

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-NINTH LEGISLATURE

SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Tuesday, May 23, 1995

The Senate met at 9:00 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 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 | Dave Kleis |
| Seventeenth District | Dan Stevens |
| Eighteenth District | Janet B. Johnson |
| Nineteenth District | Mark N. Ourada |
| 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 | Kenric Scheevel |
| Thirty-second District | Steven Morse |
| Thirty-third District | Warren Limmer |

| | |
|-----------------------------------|--------------------------|
| 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 | Don Kramer |
| 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: The Seventy-Ninth Legislature adjourned without enacting essential legislation to provide for the orderly financial management of state government; and

WHEREAS: The time permitted by law for passage of such legislation during the 1995 Session of the Legislature has expired, and an extraordinary occasion is thereby created; 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 on extraordinary occasions; and

WHEREAS: The people of Minnesota are best served by an orderly conclusion of legislative business, with a limited agenda;

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 Tuesday, May 23, 1995 at 9:00 a.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-second day of May in the year of our Lord one thousand nine hundred and ninety-five, and of the State the one hundred thirty-seventh.

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 79th 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 79th 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|-----------|-----------------|-------------|
| Anderson | Dille | Kramer | Novak | Runbeck |
| Beckman | Finn | Krentz | Oliver | Sams |
| Belanger | Flynn | Langseth | Ourada | Scheevel |
| Berg | Frederickson | Larson | Pariseau | Solon |
| Berglin | Hottinger | Lesewski | Piper | Spear |
| Bertram | Johnson, D.E. | Limmer | Pogemiller | Stevens |
| Betzold | Kelly | Marty | Price | Stumpf |
| Chandler | Kiscaden | Moe, R.D. | Ranum | Terwilliger |
| Chmielewski | Kleis | Murphy | Reichgott Junge | Vickerman |
| Cohen | Knutson | Neuville | Robertson | Wiener |

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

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, 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 now duly organized for the 1995 Special Session pursuant to law.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 23, 1995

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 11:30 a.m. The motion prevailed.

The hour of 11:30 a.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

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.

Messrs. Lessard, Berg and Laidig introduced--

S.F. No. 1: A bill for an act relating to natural resources; establishing hunting heritage week; migratory waterfowl; providing procedures for seizure and confiscation of property; clarifying terms of short-term angling licenses; removing certain requirements relating to fish taken in Canada; modifying reporting requirements; modifying hours for taking certain animals; modifying provisions relating to trapping; providing for posting of waters to prohibit fishing or motorboat operation; adjusting opening and closing dates of various seasons for taking fish; expanding the requirement to possess a trout and salmon stamp; modifying northern pike length limits; changing the date by which fish houses and dark houses must be removed from the ice in certain areas; authorizing the use of floating turtle traps; removing time limits on sale of fish by commercial licensees; requiring a plan for a firearms safety program; authorizing certain stocking activities; snowmobile licensing exemptions; fishing contest regulation; ecologically harmful species; collector snowmobiles; all-terrain vehicle weight; reciprocity in game and fish violations; enforcement officer powers; disabled hunter permits; information from licensees; big game hunting hours; checking traps; fish house identification; snowmobile transit permits; amending Minnesota Statutes 1994, sections 18.317; 84.796; 84.81, by adding a subdivision; 84.82, subdivision 6, and by adding a subdivision; 84.92, subdivision 8; 84.968, subdivision 1; 84.9691; 84.9692, subdivisions 1, 2, and by adding a subdivision; 86B.401, subdivision 11; 97A.015, subdivisions 12, 28, and 52; 97A.045, by adding a subdivision; 97A.205; 97A.221; 97A.401, subdivision 3; 97A.451, subdivision 3; 97A.475, subdivisions 6 and 7; 97A.531, by adding a subdivision; 97B.055, subdivision 3; 97B.061; 97B.075; 97B.731, subdivision 1; 97B.931; 97C.025; 97C.081, subdivision 3; 97C.305, subdivision 1; 97C.321, subdivision 2; 97C.345, subdivisions 1, 2, and 3; 97C.355, subdivisions 2 and 7; 97C.371, subdivision 4; 97C.395, subdivision 1; 97C.605, subdivision 3; and 97C.821; Laws 1994, chapter 623, article 1, section 45;

proposing coding for new law in Minnesota Statutes, chapters 10; 18; and 97A; repealing Minnesota Statutes 1994, sections 97A.531, subdivisions 2, 3, 4, 5, and 6; 97B.301, subdivision 5; and 97C.505, subdivision 4.

