

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-EIGHTH LEGISLATURE

SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Wednesday, August 31, 1994

The Senate met at 1:00 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, Bishop David W. Preus.

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

The Secretary called the roll by legislative districts in numerical order as follows:

First District	LeRoy A. Stumpf
Second District	Roger D. Moe
Third District	Bob Lessard
Fourth District	Harold R. "Skip" Finn
Fifth District	Jerry R. Janezich
Sixth District	Douglas J. Johnson
Seventh District	Sam G. Solon
Eighth District	Florian Chmielewski
Ninth District	Keith Langseth
Tenth District	Cal Larson
Eleventh District	Dallas C. Sams
Twelfth District	Don Samuelson
Thirteenth District	Charles A. Berg
Fourteenth District	Joe Bertram, Sr.
Fifteenth District	Dean E. Johnson
Sixteenth District	Joanne E. Benson
Seventeenth District	Dan Stevens
Eighteenth District	Janet B. Johnson
Nineteenth District	Betty A. Adkins
Twentieth District	Steve Dille
Twenty-first District	Arlene J. Lesewski
Twenty-second District	Jim Vickerman
Twenty-third District	Dennis R. Frederickson
Twenty-fourth District	John C. Hottinger

Twenty-fifth District .....	Thomas M. Neuville
Twenty-sixth District .....	Tracy L. Beckman
Twenty-seventh District .....	Pat Piper
Twenty-eighth District .....	Dick Day
Twenty-ninth District .....	Steve L. Murphy
Thirtieth District .....	Sheila M. Kiscaden
Thirty-first District .....	Duane D. Benson
Thirty-second District .....	Steven Morse
Thirty-third District .....	Patrick D. McGowan
Thirty-fourth District .....	Gen Olson
Thirty-fifth District .....	Terry D. Johnston
Thirty-sixth District .....	David L. Knutson
Thirty-seventh District .....	Pat Pariseau
Thirty-eighth District .....	Deanna Wiener
Thirty-ninth District .....	James P. Metzen
Fortieth District .....	Phil J. Riveness
Forty-first District .....	William V. Belanger, Jr.
Forty-second District .....	Roy Terwilliger
Forty-third District .....	Edward C. Oliver
Forty-fourth District .....	Ted A. Mondale
Forty-fifth District .....	Martha R. Robertson
Forty-sixth District .....	Ember D. Reichgott Junge
Forty-seventh District .....	William P. Luther
Forty-eighth District .....	Don Betzold
Forty-ninth District .....	Gene Merriam
Fiftieth District .....	Paula E. Hanson
Fifty-first District .....	Jane Krentz
Fifty-second District .....	Steven G. Novak
Fifty-third District .....	Linda Runbeck
Fifty-fourth District .....	John Marty
Fifty-fifth District .....	Kevin M. Chandler
Fifty-sixth District .....	Gary W. Laidig
Fifty-seventh District .....	Leonard R. Price
Fifty-eighth District .....	Carl W. Kroening
Fifty-ninth District .....	Lawrence J. Pogemiller
Sixtieth District .....	Allan H. Spear
Sixty-first District .....	Linda Berglin
Sixty-second District .....	Carol Flynn
Sixty-third District .....	Jane B. Ranum
Sixty-fourth District .....	Richard J. Cohen
Sixty-fifth District .....	Sandra L. Pappas
Sixty-sixth District .....	Ellen R. Anderson
Sixty-seventh District .....	Randy C. Kelly

The President declared a quorum present.

## STATE OF MINNESOTA

### PROCLAMATION

WHEREAS: Recent Minnesota Supreme Court rulings have led to a reexamination of Minnesota's Sexual Predator laws; and

WHEREAS: The Legislative Task Force on Sexual Predators and other legislative committees have held hearings and developed recommendations for legislation; and

WHEREAS: An informal working group consisting of the Attorney General's office and officials from the Departments of Corrections and Human Services have reviewed the current law and developed recommendations for legislation along with the Legislative Task Force and the Governor's office; and

WHEREAS: Legislation has been agreed to by legislative leaders which will provide prosecutors with some additional tools to deal with sexual predators in the civil commitment process; and

WHEREAS: Article IV, Section 12 of the Constitution of the State of Minnesota provides that a special session of the Legislature may be called by the Governor on extraordinary occasions; and

WHEREAS: The elected leaders have agreed on an agenda and procedures to limit this special session to the consideration and passage of this single item;

NOW, THEREFORE, I, Arne H. Carlson, Governor of the State of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Wednesday, August 31, 1994 at 1:00 p.m. at the Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this twenty-ninth day of August in the year of our Lord one thousand nine hundred and ninety-four, and of the State the one hundred thirty-sixth.

Arne H. Carlson  
Governor

Joan Anderson Growe  
Secretary of State

### MOTIONS AND RESOLUTIONS

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Resolution No. 1: A Senate resolution relating to organization and operation of the Senate during the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Senate is organized under Minnesota Statutes, sections 3.073 and 3.103.

