

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

THIRTY-FIRST DAY

St. Paul, Minnesota, Thursday, April 3, 1997

The Senate met at 8:00 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 the Chaplain, Rev. Richard D. Howell, Jr.

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

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

March 11, 1997

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF ANIMAL HEALTH

Joni Scheftel, D.V.M., 15155 County Rd. 32, Mayer, Carver County, effective March 15, 1997, for a term expiring on the first Monday in January, 2001.

(Referred to the Committee on Agriculture and Rural Development.)

March 27, 1997

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

ENVIRONMENTAL TRUST FUND CITIZENS' ADVISORY COMMITTEE

Ann Glumac, 1909 Woodland Ave., Duluth, St. Louis County, effective March 31, 1997, for a term expiring on the first Monday in January, 2001.

Jeffrey Johnson, 4620 Minnesota Ln., Plymouth, Hennepin County, effective March 31, 1997, for a term expiring on the first Monday in January, 2001.

Charles B. Winkelman, 205 - 19 1/2 Ave. N., St. Cloud, Stearns County, effective March 31, 1997, for a term expiring on the first Monday in January, 1999.

(Referred to the Committee on Environment and Natural Resources.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 268:

H.F. No. 268: A bill for an act relating to corrections; modifying multiple occupancy requirements applicable to state prisons; amending the appropriation to build a close-custody correctional facility of at least 800 beds; providing that the new facility shall be at level four; deleting certain construction bid requirements; amending Minnesota Statutes 1996, section 243.53, subdivision 1; Laws 1996, chapter 463, section 16, subdivision 3; repealing Minnesota Statutes 1996, section 243.53, subdivision 2.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Murphy, Pugh, Solberg, Kalis and Swenson, D. have been appointed as such committee on the part of the House.

House File No. 268 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 1, 1997

Mr. Moe, R.D., for Mr. Kelly, R.C., moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 268, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 533. The motion prevailed.

Ms. Piper, Messrs. Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was re-referred

S.F. No. 597: A bill for an act relating to human services; establishing an alternative grant application process for categorical social service programs in Pine county.

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

Page 1, line 7, after "counties" insert "selected by the children's cabinet"

Page 1, line 13, delete "shall" and insert "may"

Page 1, line 25, after "outcomes" insert ", indicators, and measures"

Page 2, line 13, delete "state planning agency" and insert "children's cabinet"

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

Ms. Piper, Messrs. Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 421: A bill for an act relating to early childhood learning and protection facilities; clarifying grant limitations; amending Minnesota Statutes 1996, section 268.917.

Report the same back with the recommendation that the bill do pass. Report adopted.

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 1255: A bill for an act relating to campaign finance; clarifying limits on contributions to candidates for local elected office; amending Minnesota Statutes 1996, section 211A.12.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 1684: A bill for an act relating to education; holding Minneapolis school board elections at the same time as state elections; amending Minnesota Statutes 1996, section 128D.08, subdivision 1; repealing Minnesota Statutes 1996, section 128D.08, subdivision 2.

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

Page 1, line 12, reinstate the stricken language and before "state" insert "or"

Page 1, line 25, delete "even-year elections" and insert "a new election schedule" and delete "The plan"

Page 1, delete line 26

Page 2, delete lines 1 to 4

Amend the title as follows:

Page 1, line 2, delete "holding" and insert "authorizing"

Page 1, line 3, after the first "elections" insert "to be held"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

H.F. No. 645: A bill for an act relating to insurance; providing a uniform minimum definition of medically necessary care for mental health coverage in health plans; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 759: A bill for an act relating to insurance; prohibiting a surcharge for an automobile accident in which the insured is a passenger in a bus, taxi, or commuter van; amending Minnesota Statutes 1996, section 65B.133, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 533: A bill for an act relating to uniform acts; unclaimed property; enacting the uniform unclaimed property act of 1995; amending Minnesota Statutes 1996, sections 16A.45, subdivisions 1 and 4; 16A.6701, subdivision 1; 80C.03; 149.12; 198.231; 276.19, subdivision 4; 308A.711, subdivisions 1 and 2; 356.65, subdivision 2; and 624.68; proposing coding for new law in Minnesota Statutes, chapter 345; repealing Minnesota Statutes 1996, sections 345.31; 345.32; 345.33; 345.34; 345.35; 345.36; 345.37; 345.38; 345.381; 345.39; 345.40; 345.41; 345.42; 345.43; 345.44; 345.45; 345.46; 345.47; 345.48; 345.485; 345.49; 345.50; 345.51; 345.515; 345.52; 345.525; 345.53; 345.54; 345.55; 345.56; 345.57; 345.58; 345.59; and 345.60.

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

Page 3, line 27, delete "There" and insert "This"

Page 4, after line 12, insert:

"The term "property" does not include assets of ERISA-covered employee benefit plans."

Page 4, line 21, delete "a public utility as" and insert "any person who owns or operates within this state, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas."

Page 4, delete line 22

Page 4, line 32, delete "five" and insert "three"

Page 5, line 8, delete "five" and insert "three"

Page 5, line 19, after the comma, insert "unless an expiration date is shown on the gift certificate,"

Page 6, line 17, delete "five" and insert "three"

Page 9, line 14, delete everything after the period

Page 9, delete line 15

Page 9, line 36, delete "\$50" and insert "\$100"

Page 10, lines 1 and 2, delete "\$50" and insert "\$100"

Page 10, line 27, delete "or"

Page 10, line 28, delete "less than 60 days"

page 10, line 36, delete "\$50" and insert "\$100"

Page 11, line 13, delete everything after "(a)"

Page 11, line 14, delete "safekeeping depository,"

Page 11, line 21, delete everything after the period

Page 11, delete lines 22 to 24

Page 12, line 12, delete everything after the period

Page 12, delete lines 13 to 18

Page 12, line 19, delete everything before "The"

Page 13, line 1, delete "\$50" and insert "\$100"

Page 13, line 19, delete "all"

Page 13, line 20, before the period, insert "to the extent of the value of the property at the time it is paid or delivered to the administrator"

Page 14, line 17, before the period, insert "but only to the extent of the value of the property paid or delivered to the administrator"

Page 14, line 32, delete everything after the period

Page 14, delete lines 33 to 36

Page 15, delete lines 1 to 7

Page 15, line 10, delete "three" and insert "ten"

Page 15, line 33, delete ", interest,"

Page 19, line 1, delete "If"

Page 19, delete lines 2 to 4

Page 20, line 22, before the period, insert "if the administrator has reasonable cause to believe that a person has failed to report property that should have been reported under sections 345.61 to 345.90"

Page 22, line 12, delete everything after the period

Page 22, delete line 13

Page 22, line 28, after the comma, insert "and after consultation with the administrator,"

Page 24, line 10, delete "and without negligence"

Page 24, delete lines 33 to 36

Page 25, delete lines 1 to 3

Page 25, line 4, delete "(e)" and insert "(d)"

Page 26, line 12, delete "January 1, 1998" and insert "July 1, 1997"

Page 31, line 23, reinstate the stricken language and delete the new language

Page 31, line 24, reinstate the stricken "for claiming the property from the holder" and before the reinstated "for" insert "345.68" and delete "....."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred

H.F. No. 265: A bill for an act relating to agriculture; clarifying the employment status of certain farm crisis assistance personnel; amending Minnesota Statutes 1996, section 17.03, subdivision 9.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

H.F. No. 763: A bill for an act relating to historic places; designating Zion Lutheran Church and cemetery as a historic place; amending Minnesota Statutes 1996, section 138.664, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 985: A bill for an act relating to crimes; striking the requirement that a second chemical test be available to a person accused of driving while impaired; making various changes to the implied consent hearing process involving what must be stated in the petition, available discovery, the burden of proof, and the scope of the hearing; requiring health professionals to report injuries resulting from motor vehicle accidents that involve alcohol or controlled substances; imposing criminal penalties; amending Minnesota Statutes 1996, sections 169.123, subdivisions 3, 5c, and 6; 626.52; 626.53, subdivision 1; and 634.15, subdivision 2.

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 1996, section 84.91, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) No person shall operate or be in physical control of any snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state:

- (1) when the person is under the influence of alcohol;
- (2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (3) when the person is under the influence of a combination of any two or more of the elements named in clauses (1), (2), and ~~(6)~~ (7);
- (4) when the person's alcohol concentration is 0.10 or more but less than 0.20;

(5) when the person's alcohol concentration as measured within two hours of the time of operating operation or physical control is 0.10 or more but less than 0.20; or

(6) when the person's alcohol concentration at the time of operation or physical control, or as measured within two hours of the time of operation or physical control, is 0.20 or more; or

(7) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate the snowmobile or all-terrain vehicle.

(b) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance, as provided under paragraph (a), to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

(c) No owner or other person having charge or control of any snowmobile or all-terrain vehicle shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile or all-terrain vehicle anywhere in this state or on the ice of any boundary water of this state.