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

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:00 p.m. The motion prevailed.

The hour of 3:00 p.m. having arrived, 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, 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.

Messrs. Marty and Moe, R.D. introduced--

S.F. No. 2: A bill for an act relating to ethics in government; making advisory opinions public data; clarifying certain definitions and prohibitions; clarifying and authorizing exceptions to the ban on gifts; requiring report by state agencies regarding salary and expenses paid for legislative matters; authorizing civil and criminal penalties; amending Minnesota Statutes 1994, sections 10A.02, subdivision 12; 10A.065, subdivision 1; 10A.071; 10A.09, subdivision 6; 10A.29; 10A.34; and 471.895; proposing coding for new law in Minnesota Statutes, chapter 10A.

Mr. Moe, R.D. moved that S.F. No. 2 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

S.F. No. 1: A bill for an act relating to natural resources; establishing hunting heritage week; migratory waterfowl; providing procedures for seizure and confiscation of property; clarifying terms of short-term angling licenses; removing certain requirements relating to fish taken in Canada; modifying reporting requirements; modifying hours for taking certain animals; modifying provisions relating to trapping; providing for posting of waters to prohibit fishing or motorboat operation; adjusting opening and closing dates of various seasons for taking fish; expanding the requirement to possess a trout and salmon stamp; modifying northern pike length limits; changing the date by which fish houses and dark houses must be removed from the ice in certain areas; authorizing the use of floating turtle traps; removing time limits on sale of fish by commercial licensees; requiring a plan for a firearms safety program; authorizing certain stocking activities; snowmobile licensing exemptions; fishing contest regulation; ecologically harmful species; collector snowmobiles; all-terrain vehicle weight; reciprocity in game and fish violations; enforcement officer powers; disabled hunter permits; information from licensees; big game hunting hours; checking traps; fish house identification; snowmobile transit permits; amending

Minnesota Statutes 1994, sections 18.317; 84.796; 84.81, by adding a subdivision; 84.82, subdivision 6, and by adding a subdivision; 84.92, subdivision 8; 84.968, subdivision 1; 84.9691; 84.9692, subdivisions 1, 2, and by adding a subdivision; 86B.401, subdivision 11; 97A.015, subdivisions 12, 28, and 52; 97A.045, by adding a subdivision; 97A.205; 97A.221; 97A.401, subdivision 3; 97A.451, subdivision 3; 97A.475, subdivisions 6 and 7; 97A.531, by adding a subdivision; 97B.055, subdivision 3; 97B.061; 97B.075; 97B.731, subdivision 1; 97B.931; 97C.025; 97C.081, subdivision 3; 97C.305, subdivision 1; 97C.321, subdivision 2; 97C.345, subdivisions 1, 2, and 3; 97C.355, subdivisions 2 and 7; 97C.371, subdivision 4; 97C.395, subdivision 1; 97C.605, subdivision 3; and 97C.821; Laws 1994, chapter 623, article 1, section 45; proposing coding for new law in Minnesota Statutes, chapters 10; 18; and 97A; repealing Minnesota Statutes 1994, sections 97A.531, subdivisions 2, 3, 4, 5, and 6; 97B.301, subdivision 5; and 97C.505, subdivision 4.

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. 1 and that the rules of the Senate be so far suspended as to give S.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

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

S.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 60 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|-----------|-----------------|-------------|
| Anderson | Flynn | Krentz | Morse | Riveness |
| Belanger | Frederickson | Kroening | Neuville | Robertson |
| Berg | Hanson | Laidig | Oliver | Runbeck |
| Berglin | Hottinger | Langseth | Olson | Samuelson |
| Bertram | Janezich | Larson | Ourada | Scheevel |
| Betzold | Johnson, D.E. | Lesewski | Pappas | Solon |
| Chandler | Johnson, D.J. | Lessard | Pariseau | Spear |
| Chmielewski | Johnston | Limmer | Piper | Stevens |
| Cohen | Kiscaden | Marty | Pogemiller | Stumpf |
| Day | Kleis | Merriam | Price | Terwilliger |
| Dille | Knutson | Metzen | Ranum | Vickerman |
| Finn | Kramer | Moe, R.D. | Reichgott Junge | Wiener |

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 2 be taken from the table. The motion prevailed.