The Rules of the Senate for the 78th Legislature are the Rules for the Special Session, except that Rules 33, 40, and 57 are not operative other than as provided in this resolution.

The Committee on Rules and Administration is established in the same manner and with the same powers as in the 78th Legislature.

With respect to Rule 31, Reconsideration, a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made, and when made has priority over other business except a motion to adjourn.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Resolution No. 2: A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Mr. Betzold, Ms. Reichgott Junge, Messrs. Spear, Benson, D.D. and Laidig introduced—

S.F. No. 1: A bill for an act relating to civil commitment of sexually dangerous persons and persons with a sexual psychopathic personality; establishing standards and procedures for the commitment of sexually dangerous persons; recodifying the existing psychopathic personality law in the civil commitment chapter; codifying judicial interpretations of the psychopathic personality law; expanding the sex offender registration law to require convicted sex offenders who are sexually dangerous persons or persons with sexual psychopathic personalities to register for ten years after discharge from commitment; amending Minnesota Statutes 1992, sections 8.01; 147.091, subdivisions 1 and 2; 147.111, subdivision 6; 148.10, subdivision 6; 148.102, subdivision 4; 148.262, subdivision 2; 148.263, subdivision 5; 148.32; 148.75; 148B.07, subdivision 6; 148B.175, subdivision 8; 148B.63, subdivision 6; 148B.68, subdivision 1; 148B.69, subdivision 5; 153.19, subdivision 1; 153.22, subdivision 4; 153.24, subdivision 5; 243.55, subdivision 3; 244.05, subdivision 7; 246.014; 253B.02, subdivision 17, and by adding subdivisions; 609.1351; and 626.557, subdivision 2, as amended;

Minnesota Statutes 1993 Supplement, sections 8.15, subdivision 1, as amended; 201.15, subdivision 1; 243.166, subdivisions 3 and 6; 246.02, subdivision 2; 246B.01; 246B.02; 246B.03; 246B.04, as amended; 253B.23, subdivision 1a; 254.05; and 611A.06, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1992, sections 526.09; 526.10; 526.11; and 526.115.

Mr. Moe, R.D. moved that S.F. No. 1 be laid on the table. The motion prevailed.

### RECESS

Mr. Luther moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### 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.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is now duly organized for the 1994 Special Session pursuant to law.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted August 31, 1994

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted August 31, 1994

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1: A bill for an act relating to civil commitment of sexually dangerous persons and persons with a sexual psychopathic personality; establishing standards and procedures for the commitment of sexually

dangerous persons; recodifying the existing psychopathic personality law in the civil commitment chapter; codifying judicial interpretations of the psychopathic personality law; expanding the sex offender registration law to require convicted sex offenders who are sexually dangerous persons or persons with sexual psychopathic personalities to register for ten years after discharge from commitment; amending Minnesota Statutes 1992, sections 8.01; 147.091, subdivisions 1 and 2; 147.111, subdivision 6; 148.10, subdivision 6; 148.102, subdivision 4; 148.262, subdivision 2; 148.263, subdivision 5; 148.32; 148.75; 148B.07, subdivision 6; 148B.175, subdivision 8; 148B.63, subdivision 6; 148B.68, subdivision 1; 148B.69, subdivision 5; 153.19, subdivision 1; 153.22, subdivision 4; 153.24, subdivision 5; 243.55, subdivision 3; 244.05, subdivision 7; 246.014; 253B.02, subdivision 17, and by adding subdivisions; 609.1351; and 626.557, subdivision 2, as amended; Minnesota Statutes 1993 Supplement, sections 8.15, subdivision 1, as amended; 201.15, subdivision 1; 243.166, subdivisions 3 and 6; 246.02, subdivision 2; 246B.01; 246B.02; 246B.03; 246B.04, as amended; 253B.23, subdivision 1a; 254.05; and 611A.06, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1992, sections 526.09; 526.10; 526.11; and 526.115.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1 and that the rules of the Senate be so far suspended as to give H.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1 was read the second time.

H.F. No. 1 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	Finn	Krentz	Mondale	Reichgott Junge
Anderson	Flynn	Kroening	Morse	Riveness
Belanger	Frederickson	Laidig	Murphy	Robertson
Benson, D.D.	Hanson	Langseth	Neuville	Runbeck
Benson, J.E.	Hottinger	Larson	Novak	Sams
Berg	Janezich	Lesewski	Oliver	Samuelson
Berglin	Johnson, D.E.	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Cohen	Kelly	Merriam	Pogemiller	Terwilliger
Day	Kiscaden	Metzen	Price	Vickerman
Dille	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Resolution No. 3: A Senate resolution relating to adjournment of the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the Special Session sine die.

The Secretary of the Senate may correct and approve the Journal of the Senate for the Special Session.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is about to adjourn the 1994 Special Session sine die.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted August 31, 1994

### MEMBERS EXCUSED

Messrs. Beckman and Chmielewski were excused from the Session of today.

### ADJOURNMENT

Mr. Benson, D.D. moved that the Senate do now adjourn sine die. The motion prevailed.

Janine Mattson, First Assistant Secretary of the Senate