Sec. 2. Minnesota Statutes 1996, section 84.91, is amended by adding a subdivision to read:

Subd. 1a. [REFUSAL TO SUBMIT TO TESTING; CRIME.] It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 84.911.

Sec. 3. Minnesota Statutes 1996, section 84.91, subdivision 2, is amended to read:

Subd. 2. [ARREST.] Conservation officers of the department of natural resources, sheriffs, sheriff's deputies, and other peace officers may arrest a person for a violation under subdivision 1 or 1a without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

Sec. 4. Minnesota Statutes 1996, section 84.91, subdivision 5, is amended to read:

Subd. 5. [PENALTIES.] (a) A person who violates ~~any prohibition contained in~~ subdivision 1, paragraph (a), clause (1), (2), (3), (4), (5), or (7), or subdivision 1a, or an ordinance in conformity with ~~it~~ any of them, is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor ~~who~~ if the person violates ~~any prohibition contained in~~ subdivision 1, paragraph (a), clause (6).

(c) A person is guilty of a gross misdemeanor if the person violates subdivision 1, paragraph (a), clause (1), (2), (3), (4), (5), or (7), or subdivision 1a:

(1) within five years of a prior:

(i) impaired driving conviction or a prior license revocation, as defined in section 169.121, subdivision 3, ~~paragraph (a), clause (1)~~;

(ii) civil liability revocation of operating privileges under section 84.911, subdivision 2, or 86B.335, subdivision 2; or

(iii) conviction under an ordinance of this state or a statute or ordinance from another state in conformity with any of them; or

(2) within ten years of the first of ~~two or more~~ prior:

(i) two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents, as defined in section 169.121, subdivision 3, ~~paragraph (a), clause (1)~~;

(ii) ~~civil liabilities~~ two or more prior revocations of operating privileges under section 84.911, subdivision 2, or 86B.335, subdivision 2;

(iii) two or more prior convictions ~~of~~ under ordinances in conformity with any of them; or

(iv) two or more prior convictions or ~~liabilities~~ revocations under any combination of items (i) to (iii), based on separate incidents.

(e) ~~(d)~~ The attorney in the jurisdiction where the violation occurred who is responsible for prosecuting misdemeanor violations of this section is also responsible for prosecuting gross misdemeanor violations of this section. When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior convictions from a court, the court must furnish the information without charge.

~~(d)~~ (e) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle under subdivision 6 is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1996, section 84.91, subdivision 7, is amended to read:

Subd. 7. [DUTIES OF COMMISSIONER.] The court shall promptly forward to the commissioner and the department of public safety copies of all convictions and criminal and civil penalties imposed under subdivision 5 ~~and section 84.911, subdivision 2.~~ The commissioner shall notify the convicted person of the period during which the person is prohibited from operating a snowmobile or all-terrain vehicle under subdivision 6 or section 84.911, subdivision 2. The commissioner shall also periodically circulate to appropriate law enforcement agencies a list of all persons who are prohibited from operating a snowmobile or all-terrain vehicle under subdivision 6 or section 84.911, subdivision 2.

Sec. 6. Minnesota Statutes 1996, section 84.91, subdivision 8, is amended to read:

Subd. 8. [IMMUNITY FROM LIABILITY.] The state or political subdivision that employs an officer who is authorized under subdivision 2 to make an arrest for violations of subdivision 1 or 1a is immune from any liability, civil or criminal, for the care or custody of the snowmobile or all-terrain vehicle being operated by or in the physical control of the person arrested if the officer acts in good faith and exercises due care.

Sec. 7. Minnesota Statutes 1996, section 84.911, subdivision 2, is amended to read:

Subd. 2. [PENALTIES; TEST REFUSAL; REVOCATION OF SNOWMOBILE OR ALL-TERRAIN VEHICLE OPERATING PRIVILEGE.] (a) If a person refuses to take a test required under subdivision 1, none must be given, but the officer authorized to make arrests under section 84.91, subdivision 2, shall report the refusal to the commissioner of natural resources and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the incident occurred that gave rise to the test demand and refusal. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite the person's refusal.

(b) On certification by the officer that probable cause existed to believe the person had been operating or in physical control of a snowmobile or all-terrain vehicle while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, the commissioner shall ~~impose a civil penalty of \$500 and shall prohibit the person from operating a snowmobile or all-terrain vehicle, whichever was involved in the violation, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing.~~

(c) On behalf of the commissioner, an officer requiring a test or directing the administration of a test shall serve on a person who refused to permit a test immediate notice of intention to prohibit the operation of a snowmobile or all-terrain vehicle, ~~and to impose the civil penalty set forth in this subdivision.~~ If the officer fails to serve a notice of intent to suspend operating privileges, the commissioner may notify the person by mail, and the notice is deemed received three days after mailing. The notice must advise the person of the right to obtain administrative and judicial review

as provided in this section. The prohibition imposed by the commissioner takes effect ten days after receipt of the notice. ~~The civil penalty is imposed on receipt of the notice and must be paid within 30 days of imposition.~~

~~(b)~~ (d) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle as provided under paragraph ~~(a)~~ (b) is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1996, section 84.911, subdivision 3, is amended to read:

Subd. 3. [RIGHTS AND OBLIGATIONS.] At the time a test is requested, the person must be informed:

(1) that Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that refusal to take the test is a crime;

~~(3) that a person is subject to a civil penalty of \$500 for refusing who refuses to take the test and, in addition, is prohibited for a one-year period from operating a snowmobile or an all-terrain vehicle;~~

~~(3)~~ (4) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that a test will be taken with or without the person's consent; and

(4) (5) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test.

Sec. 9. Minnesota Statutes 1996, section 84.911, subdivision 6, is amended to read:

Subd. 6. [JUDICIAL AND ADMINISTRATIVE REVIEW; ENFORCEMENT.] Judicial and administrative review of sanctions imposed under this section is governed by section 86B.335, subdivisions 3, 4, and 5. ~~Payment and enforcement of the civil penalty imposed under this section is governed by section 86B.335, subdivisions 11 and 12.~~

Sec. 10. Minnesota Statutes 1996, section 84.912, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "All-terrain vehicle" has the meaning given in section 84.92, subdivision 8.

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense.

(c) "Designated offense" means:

(1) a violation of section 84.91, subdivision 1, paragraph (a), clause (1), (2), (3), (4), (5), or (7) or an ordinance in conformity with it any of them;

~~(1) occurring (i) within five years of the first of three prior impaired driving convictions or the first of three prior license revocations, or any combination of three prior impaired driving convictions and prior license revocations, based on separate impaired driving incidents; or~~

~~(2) occurring (ii) within 15 years of the first of four or more prior impaired driving convictions or the first of four or more prior license revocations, or any combination of four or more prior impaired driving convictions and prior license revocations, based on separate impaired driving incidents;~~

(2) a violation of section 84.91, subdivision 1, paragraph (a), clause (6):

(i) within five years of the first of two prior impaired driving convictions, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(ii) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more prior impaired driving convictions and prior license revocations, based on separate incidents; or

(3) a violation of section 84.91, subdivision 1, paragraph (a), or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (8) (9); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 that provides that the person may not use or consume any amount of alcohol or a controlled substance.

(d) "Owner" means the registered owner of the snowmobile or all-terrain vehicle according to records of the department of natural resources and includes a lessee of a snowmobile or all-terrain vehicle if the lease agreement has a term of 180 days or more.

(e) "Prior impaired driving conviction" has the meaning given in section 169.121, subdivision 3.

(f) "Prior license revocation" has the meaning given in section 169.121, subdivision 3.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

(h) "Snowmobile" has the meaning given in section 84.81, subdivision 3.

(i) "Vehicle" means a snowmobile or an all-terrain vehicle.

Sec. 11. Minnesota Statutes 1996, section 86B.331, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) A person may not operate or be in physical control of a motorboat in operation on the waters of this state:

(1) when the person is under the influence of alcohol;

(2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;

(3) when the person is under the influence of a combination of any two or more of the elements named in clauses (1), (2), and ~~(6)~~ (7);

(4) when the person's alcohol concentration is 0.10 or more but less than 0.20;

(5) when the person's alcohol concentration as measured within two hours of the time of ~~operating operation or physical control~~ is 0.10 or more but less than 0.20; ~~or~~

(6) when the person's alcohol concentration at the time of operation or physical control, or as measured within two hours of the time of operation or physical control, is 0.20 or more;

(7) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate the motorboat.

(b) An owner or other person having charge or control of a motorboat may not authorize or allow an individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance, as provided under paragraph (a), to operate the motorboat in operation on the waters of this state.

(c) An owner or other person having charge or control of a motorboat may not knowingly authorize or allow a person, who by reason of a physical or mental disability is incapable of operating the motorboat, to operate the motorboat in operation on the waters of this state.

(d) For purposes of this subdivision, a motorboat "in operation" does not include a motorboat that is anchored, beached, or securely fastened to a dock or other permanent mooring.