S.F. No. 2: A bill for an act relating to ethics in government; making advisory opinions public data; clarifying certain definitions and prohibitions; clarifying and authorizing exceptions to the ban on gifts; requiring report by state agencies regarding salary and expenses paid for legislative matters; authorizing civil and criminal penalties; amending Minnesota Statutes 1994, sections 10A.02, subdivision 12; 10A.065, subdivision 1; 10A.071; 10A.09, subdivision 6; 10A.29; 10A.34; and 471.895; proposing coding for new law in Minnesota Statutes, chapter 10A.

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. 2 and that the rules of the Senate be so far suspended as to give S.F. No. 2 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 2 was read the second time.

S.F. No. 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 49 and nays 12, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|-----------|-----------------|-------------|
| Anderson | Finn | Krentz | Neuville | Riveness |
| Belanger | Flynn | Kroening | Novak | Robertson |
| Berg | Hanson | Laidig | Oliver | Samuelson |
| Berglin | Hottinger | Langseth | Pappas | Solon |
| Betzold | Janezich | Larson | Pariseau | Spear |
| Chandler | Johnson, D.E. | Lessard | Piper | Stevens |
| Chmielewski | Johnson, D.J. | Marty | Pogemiller | Terwilliger |
| Cohen | Kelly | Metzen | Price | Vickerman |
| Day | Kiscaden | Moe, R.D. | Ranum | Wiener |
| Dille | Knutson | Morse | Reichgott Junge | |

Those who voted in the negative were:

| | | | | |
|--------------|----------|---------|--------|----------|
| Bertram | Kleis | Limmer | Olson | Runbeck |
| Frederickson | Kramer | Merriam | Ourada | Scheevel |
| Johnston | Lesewski | | | |

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Messrs. Kramer, Scheevel, Limmer, Ourada and Kleis introduced--

Senate Resolution No. 3: A Senate resolution relating to adjournment of the 1995 special session.

Referred to the Committee on Rules and Administration.

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.

Messrs. Stumpf, Bertram, Finn, Dille and Stevens introduced--

S.F. No. 3: A bill for an act relating to water; modifying provisions relating to public waters and wetlands; amending Minnesota Statutes 1994, sections 84.035, subdivisions 5 and 6; 103A.201, subdivision 2; 103F.612, subdivisions 2, 3, 5, 6, and 7; 103G.005, by adding subdivisions; 103G.127; 103G.205; 103G.221, subdivision 1; 103G.222; 103G.2241; 103G.2242, subdivisions 1, 2, 4, 6, 7, 9, 12, and by adding a subdivision; 103G.237, subdivision 4, and by adding a subdivision; 103G.2372, subdivision 1; 103G.2373; 103G.245, subdivision 2; and 115.03, by adding a subdivision; Laws 1994, chapter 643, section 26, subdivision 3; repealing Minnesota Statutes 1994, sections 103G.2242, subdivision 13; and 103G.2372, subdivisions 2 and 3.

Mr. Moe, R.D. moved that S.F. No. 3 be laid on the table. The motion prevailed.

MEMBERS EXCUSED

Ms. Johnson, J.B. and Mr. Mondale were excused from the Session of today. Mr. Beckman was

excused from the Session of today at 12:00 noon. Ms. Hanson was excused from the Session of today from 9:00 to 11:00 a.m. Mr. Kroening was excused from the Session of today from 12:00 noon to 2:00 p.m. Ms. Pappas was excused from the Session of today from 9:00 to 9:30 a.m. Ms. Johnston was excused from the Session of today from 9:15 to 9:45 a.m. Mr. Novak was excused from the Session of today from 3:00 to 3:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 7:00 p.m., Wednesday, May 24, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate