211B.14; 367.03, subdivision 1; 367.25, subdivision 1; 387.01; 388.01; and 626.846, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 201; 203B; and 204B; repealing Minnesota Statutes 1996, sections 204D.15, subdivision 2; 206.065; 206.56, subdivisions 4, 6, 10, 11, 12, 13,

and 15; 206.60; 206.61, subdivisions 2, 6, 7, and 8; 206.63; 206.64, subdivision 2; 206.68; 206.685; 206.69; 206.70; 206.71; 206.72; 206.73; 206.74; 206.75; 206.76; 206.77; 206.84, subdivisions 2, 4, and 5; and 211B.11, subdivision 2.

Referred to the Committee on Election Laws.

**Mr. Marty and Mrs. Scheid introduced--**

**S.F. No. 73:** A bill for an act relating to elections; providing a change of address system for registered voters; amending Minnesota Statutes 1996, section 201.13, subdivision 3.

Referred to the Committee on Election Laws.

**Mr. Kelly, R.C. introduced--**

**S.F. No. 74:** A bill for an act relating to employment; creating restrictions on the use of temporary employees; providing a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 181.

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

**Messrs. Morse and Betzold introduced--**

**S.F. No. 75:** A bill for an act relating to probate; providing for rights of specific devisees when transfers are made by an attorney-in-fact for an incapacitated principal; amending Minnesota Statutes 1996, section 524.2-606.

Referred to the Committee on Judiciary.

**Messrs. Morse; Moe R.D.; Novak; Frederickson and Laidig introduced--**

**S.F. No. 76:** A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 14; extending until the year 2050 the period during which at least 40 percent of the net proceeds from the state lottery must be credited to the environment and natural resources trust fund.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Marty, Knutson, Ms. Flynn and Mr. Foley introduced--**

**S.F. No. 77:** A bill for an act relating to crimes; lowering the per se standard for alcohol concentration from 0.10 to 0.08 for adults, and to 0.04 for persons under 21 years of age, for driving motor vehicles, snowmobiles, all-terrain vehicles, and motorboats while impaired, as well as for criminal vehicular operation and hunting; amending Minnesota Statutes 1996, sections 84.91, subdivision 1; 84.911, subdivision 1; 86B.331, subdivisions 1 and 4; 86B.335, subdivision 1; 97B.065, subdivision 1; 97B.066, subdivision 1; 169.121, subdivisions 1 and 2; 169.123, subdivisions 2, 4, 5a, and 6; and 609.21, subdivisions 1, 2, 2a, 2b, 3, and 4.

Referred to the Committee on Crime Prevention.

**Mr. Marty, Mrs. Scheid and Ms. Flynn introduced--**

**S.F. No. 78:** A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 1996, sections 203B.02, subdivision 1; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.07, subdivision 2; and 203B.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B.

Referred to the Committee on Election Laws.

**Messrs. Moe, R.D.; Stumpf; Pogemiller; Ms. Kiscaden and Mr. Wiger introduced--**

**S.F. No. 79:** A bill for an act relating to education; permitting school boards to begin the 1998-1999 and 1999-2000 school years before Labor Day.

Referred to the Committee on Children, Families and Learning.

**Mr. Johnson, D.J.; Mrs. Scheid, Messrs. Johnson, D.E.; Moe, R.D. and Larson introduced--**

**S.F. No. 80:** A bill for an act relating to elections; providing for presidential primaries by mail; amending Minnesota Statutes 1996, sections 204B.45, subdivision 3, and by adding a subdivision; 207A.01; 207A.02, subdivision 1a; 207A.03; 207A.04, subdivision 3; 207A.06, subdivision 2; 207A.08; and 207A.09; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1996, section 207A.07.

Referred to the Committee on Election Laws.

**Mr. Day introduced--**

**S.F. No. 81:** A bill for an act relating to traffic regulations; authorizing issuance of seasonal parking certificates and special registration plates and renewal tabs for seasonally disabled persons; amending Minnesota Statutes 1996, sections 168.021; 169.345; and 169.346.

Referred to the Committee on Transportation.

**Mrs. Fischbach, Ms. Robertson, Messrs. Stevens, Terwilliger and Ms. Runbeck introduced--**

**S.F. No. 82:** A bill for an act relating to health; reducing the MinnesotaCare provider tax rate; eliminating the tax on certain categories of providers; amending Minnesota Statutes 1996, sections 256.9352, subdivision 3; 295.50, subdivisions 3, 4, and 9b; 295.51, subdivision 1; 295.52, subdivisions 1, 1a, and 2; 295.53; 295.54, subdivision 1; 295.56; and 295.582; repealing Minnesota Statutes 1996, sections 295.50, subdivisions 10a, 14, and 15; 295.51, subdivision 1a; 295.52, subdivisions 1b, 3, 4, and 4a; and 295.54, subdivisions 2 and 3.

Referred to the Committee on Health and Family Security.

**Messrs. Marty and Frederickson introduced--**

**S.F. No. 83:** A bill for an act relating to public utilities; establishing criteria for the approval by the public utilities commission of certain transactions by electric public utilities; amending Minnesota Statutes 1996, section 216B.50, subdivision 1.

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

**Messrs. Wiger; Kelly, R.C.; Beckman; Ten Eyck and Ms. Anderson introduced--**

**S.F. No. 84:** A bill for an act relating to education; repealing the K-12 education appropriations caps; appropriating money; amending Minnesota Statutes 1996, sections 124.17, subdivision 1; and 124A.22, subdivision 2; repealing Laws 1995, First Special Session chapter 3, article 14, section 5, as amended.

Referred to the Committee on Children, Families and Learning.

**Mr. Kelly, R.C. and Ms. Johnson, J.B. introduced--**

**S.F. No. 85:** A bill for an act relating to claims; providing for payment of certain claims against



the state; increasing a limit on settlements; adding claims to the Revenue Recapture Act; appropriating money; amending Minnesota Statutes 1996, sections 3.732, subdivision 2; and 270A.03, subdivision 7.

Referred to the Committee on Human Resources Finance.

**Messrs. Stumpf, Sams, Ms. Runbeck and Mr. Vickerman introduced--**

**S.F. No. 86:** A bill for an act relating to civil actions; abolishing the apportionment of joint and several liability in certain cases; amending Minnesota Statutes 1996, section 604.02, subdivision 1.

Referred to the Committee on Judiciary.

**Messrs. Johnson, D.E.; Langseth; Vickerman; Ms. Lesewski and Mr. Frederickson introduced--**

**S.F. No. 87:** A bill for an act relating to local government; appropriating money for emergency snow removal.

Referred to the Committee on Transportation.

**RECESS**

Mr. Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

**ADJOURNMENT**

Mr. Betzold moved that the Senate do now adjourn until 9:00 a.m., Thursday, January 23, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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Thursday, January 16, 1997

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