Sec. 12. Minnesota Statutes 1996, section 86B.331, is amended by adding a subdivision to read:

Subd. 1a. [REFUSAL TO SUBMIT TO TESTING; CRIME.] It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 86B.335.

Sec. 13. Minnesota Statutes 1996, section 86B.331, subdivision 2, is amended to read:

Subd. 2. [ARREST.] Conservation officers of the department of natural resources, sheriffs, sheriff's deputies, and other peace officers may arrest a person for a violation under subdivision 1 or 1a without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

Sec. 14. Minnesota Statutes 1996, section 86B.331, subdivision 4, is amended to read:

Subd. 4. [EVIDENCE.] (a) Upon the trial of a prosecution arising out of acts alleged to have been committed by a person arrested for operating or being in physical control of a motorboat in violation of subdivision 1, paragraph (a), or an ordinance in conformity with it, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by an analysis of those items.

(b) For the purposes of this subdivision:

(1) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol; and

(2) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 0.04 or more is relevant evidence in indicating whether or not the person was under the influence of alcohol.

(c) Evidence of the refusal to take a preliminary screening test required under subdivision 3 or a chemical test required under section 86B.335 is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

(d) This subdivision does not limit the introduction of other competent evidence bearing upon the question of whether or not the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample. A sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

(e) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, paragraph (a), clause (5), that the defendant consumed a sufficient quantity of alcohol after the time of operating or physical control of a motorboat and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10. Provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

Sec. 15. Minnesota Statutes 1996, section 86B.331, subdivision 5, is amended to read:

Subd. 5. [PENALTIES.] (a) A person who violates ~~a prohibition contained in~~ subdivision 1, paragraph (a), clause (1), (2), (3), (4), (5), or (7), or subdivision 1a, or an ordinance in conformity with ~~it~~ any of them, is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor ~~who~~ if the person violates ~~a prohibition contained in~~ subdivision 1, paragraph (a), clause (6).

(c) A person is guilty of a gross misdemeanor if the person violates subdivision 1, paragraph (a), clause (1), (2), (3), (4), (5), or (7), or subdivision 1a:

(1) within five years of a prior:

(i) impaired driving conviction or a prior license revocation, as defined in section 169.121, subdivision 3, ~~paragraph (a), clause (1)~~;

(ii) civil liability revocation of operating privileges under section 84.911, subdivision 2, or 86B.335, subdivision 2; or

(iii) conviction under an ordinance of this state or a statute or ordinance from another state in conformity with any of them; or

(2) within ten years of the first of ~~two or more prior~~:

(i) two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents, as defined in section 169.121, subdivision 3, ~~paragraph (a), clause (1)~~;

(ii) civil liabilities two or more prior revocations of operating privileges under section 84.911, subdivision 2, or 86B.335, subdivision 2;

(iii) two or more prior convictions of under ordinances in conformity with any of them; or

(iv) two or more prior convictions or liabilities revocations under any combination of items (i) to (iii), based on separate incidents.

~~(e)~~ (d) The attorney in the jurisdiction where the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section. When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior convictions from a court, the court must furnish the information without charge.

~~(d)~~ (e) A person who operates a motorboat on the waters of this state during the period the person is prohibited from operating any motorboat or after the person's watercraft operator's permit has been revoked, as provided under subdivision 6, is guilty of a misdemeanor.

Sec. 16. Minnesota Statutes 1996, section 86B.331, subdivision 6, is amended to read:

Subd. 6. [SUSPENSION AND REVOCATION OF OPERATING PRIVILEGES.] (a) Upon conviction under this section, or an ordinance in conformity with it, and in addition to any penalty imposed under subdivision 5, the person is prohibited from operating any motorboat on the waters of this state for a period of 90 days between May 1 and October 31, extending over two consecutive years if necessary.

(b) A person with a watercraft operator's permit 13 years of age or older but less than 18 years of age and who violates any prohibition contained in subdivision 1 or 1a shall have the permit revoked by the commissioner as required by section 86B.811, subdivision 2, in addition to any other penalty imposed by the court.

Sec. 17. Minnesota Statutes 1996, section 86B.331, subdivision 7, is amended to read:

Subd. 7. [DUTIES OF COMMISSIONER.] The court shall promptly forward copies of all convictions and criminal ~~and civil~~ penalties imposed under subdivision 5 ~~and section 86B.335, subdivision 2~~, to the commissioner and the department of public safety. The commissioner shall notify the convicted person of the period when the person is prohibited from operating a motorboat as provided under subdivision 6 or section 86B.335, subdivision 2. The commissioner shall also periodically circulate to appropriate law enforcement agencies a list of all persons who are prohibited from operating any motorboat or have had their watercraft operator's permits revoked pursuant to subdivision 6 or section 86B.335, subdivision 2.

Sec. 18. Minnesota Statutes 1996, section 86B.331, subdivision 8, is amended to read:

Subd. 8. [GOVERNMENT IMMUNITY FROM LIABILITY FOR BOAT CARE.] The state or political subdivision that is the employer of an officer authorized under subdivision 2 to make an arrest for violations of subdivision 1 or 1a is immune from any liability, civil or criminal, for the care or custody of the motorboat being operated by or in the physical control of the person arrested if the officer acts in good faith and exercises due care.

Sec. 19. Minnesota Statutes 1996, section 86B.335, subdivision 2, is amended to read:

Subd. 2. [~~REFUSAL TO TAKE TEST REFUSAL; REVOCATION OF OPERATING PRIVILEGES.~~] (a) If a person refuses to take a test required under subdivision 1, a test is not to be given, but the officer authorized to make arrests under section 86B.331, subdivision 2, shall report the refusal to the commissioner of natural resources and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction where the incident occurred that gave rise to the test demand and refusal. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite the person's refusal.

(b) On certification by the officer that probable cause existed to believe the person had been operating or in physical control of a motorboat while under the influence of alcohol or a controlled substance, and that the person refused to submit to testing, the commissioner shall ~~impose a civil penalty of \$500 and shall prohibit the person from operating any motorboat on the waters of this state for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing.~~ If the person refusing to submit to testing is under the age of 18 years at the time of the refusal, the person's watercraft operator's permit shall be revoked by the commissioner as set forth in this subdivision and a new permit after the revocation must be issued only after the person successfully completes a watercraft safety course.

(c) On behalf of the commissioner, an officer requiring a test or directing the administration of a test shall serve on a person who refused to permit a test immediate notice of intention to ~~impose the civil penalty set forth in this subdivision, to prohibit the operation of motorboats, and to revoke a watercraft operator's permit.~~ The officer shall take a watercraft operator's permit held by the person, and shall send the permit to the commissioner along with the certification provided for in this subdivision. If the officer fails to serve a notice of intent to revoke, the commissioner may notify the person by mail and the notice is deemed received three days after mailing. The notice must advise the person of the right to obtain administrative and judicial review as provided in this section. The prohibition and revocation, if any, shall take effect ten days after receipt of the notice. ~~The civil penalty is imposed on receipt of the notice and shall be paid within 30 days of imposition.~~

(d) A person who operates a motorboat on the waters of this state during the period the person is prohibited from operating a motorboat as provided under paragraph (b) or (c) is guilty of a misdemeanor.

Sec. 20. Minnesota Statutes 1996, section 86B.335, subdivision 3, is amended to read:

Subd. 3. [ADMINISTRATIVE REVIEW.] (a) At any time during the period of prohibition or revocation imposed under this section, the person may request in writing a review of the order imposing sanctions under this section. ~~If the person makes a request for administrative review within 30 days following receipt of a notice and order imposing sanctions, the request shall stay imposition of the civil penalty.~~ Upon receiving the request for review, the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and other material information brought to the attention of the commissioner and determine whether sufficient cause exists to sustain the order.

(b) Within 15 days after receiving the request, the commissioner shall issue a written report ordering that the prohibition, or revocation, ~~or civil penalty~~ be either sustained or rescinded. The review provided in this subdivision is not subject to the contested case provisions of the administrative procedure act under chapter 14. The availability of administrative review does not have an effect upon the availability of judicial review under this section.

Sec. 21. Minnesota Statutes 1996, section 86B.335, subdivision 4, is amended to read:

Subd. 4. [JUDICIAL REVIEW.] (a) Within 30 days following receipt of a notice and order imposing sanctions under this section, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred which gave rise to the test demand and refusal, together with proof of service of a copy on the commissioner and the prosecuting authority for misdemeanor offenses for the jurisdiction in which the incident occurred. A responsive pleading is not required of the commissioner of natural resources, and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the order imposing sanctions.

(c) The filing of the petition does not stay the revocation or prohibition against operation of a motorboat. ~~However, the filing of a petition stays imposition of the civil penalty.~~

(d) The judicial review shall be conducted according to the rules of civil procedure.

Sec. 22. Minnesota Statutes 1996, section 86B.335, subdivision 6, is amended to read:

Subd. 6. [RIGHTS AND OBLIGATIONS.] At the time a test is requested, the person must be informed:

(1) that Minnesota law requires a person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that refusal to take the test is a crime;

~~(3) that a person is subject to a civil penalty of \$500 for refusing who refuses to take the test and, in addition, the person may be is prohibited from operating any motorboat;~~

~~(3) (4) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that a test will be taken with or without the person's consent; and~~

~~(4) (5) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test.~~

Sec. 23. Minnesota Statutes 1996, section 86B.337, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense.

(b) "Designated offense" means:

(1) a violation of section 86B.331, subdivision 1, paragraph (a), clause (1), (2), (3), (4), (5), or (7), or an ordinance in conformity with it any of them:

~~(1) occurring (i) within five years of the first of three prior impaired driving convictions or the first of, three prior license revocations, or any combination of three prior impaired driving convictions and prior license revocations, based on separate impaired driving incidents; or~~

~~(2) occurring (ii) within 15 years of the first of four or more prior impaired driving convictions or the first of, four or more prior license revocations, or any combination of four or more prior impaired driving convictions and prior license revocations, based on separate impaired driving incidents;~~

(2) a violation of section 86B.331, subdivision 1, paragraph (a), clause (6):

(i) within five years of the first of two prior impaired driving convictions, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(ii) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more prior impaired driving convictions and prior license revocations, based on separate incidents; or

(3) a violation of section 86B.331, subdivision 1, paragraph (a), or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause ~~(8)~~ (9); or

(4) (ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 that provides that the person may not use or consume any amount of alcohol or a controlled substance.

(c) "Motorboat" has the meaning given in section 86B.005, subdivision 9.

(d) "Owner" means the registered owner of the motorboat according to records of the department of natural resources and includes a lessee of a motorboat if the lease agreement has a term of 180 days or more.

(e) "Prior impaired driving conviction" has the meaning given in section 169.121, subdivision 3.

(f) "Prior license revocation" has the meaning given in section 169.121, subdivision 3.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Sec. 24. Minnesota Statutes 1996, section 97B.066, subdivision 6, is amended to read:

Subd. 6. [JUDICIAL AND ADMINISTRATIVE REVIEW; ENFORCEMENT.] Judicial and administrative review of sanctions imposed under this section is governed by section 86B.335, subdivisions 3, 4, and 5. Payment and enforcement of the civil penalty imposed under this section is governed by ~~section 86B.335, subdivisions 11 and 12~~ 7 and 8.

Sec. 25. Minnesota Statutes 1996, section 97B.066, is amended by adding a subdivision to read:

Subd. 7. [PAYMENT OF CIVIL PENALTY.] The civil penalty imposed under subdivision 2 must be paid to the political subdivision that represents the commissioner on the petition for judicial review or, in the event that a petition is not filed, to the political subdivision that would have represented the commissioner had a petition been filed. If a person does not pay the civil penalty, the prohibition against hunting is automatically extended until the political subdivision reports in writing to the commissioner that the penalty has been paid.

Sec. 26. Minnesota Statutes 1996, section 97B.066, is amended by adding a subdivision to read:

Subd. 8. [ENFORCEMENT OF CIVIL PENALTY.] (a) If a person does not pay the civil penalty imposed under subdivision 2 within 30 days of the date it was imposed, the prosecuting authority representing the commissioner may petition the district court in the county where the incident occurred to file the order imposing the civil penalty as an order of the court.

(b) Once entered, the order may be enforced in the same manner as a final judgment of the court. In addition to the penalty, attorney fees, costs, and interest may be assessed against any person who fails to pay the civil penalty.

Sec. 27. Minnesota Statutes 1996, section 168.042, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given.

(b) "Violator" means a person who was driving, operating, or in physical control of the motor vehicle when the violation occurred.

(c) "Violation" means:

~~(1) a violation of section 169.123 or an impaired driving conviction as defined in section 169.121, subdivision 3, that results in the revocation of a person's driver's license or driving privileges, and also includes an alcohol-related license revocation from another state;~~

~~(2) a violation of section 169.129; and~~

~~(3) a violation of section 171.24 by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (8). includes:~~

~~(1) a violation of section 169.121, subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or a conforming ordinance from this state or a conforming statute or ordinance from another state:~~

~~(i) within five years of a prior impaired driving conviction or a prior license revocation; or~~

~~(ii) within 15 years of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents;~~

~~(2) a violation of section 169.121, subdivision 1, clause (f), or section 169.121, subdivision 3, paragraph (c), clause (4);~~

~~(3) a violation of section 169.129; and~~

~~(4) a violation of section 171.24 by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9).~~

~~(d) "Prior impaired driving conviction" has the meaning given it in section 169.121, subdivision 3.~~

~~(e) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.~~

Sec. 28. Minnesota Statutes 1996, section 168.042, subdivision 2, is amended to read:

Subd. 2. [VIOLATION; ISSUANCE OF IMPOUNDMENT ORDER.] The commissioner shall issue a registration plate impoundment order when:

~~(1) a person's driver's license or driving privileges are revoked for a third violation, as defined in subdivision 1, paragraph (c), clause (1), within five years or a fourth or subsequent violation, as defined in subdivision 1, paragraph (c), clause (1), within 15 years;~~

~~(2) a person's driver's license or driving privileges are revoked for a violation of section 169.121, subdivision 3, paragraph (c), clause (4), within five years of one previous violation or within 15 years of two or more previous violations, as defined in subdivision 1, paragraph (c), clause (1); or~~

~~(3) a person is arrested for or charged with a violation described in subdivision 1, paragraph (c), clause (2) or (3).~~

The order shall require the impoundment of the registration plates of the self-propelled motor vehicle involved in the violation and all self-propelled motor vehicles owned by, registered, or leased in the name of the violator, including self-propelled motor vehicles registered jointly or leased in the name of the violator and another. An impoundment order shall not be issued for the registration plates of a rental vehicle as defined in section 168.041, subdivision 10, or a vehicle registered in another state.

Sec. 29. Minnesota Statutes 1996, section 168.042, subdivision 4, is amended to read:

Subd. 4. [PEACE OFFICER AS AGENT FOR NOTICE OF IMPOUNDMENT.] On behalf of the commissioner, a peace officer issuing a notice of intent to revoke and of revocation ~~under section 169.123 for a violation shall also serve a notice of intent to impound and an order of impoundment if the violation is the third violation, as defined in subdivision 1, paragraph (c), clause (1), within five years or the fourth or subsequent violation, as defined in subdivision 1, paragraph (c), clause (1), within 15 years.~~ On behalf of the commissioner, a peace officer who is arresting a person for or charging a person with a violation described in subdivision 1, paragraph (c), clause (2) or (3), shall also serve a notice of intent to impound and an order of impoundment. If the vehicle involved in the violation is accessible to the officer at the time the impoundment order is issued, the officer shall seize the registration plates subject to the impoundment order. The officer shall destroy all plates seized or impounded under this section. The officer shall send to the commissioner copies of the notice of intent to impound and the order of impoundment and a notice that registration plates impounded and seized under this section have been destroyed.

Sec. 30. Minnesota Statutes 1996, section 168.042, subdivision 9, is amended to read:

Subd. 9. [ADMINISTRATIVE REVIEW.] At any time during the effective period of an impoundment order, a person may request in writing a review of the impoundment order by the commissioner. On receiving a request, the commissioner or the commissioner's designee shall review the order, the evidence upon which the order was based, and any other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the order. The commissioner shall report in writing the results of the review within 15 days of receiving the request. The review provided in this subdivision is not subject to the contested case provisions of the administrative procedure act in sections 14.01 to 14.69. As a result of this review, the commissioner may authorize the issuance at no cost of new registration plates to the registered owner of the vehicle if the registered owner's license or driving privileges were not revoked under section 169.123 or as a result of an impaired driving conviction as defined in section 169.121, subdivision 3 the violation.

Review under this subdivision shall take place, if possible, at the same time as any administrative review of the person's license revocation under section 169.123, subdivision 5b.

Sec. 31. Minnesota Statutes 1996, section 168.042, subdivision 11, is amended to read:

Subd. 11. [RESCISSION OF REVOCATION; DISMISSAL OF CHARGES OR ACQUITTAL; ISSUANCE OF NEW PLATES.] If:

- (1) the driver's license revocation that is the basis for an impoundment order is rescinded;
- (2) the charges for the violation have been dismissed with prejudice; or
- (3) the violator has been acquitted of the violation;

then the registrar of motor vehicles shall issue new registration plates for the vehicle at no cost, when the registrar receives an application that includes a copy of the order rescinding the driver's license revocation, the order dismissing the charges, or the judgment of acquittal. If the impoundment order was based on a violation described in subdivision 1, paragraph (c), clause (2) or (3), and the charges have been dismissed with prejudice or the violator has been acquitted of the violation, the registrar of motor vehicles shall issue new registration plates for the vehicle at no cost, when the registrar receives an application that includes a copy of the order dismissing the charges or a copy of the judgment of acquittal.

Sec. 32. [168.0422] [STOPS OF VEHICLES BEARING SPECIAL SERIES PLATES.]

A peace officer who observes the operation of a motor vehicle within this state bearing special series registration plates issued under section 168.041, subdivision 6, or 168.042, subdivision 12, may stop the vehicle for the purpose of determining whether the driver is operating the vehicle lawfully under a valid driver's license.

Sec. 33. Minnesota Statutes 1996, section 169.01, subdivision 75, is amended to read:

Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of more than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials, except for those vehicles having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer; or

(5) is outwardly equipped and identified as a school bus, except for school buses defined in subdivision 6, paragraph (c).

(b) For purposes of sections 169.1211, 169.1215, and 169.123, subdivisions 2 and 4:

(1) a commercial motor vehicle does not include a farm truck, firefighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (a); and

(2) a commercial motor vehicle includes a vehicle capable of or designed to meet the standards described in paragraph (a), clause (2), whether or not the towed unit is attached to the truck-tractor at the time of the violation or stop.

Sec. 34. Minnesota Statutes 1996, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME; ACTS PROHIBITED.] It is a crime for any person to drive, operate, or be in physical control of any motor vehicle within this state or upon the ice of any boundary water of this state under any of the following circumstances:

(a) when the person is under the influence of alcohol;

(b) when the person is under the influence of a controlled substance;

(c) when the person is under the influence of a combination of any two or more of the elements named in clauses (a), (b), and (f) (g);

(d) when the person's alcohol concentration is 0.10 or more but less than 0.20;

(e) when the person's alcohol concentration as measured within two hours of the time of driving, operating, or being in physical control of the motor vehicle is 0.10 or more but less than 0.20;

(f) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating or being in physical control of the motor vehicle is 0.20 or more;

(g) when the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle; or

(g) (h) when the person's body contains any amount of a controlled substance listed in schedule I or II other than marijuana or tetrahydrocannabinols.

Sec. 35. Minnesota Statutes 1996, section 169.121, subdivision 1c, is amended to read:

Subd. 1c. [CONDITIONAL RELEASE.] (a) Unless maximum bail is imposed under section 629.471, subdivision 2, a person charged with violating subdivision 1 within ten years of the first

of three prior impaired driving convictions or within the person's lifetime after four or more prior impaired driving convictions may be released from detention only if the following conditions are imposed in addition to the other conditions of release ordered by the court:

- (1) the impoundment of the registration plates of the vehicle used to commit the violation, unless already impounded;
- (2) a requirement that the alleged violator report weekly to a probation agent;
- (3) a requirement that the alleged violator abstain from consumption of alcohol and controlled substances and submit to random, weekly alcohol tests or urine analyses; and
- (4) a requirement that, if convicted, the alleged violator reimburse the court or county for the total cost of these services.

(b) Unless maximum bail is imposed under section 629.471, subdivision 2, a person charged with violating subdivision 1, clause (f), may be released from detention only if the person agrees to abstain from alcohol and participate in a program of electronic alcohol monitoring involving measurements of the person's alcohol concentration at least twice each day according to a protocol determined by the court. This requirement must be imposed in addition to the conditions imposed under paragraph (a) and regardless of whether the person has a record of prior impaired driving convictions or prior license revocations. If the defendant is convicted of the charged offense, the court may require partial or total reimbursement from the person for the cost of the electronic alcohol monitoring.

Sec. 36. Minnesota Statutes 1996, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] (a) Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the presence or amount of alcohol, controlled substances, or hazardous substances in the person's blood, breath, or urine as shown by an analysis of those items.

(b) For the purposes of this subdivision, evidence that there was at the time an alcohol concentration of 0.04 or more is relevant evidence in indicating whether or not the person was under the influence of alcohol.

(c) Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

(d) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (e), that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10. Evidence that the defendant consumed alcohol after the time of actual driving, operating, or being in physical control of a motor vehicle may not be admitted in defense to any alleged violation of this section unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

(e) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause ~~(g)~~ (h), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

(f) The preceding provisions do not limit the introduction of any other competent evidence bearing upon the question of whether the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).

Sec. 37. Minnesota Statutes 1996, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) As used in this ~~subdivision~~ section:

(1) "Prior impaired driving conviction" means a prior conviction under:

(i) this section; section 84.91, subdivision 1, paragraph (a), or subdivision 1a; 86B.331, subdivision 1, paragraph (a), or subdivision 1a; 169.1211; 169.129; or 360.0752;

(ii) section 609.21, subdivision 1, clauses (2) to (6); 609.21, subdivision 2, clauses (2) to (6); 609.21, subdivision 2a, clauses (2) to (6); 609.21, subdivision 2b, clauses (2) to (6); 609.21, subdivision 3, clauses (2) to (6); 609.21, or subdivision 4, clauses (2) to (6); or

(iii) an ordinance from this state, or a statute or ordinance from another state, in conformity with any of them provision listed in item (i) or (ii).

A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult; ~~and.~~

(2) "Prior license revocation" means:

(i) a driver's license suspension, revocation, or cancellation, denial, or disqualification under this section; section 169.1211; 169.123; 171.04; 171.14; 171.16; 171.165; 171.17; or 171.18 because of an alcohol-related incident; 609.21, subdivision 1, clauses (2) to (6); 609.21, subdivision 2, clauses (2) to (6); 609.21, subdivision 2a, clauses (2) to (6); 609.21, subdivision 2b, clauses (2) to (6); 609.21, subdivision 3, clauses (2) to (6); or 609.21, subdivision 4, clauses (2) to (6); or an ordinance from this state, or a statute or ordinance from another state, in conformity with any of them; or

(ii) the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.911, or motorboat operating privileges under section 86B.335, for violations that occurred on or after August 1, 1995.

(b) A person who violates subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or subdivision 1a, or an ordinance in conformity with either any of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1, clause (f);

(2) the person violates subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), or subdivision 1a:

(i) within five years of a prior impaired driving conviction; or within ten years of the first of two or more prior impaired driving convictions;

(2) the person violates subdivision 1a within five years of a prior license revocation; or

(ii) within ten years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents;

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 or 1a while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

(d) The court shall notify a person convicted of violating subdivision 1 or 1a that upon a subsequent conviction for violating this section, section 169.129, or section 171.24, or a license revocation under section 169.123; the registration plates of the person's motor vehicle may be impounded under section 168.042 and the vehicle may be subject to forfeiture under section 169.1217. The notice must describe the conduct and the time periods that the conduct must occur within to result in plate impoundment or forfeiture. The failure of the court to provide this information does not affect the applicability of the plate impoundment or the forfeiture provision to that person.

(d) (e) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

(e) (f) The court must impose consecutive sentences when it sentences a person for a violation of this section or section 169.129 arising out of separate behavioral incidents. The court also must impose a consecutive sentence when it sentences a person for a violation of this section or section 169.129 and the person, at the time of sentencing, is on probation for, or serving, an executed sentence for a violation of this section or section 169.129 and the prior sentence involved a separate behavioral incident. The court also may order that the sentence imposed for a violation of this section or section 169.129 shall run consecutively to a previously imposed misdemeanor, gross misdemeanor or felony sentence for a violation other than this section or section 169.129.

(f) (g) The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2.

(g) (h) When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(h) (i) A violation of subdivision 1a may be prosecuted either in the jurisdiction where the arresting officer observed the defendant driving, operating, or in control of the motor vehicle or in the jurisdiction where the refusal occurred.

Sec. 38. Minnesota Statutes 1996, section 169.121, subdivision 3a, is amended to read:

Subd. 3a. [HABITUAL OFFENDER PENALTIES.] (a) Except as otherwise provided in paragraph paragraphs (b), (c), and (d), a person must be sentenced to a minimum of 30 days incarceration, at least 48 hours of which must be served consecutively, or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail, if a the person has been convicted under this section, of a violation of subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), section 169.129, or an ordinance in conformity with either any of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of a gross misdemeanor violation of this section, a violation of section 169.129, or an ordinance in conformity with either of them (1)once:

(1) within five years after the first a prior impaired driving conviction or (2) two or more times a prior license revocation; or

(2) within ten years after the first conviction, the person must be sentenced to a minimum of 30 days imprisonment, at least 48 hours of which must be served consecutively, or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail. Provided, that two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents.

This sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (e), (f), or (g).

(b) However, a person must be sentenced to a minimum of 30 days incarceration, at least 48 hours of which must be served consecutively, and the sentence may not be waived under paragraph (e), (f), or (g) if a the person is has been convicted of violating this section, a violation of subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), section 169.129, or an ordinance in conformity with either any of them two or more times within five years after the first conviction, or within five years after the first of two or more prior impaired driving convictions, two or more prior license revocations, as defined in subdivision 3, paragraph (a), clause (2), the person must be sentenced to a minimum of 30 days imprisonment, at least 48 hours of which must be served consecutively, and the sentence may not be waived under paragraph (e) or (d). Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (e) or (d) or a prior impaired driving conviction and a prior license revocation, based on separate incidents.

~~(b)~~ (c) A person must be sentenced to a minimum of one year of incarceration, at least 48 hours of which must be served consecutively, or of intensive probation using an electronic alcohol monitoring system, or a combination thereof, if the person is convicted of violating this section, section 169.129, or an ordinance in conformity with either of them:

~~(1) within ten years of the first of five, or within 15 years of the first of seven, or six prior impaired driving convictions, five or six prior license revocations, as defined in subdivision 3, paragraph (a), clause (2), or any combination of five or six prior impaired driving convictions and prior license revocations, based on separate incidents; or~~

~~(2) within ten years of the first of five, or within 15 years of the first of seven, or more prior impaired driving convictions under this section, section 169.129, or an ordinance in conformity with either of them, seven or more prior license revocations, or any combination of seven or more prior impaired driving convictions and prior license revocations, based on separate incidents.~~

~~(e)~~ (d) Except as provided in paragraph (c), a person must be sentenced to a minimum of 30 days incarceration, at least 48 hours of which must be served consecutively, and the sentence may not be waived under paragraph (e), (f), or (g), if the person has been convicted of a violation of subdivision 1, paragraph (f), or an ordinance in conformity with it, any time after a prior impaired driving conviction or a prior license revocation. In addition, the person must be sentenced to a minimum of one year of intensive probation using electronic alcohol monitoring.

~~(e)~~ Prior to sentencing the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum sentence established by this subdivision.

~~(d)~~ (f) The court may, on its own motion, sentence the defendant without regard to the mandatory minimum sentence established by this subdivision if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it.

~~(e)~~ (g) The court may sentence the defendant without regard to the mandatory minimum sentence established by this subdivision if the defendant is sentenced to probation and ordered to participate in a program established under section 169.1265.

~~(f)~~ (h) When any portion of the sentence required by this subdivision is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record. Any sentence required under this subdivision must include a mandatory sentence that is not subject to suspension or a stay of imposition or execution, and that includes incarceration for not less than 48 consecutive hours or at least 80 hours of community work service.

Sec. 39. Minnesota Statutes 1996, section 169.121, subdivision 3b, is amended to read:

Subd. 3b. ~~[HABITUAL OFFENDERS; CHEMICAL USE ASSESSMENT.]~~ The court must order a person to submit to the level of care recommended in the chemical use assessment if a the person has been convicted under of violating:

(1) subdivision 1, ~~subdivision 1a,~~ clause (f); or

(2) subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), subdivision 1a, section 169.129, an ordinance in conformity with any of them, or a statute or ordinance from another state in conformity with any of them, and if the person is then convicted of violating subdivision 1, subdivision 1a, section 169.129, or an ordinance in conformity with any of them (1) once:

(i) within five years of the first a prior impaired driving conviction or (2) two or more times a prior license revocation; or

(ii) within ten years after the first conviction, the court must order the person to submit to the

level of care recommended in the chemical use assessment required under section 169.126 of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents.

Sec. 40. Minnesota Statutes 1996, section 169.121, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATIVE PENALTIES.] (a) The commissioner of public safety shall revoke the driver's license of a person convicted of violating this section or an ordinance in conformity with it as follows:

(1) for an offense under subdivision 1: not less than 30 days;

(2) for an offense under subdivision 1a: not less than 90 days;

(3) for an offense occurring within five years after a prior impaired driving conviction or a prior license revocation, or any time after two or more prior impaired driving convictions or prior license revocations: (i) if the current conviction is for a violation of subdivision 1, not less than 180 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126; or (ii) if the current conviction is for a violation of subdivision 1a, not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

(4) for an offense occurring within five years after the first of two prior impaired driving convictions or prior license revocations: not less than one year, together with denial under section 171.04, subdivision 1, clause (8) (9), until rehabilitation is established in accordance with standards established by the commissioner;

(5) for an offense occurring any time after three or more prior impaired driving convictions or prior license revocations: not less than two years, together with denial under section 171.04, subdivision 1, clause (8) (9), until rehabilitation is established in accordance with standards established by the commissioner.

(b) If the person convicted of violating this section is under the age of 21 years, the commissioner of public safety shall revoke the offender's driver's license or operating privileges for a period of six months or for the appropriate period of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.

(c) For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.

(d) Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

(e) If the person is convicted of violating subdivision 1, paragraph (f), the commissioner of public safety shall revoke the person's driver's license for twice the period of time otherwise provided for in this subdivision.

(f) Except for a person whose license has been revoked under paragraph (b), and except for a person who commits a violation described in subdivision 3, paragraph (c), clause (4), (child endangerment), any person whose license has been revoked pursuant to section 169.123 as the result of the same incident, and who does not have a prior impaired driving conviction or prior license revocation within the previous ten years, is subject to the mandatory revocation provisions of paragraph (a), clause (1) or (2), in lieu of the mandatory revocation provisions of section 169.123.

~~(f) As used in this subdivision, the terms "prior impaired driving conviction" and "prior license revocation" have the meanings given in subdivision 3, paragraph (a).~~

Sec. 41. Minnesota Statutes 1996, section 169.121, is amended by adding a subdivision to read:

Subd. 5b. [PENALTY ASSESSMENT.] When a court sentences a person convicted of violating subdivision 1, paragraph (f), the court may impose a penalty assessment of up to \$1,000. The court may impose this assessment in addition to any other penalties or charges authorized under this section. Money collected under this subdivision must be credited to the general fund.

Sec. 42. Minnesota Statutes 1996, section 169.121, subdivision 6, is amended to read:

Subd. 6. [PRELIMINARY SCREENING TEST.] (a) When a peace officer has reason to believe from the manner in which a person is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, that the driver may be violating or has violated subdivision 1 or section 169.1211, the officer may require the driver to provide a sample of the driver's breath for a preliminary screening test using a device approved by the commissioner of public safety for this purpose.

(b) The results of this preliminary screening test shall be used for the purpose of deciding whether an arrest should be made and whether to require the tests authorized in section 169.123, but shall not be used in any court action except the following:

(1) to prove that a test was properly required of a person pursuant to section 169.123, subdivision 2;

(2) to prove the element of probable cause in a criminal prosecution for a violation of subdivision 1a;

(3) in a civil action arising out of the operation or use of the motor vehicle;

~~(3) (4) in an action for license reinstatement under section 171.19; or~~

~~(4) (5) in a prosecution or juvenile court proceeding concerning a violation of section 169.1218, or 340A.503, subdivision 1, paragraph (a), clause (2); or~~

(6) in a prosecution under section 171.30.

(c) Following the screening test additional tests may be required of the driver pursuant to the provisions of section 169.123.

(d) The driver who refuses to furnish a sample of the driver's breath is subject to the provisions of section 169.123 unless, in compliance with section 169.123, the driver submits to a blood, breath or urine test to determine the presence or amount of alcohol, controlled substances, or hazardous substances.

Sec. 43. Minnesota Statutes 1996, section 169.1211, subdivision 1, is amended to read:

Subdivision 1. [CRIME.] It is a ~~misdemeanor~~ crime for any person to drive, operate, or be in physical control of any commercial motor vehicle within this state or upon the ice of any boundary water of this state:

(1) when the person's alcohol concentration is 0.04 or more but less than 0.20; ~~or~~

(2) when the person's alcohol concentration as measured within two hours of the time of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more but less than 0.20; or

(3) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.20 or more.

Sec. 44. Minnesota Statutes 1996, section 169.1211, is amended by adding a subdivision to read:

Subd. 3a. [CRIMINAL PENALTY.] (a) A person who violates subdivision 1, clause (1) or (2), or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1, clause (3);

(2) the person violates subdivision 1, clause (1) or (2), within five years of a prior impaired driving conviction or a prior license revocation, or within ten years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a combination of a prior impaired driving conviction and a prior license revocation;

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

Sec. 45. Minnesota Statutes 1996, section 169.1211, is amended by adding a subdivision to read:

Subd. 5. [DEFINITIONS.] As used in this section, the terms "prior impaired driving conviction" and "prior license revocation" have the meanings given them in section 169.121, subdivision 3.

Sec. 46. Minnesota Statutes 1996, section 169.1217, is amended to read:

169.1217 [VEHICLE FORFEITURE FOR COMMISSION OF DESIGNATED OFFENSES AND LICENSE REVOCATIONS.]

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169.123.

(b) "Designated license revocation" includes a license revocation under section 169.123:

(1) within five years of two prior impaired driving convictions, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(2) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more prior impaired driving convictions and prior license revocations, based on separate incidents.

(c) "Designated offense" includes:

(1) a violation of section 169.121, subdivision 1, clause (a), (b), (c), (d), (e), (g), or (h), an ordinance in conformity with it any of them, or section 169.129:

(4) (i) within five years of ~~three~~ two prior impaired driving convictions ~~or three~~, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(2) (ii) within 15 years of the first of ~~four~~ three or more prior impaired driving convictions ~~or the first of four~~, three or more prior license revocations, or any combination of three or more impaired driving convictions and prior license revocations, based on separate incidents;

(2) a violation of section 169.121, subdivision 1, clause (f), or a violation of section 169.121, subdivision 3, paragraph (c), clause (4);

(i) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within 15 years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(3) a violation of section 169.121, subdivision 1, or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (8) (9); or

(4) (ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance.

"Designated offense" also includes a violation of section 169.121, subdivision 3, paragraph (c), clause (4):

~~(1) within five years of two prior impaired driving convictions or two prior license revocations based on separate incidents; or~~

~~(2) within 15 years of the first of three or more prior impaired driving convictions or the first of three or more prior license revocations based on separate incidents.~~

~~(e) (d) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.~~

~~(d) (e) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.~~

~~(e) (f) "Prior impaired driving conviction" has the meaning given it in section 169.121, subdivision 3. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.~~

~~(f) (g) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.~~

~~(g) (h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.~~

Subd. 2. [SEIZURE.] A motor vehicle subject to forfeiture under this section may be seized by the appropriate agency upon process issued by any court having jurisdiction over the vehicle. Property may be seized without process if:

(1) the seizure is incident to a lawful arrest or a lawful search;

(2) the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

(3) the appropriate agency has probable cause to believe that the delay occasioned by the necessity to obtain process would result in the removal or destruction of the vehicle. If property is seized without process under clause (3), the prosecuting authority must institute a forfeiture action under this section as soon as is reasonably possible.

Subd. 3. [RIGHT TO POSSESSION VESTS IMMEDIATELY; CUSTODY OF SEIZED VEHICLE.] All right, title, and interest in a vehicle subject to forfeiture under this section vests in the appropriate agency upon commission of the conduct resulting in the designated offense or designated license revocation giving rise to the forfeiture. Any vehicle seized under this section is not subject to replevin, but is deemed to be in the custody of the appropriate agency subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When a vehicle is so seized, the appropriate agency may:

(1) place the vehicle under seal;

(2) remove the vehicle to a place designated by it;

(3) place a disabling device on the vehicle; and

(4) take other steps reasonable and necessary to secure the vehicle and prevent waste.

Subd. 4. [BOND BY OWNER FOR POSSESSION.] If the owner of a vehicle that has been seized under this section seeks possession of the vehicle before the forfeiture action is determined, the owner may, subject to the approval of the appropriate agency, give security or post bond payable to the appropriate agency in an amount equal to the retail value of the seized vehicle. On posting the security or bond, the seized vehicle may be returned to the owner only if a disabling device is attached to the vehicle. The forfeiture action shall proceed against the security as if it were the seized vehicle.

Subd. 5. [EVIDENCE.] Certified copies of court records and motor vehicle and driver's license records concerning prior impaired driving convictions and prior license revocations are admissible as substantive evidence where necessary to prove the commission of a designated offense or the occurrence of a designated license revocation.

Subd. 6. [MOTOR VEHICLES SUBJECT TO FORFEITURE.] A motor vehicle is subject to forfeiture under this section if it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation.

Subd. 7. [LIMITATIONS ON FORFEITURE OF MOTOR VEHICLES.] (a) A vehicle is subject to forfeiture under this section only if:

(1) the driver is convicted of the designated offense upon which the forfeiture is based; ~~or~~
(2) the driver fails to appear with respect to the designated offense charge in violation of section 609.49; or

(3) the driver's conduct results in a designated license revocation and the driver either fails to seek administrative or judicial review of the revocation in a timely manner as required by section 169.123, subdivision 5b or 5c, or the revocation is sustained under section 169.123, subdivision 5b or 6.

(b) A vehicle encumbered by a bona fide security interest, or subject to a lease that has a term of 180 days or more, is subject to the interest of the secured party or lessor unless the party or lessor had knowledge of or consented to the act upon which the forfeiture is based.

(c) Notwithstanding paragraph (b), the secured party's or lessor's interest in a vehicle is not subject to forfeiture based solely on the secured party's or lessor's knowledge of the act or omission upon which the forfeiture is based if the secured party or lessor took reasonable steps to terminate use of the vehicle by the offender.

(d) A motor vehicle is subject to forfeiture under this section only if its owner knew or should have known of the unlawful use or intended use.

(e) A vehicle subject to a security interest, based upon a loan or other financing arranged by a financial institution, is subject to the interest of the financial institution.

Subd. 7a. [ADMINISTRATIVE FORFEITURE PROCEDURE.] (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) When a motor vehicle is seized under subdivision 2, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership or possessory interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. Notice mailed by certified mail to the address shown in department of public safety records is sufficient notice to the registered owner of the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

(1) a description of the vehicle seized;

(2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 169.1217, SUBDIVISION 7a, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. YOU DO NOT HAVE TO PAY THE FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500 AND YOU FILE YOUR CLAIM IN CONCILIATION COURT."

(d) Within 30 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is less than \$500, the claimant may file an action in conciliation court for recovery of the seized vehicle without paying the conciliation court filing fee. No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. Except as provided in this section, judicial reviews and hearings are governed by section 169.123, subdivisions 5c and 6, and shall take place at the same time as any judicial review of the person's license revocation under section 169.123. The proceedings may be combined with any hearing on a petition filed under section 169.123, subdivision 5c, and are governed by the rules of civil procedure.

(e) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized and the plaintiff's interest in the vehicle seized. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(f) If the claimant makes a timely demand for a judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under subdivision 8.

(g) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized vehicle, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the payment of reasonable costs, expenses, and attorney fees under section 549.21, subdivision 2.

Subd. 8. [JUDICIAL FORFEITURE PROCEDURE.] (a) This subdivision governs judicial determinations of the forfeiture of a motor vehicle used to commit a designated offense ~~is subject to forfeiture under this subdivision~~ or used in conduct resulting in a designated license revocation.

(b) A separate complaint shall be filed against the vehicle, describing it, and specifying that it was used in the commission of a designated offense or was used in conduct resulting in a designated license revocation, and specifying the time and place of its unlawful use. If the forfeiture was based on the commission of a designated offense and the person charged with a the designated offense appears in court as required and is not convicted of the offense, the court shall dismiss the complaint against the vehicle and order the property returned to the person legally entitled to it. If the forfeiture is based on a designated license revocation, and the designated license revocation is rescinded under section 169.123, subdivision 5a or 6, the court shall dismiss the complaint against the vehicle and order the property returned to the person legally entitled to it. If the lawful ownership of the vehicle used in the commission of a designated offense or used in conduct resulting in a designated license revocation can be determined and it is found the owner

was not privy to commission of a designated offense or was not privy to the conduct resulting in the designated license revocation, the vehicle shall be returned immediately.

Subd. 9. [DISPOSITION OF FORFEITED VEHICLES.] (a) If the vehicle is administratively forfeited under subdivision 7a, or if the court finds under subdivision 8 that the vehicle is subject to forfeiture under subdivisions 6 and 7, ~~it shall order the appropriate agency to shall:~~

(1) sell the vehicle and distribute the proceeds under paragraph (b); or

(2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for official use, it shall make reasonable efforts to ensure that the motor vehicle is available for use by the agency's officers who participate in the drug abuse resistance education program.

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the treasury of the political subdivision that employs the appropriate agency responsible for the forfeiture for use in DWI-related enforcement, training and education. If the appropriate agency is an agency of state government, the net proceeds must be forwarded to the state treasury and credited to the general fund.

Sec. 47. Minnesota Statutes 1996, section 169.123, subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] (a) Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. This limitation does not apply to the taking of a breath or urine sample. ~~The person tested has the right to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state.~~

(b) ~~The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer.~~

(c) ~~The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining the concentration of alcohol, controlled substances, or hazardous substances shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test shall be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.~~

Sec. 48. Minnesota Statutes 1996, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL; REVOCATION OF LICENSE.] (a) If a person refuses to permit a test, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite the person's refusal. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence.

(b) If a person submits to a test and the test results indicate an alcohol concentration of 0.10 or more or the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, or if a person was driving, operating, or in physical control of a commercial motor vehicle and the test results indicate an alcohol concentration of 0.04 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

(c) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and that the person refused to submit to a test, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing.

(d) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol in violation of section 169.121 or 169.1211, and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year under section 171.165 and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year.

(e) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating or in physical control of a motor vehicle in violation of section 169.121 and that the person submitted to a test and the test results indicate an alcohol concentration of 0.10 or more or the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege:

(1) for a period of 90 days; or

(2) if the person is under the age of 21 years, for a period of six months; ~~or~~

(3) for a person with a prior impaired driving conviction or prior license revocation within the past five years, for a period of 180 days; or

(4) if the test results indicate an alcohol concentration of 0.20 or more, for twice the applicable period in clauses (1) to (3).

(f) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner of public safety shall disqualify the person from operating a commercial motor vehicle under section 171.165.

(g) If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

(h) As used in this subdivision, the terms "prior impaired driving conviction" and "prior license revocation" have the meanings given in section 169.121, subdivision 3, paragraph (a).

Sec. 49. Minnesota Statutes 1996, section 169.123, subdivision 5c, is amended to read:

Subd. 5c. [PETITION FOR JUDICIAL REVIEW.] (a) Within 30 days following receipt of a notice and order of revocation or disqualification pursuant to this section, a person may petition the court for review. The petition shall be filed with the district court administrator in the county where the alleged offense occurred, together with proof of service of a copy on the commissioner of public safety, and accompanied by the standard filing fee for civil actions. No responsive pleading shall be required of the commissioner of public safety, and no court fees shall be charged for the appearance of the commissioner of public safety in the matter.

(b) The petition shall must:

(1) be captioned in the full name of the person making the petition as petitioner and the commissioner of public safety as respondent. ~~The petition must;~~

(2) include the petitioner's date of birth, driver's license number, and date of the offense. ~~The petition shall; and~~

(3) state with specificity the grounds upon which the petitioner seeks rescission of the order of revocation, disqualification, or denial and state the facts underlying each claim asserted.

(c) The filing of the petition shall not stay the revocation, disqualification, or denial. The reviewing court may order a stay of the balance of the revocation or disqualification if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper.

(d) Judicial reviews shall be conducted according to the rules of civil procedure except that prehearing discovery is mandatory and limited to:

(1) the notice of revocation;

(2) the test record, or in the case of blood or urine tests, the certificate of analysis;

(3) the peace officer's certificate and any accompanying documentation submitted by the arresting officer to the commissioner of public safety; and

(4) disclosure of potential witnesses, including experts, and the basis of their testimony.
Other types of discovery are not available.

Sec. 50. Minnesota Statutes 1996, section 169.126, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT; FORM.] A chemical use assessment shall be conducted and an assessment report submitted to the court and to the department of public safety by the county agency administering the alcohol safety program when:

(a) The defendant is convicted of an offense described in section 84.91, 86B.331, 169.121 or, 169.1211, 169.129, or 360.0752; or

(b) The defendant is arrested for committing an offense described in section 169.121 or 169.129 but is convicted of another offense arising out of the circumstances surrounding the arrest.

Sec. 51. Minnesota Statutes 1996, section 169.1261, is amended to read:

169.1261 [REINSTATEMENT OF DRIVING PRIVILEGES; NOTICE.]

Upon expiration of a period of revocation under section 169.121 or 169.123, the commissioner of public safety shall notify the person of the terms upon which driving privileges can be reinstated, and new registration plates issued, which terms are: (1) successful completion of a driving test an examination and proof of compliance with any terms of alcohol treatment or counseling previously prescribed, if any; and (2) any other requirements imposed by the commissioner and applicable to that particular case. The commissioner shall notify the owner of a motor vehicle subject to an impoundment order under section 168.041 as a result of the violation of the procedures for obtaining new registration plates, if the owner is not the violator. The commissioner shall also notify the person that if driving is resumed without reinstatement of driving privileges or without valid registration plates and registration certificate, the person will be subject to criminal penalties.

Sec. 52. Minnesota Statutes 1996, section 171.19, is amended to read:

171.19 [PETITION FOR LICENSE REINSTATEMENT.]

Any person whose driver's license has been refused, revoked, suspended, or canceled, or disqualified by the commissioner, except where the license is revoked or disqualified under section 169.123, may file a petition for a hearing in the matter in the district court in the county wherein such person shall reside and, in the case of a nonresident, in the district court in any county, and such court is hereby vested with jurisdiction, and it shall be its duty, to set the matter for hearing upon 15 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is

subject to revocation, suspension, cancellation, disqualification, or refusal of license, and shall render judgment accordingly. The petition shall be heard by the court without a jury and may be heard in or out of term. The commissioner may appear in person, or by agents or representatives, and may present evidence upon the hearing by affidavit personally, by agents, or by representatives. The petitioner may present evidence by affidavit, except that the petitioner must be present in person at such hearing for the purpose of cross-examination. In the event the department shall be sustained in these proceedings, the petitioner shall have no further right to make further petition to any court for the purpose of obtaining a driver's license until after the expiration of one year after the date of such hearing.

Sec. 53. Minnesota Statutes 1996, section 171.30, is amended by adding a subdivision to read:

Subd. 2c. [EXTENDED WAITING PERIOD.] If a person's license or privilege has been revoked or suspended for a violation of section 169.121, 169.123, or a statute or ordinance from another state in conformity with either of those sections, and the person's alcohol concentration was 0.20 or greater at the time of the violation, a limited license may not be issued for a period of time equal to twice the time period specified in subdivision 2a or 2b.

Sec. 54. Minnesota Statutes 1996, section 364.09, is amended to read:

364.09 [EXCEPTIONS.]

(a) This chapter does not apply to the licensing process for peace officers; to law enforcement agencies as defined in section 626.84, subdivision 1, paragraph (h); to fire protection agencies; to eligibility for a private detective or protective agent license; to eligibility for a family day care license, a family foster care license, or a home care provider license; to eligibility for school bus driver endorsements; ~~or to eligibility for special transportation service endorsements; or to eligibility for a commercial driver training instructor license, which is governed by section 171.35 and rules adopted under that section.~~ This chapter also shall not apply to eligibility for juvenile corrections employment, where the offense involved child physical or sexual abuse or criminal sexual conduct.

(b) This chapter does not apply to a school district or to eligibility for a license issued or renewed by the board of teaching or the state board of education.

(c) Nothing in this section precludes the Minnesota police and peace officers training board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

(d) This chapter does not apply to a license to practice medicine that has been denied or revoked by the board of medical practice pursuant to section 147.091, subdivision 1a.

Sec. 55. Minnesota Statutes 1996, section 609.135, subdivision 2, is amended to read:

Subd. 2. [STAY OF SENTENCE MAXIMUM PERIODS.] (a) If the conviction is for a felony the stay shall be for not more than four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(b) If the conviction is for a gross misdemeanor violation of section 169.121 or 169.129, the stay shall be for not more than four six years. ~~The court shall provide for unsupervised probation for the last one year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last one year.~~

(c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay shall be for not more than two years.

(d) If the conviction is for any misdemeanor under section 169.121; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation

for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution or a fine in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution or fine the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution or a fine may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution or fine that the defendant owes.

Sec. 56. Minnesota Statutes 1996, section 626.52, is amended to read:

626.52 [REPORTING OF SUSPICIOUS WOUNDS AND ALCOHOL- OR CONTROLLED SUBSTANCE-RELATED ACCIDENTS BY HEALTH PROFESSIONALS.]

Subdivision 1. [DEFINITION.] As used in this section, "health professional" means a physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse, or pharmacist.

Subd. 2. [HEALTH PROFESSIONALS REQUIRED TO REPORT.] (a) A health professional shall immediately report, as provided under section 626.53, to the local police department or county sheriff all bullet wounds, gunshot wounds, powder burns, or any other injury arising from, or caused by the discharge of any gun, pistol, or any other firearm, which wound the health professional is called upon to treat, dress, or bandage.

(b) A health professional shall report to the proper police authorities any wound that the reporter has reasonable cause to believe has been inflicted on a perpetrator of a crime by a dangerous weapon other than a firearm as defined under section 609.02, subdivision 6.

(c) A health professional shall immediately report to the local police department or county sheriff, as provided under section 626.53, instances in which the professional treats a person for an injury resulting from a motor vehicle accident where the professional knows or has reason to know that the person has ingested alcohol or a controlled substance.

Subd. 3. [REPORTING BURNS.] A health professional shall file a written report with the state fire marshal within 72 hours after being notified of a burn injury or wound that the professional is called upon to treat, dress, or bandage, if the victim has sustained second- or third-degree burns to five percent or more of the body, the victim has sustained burns to the upper respiratory tract or sustained laryngeal edema from inhaling superheated air, or the victim has sustained a burn injury or wound that may result in the victim's death. The state fire marshal shall provide the form for the report.

Sec. 57. Minnesota Statutes 1996, section 626.53, subdivision 1, is amended to read:

Subdivision 1. [REPORTS TO SHERIFFS AND POLICE CHIEFS.] The report required by section 626.52, subdivision 2, shall be made ~~forthwith~~ as soon as possible by telephone or in

person, and shall be promptly supplemented by letter, enclosed in a securely sealed, postpaid envelope, addressed to the sheriff of the county in which the patient is treated for the injury or the wound is examined, dressed, or otherwise treated; ~~except that.~~ However, if the place in which the patient is treated for such the injury or the patient's wound is dressed or bandaged be is in a city of the first, second, or third class, ~~such the~~ report shall be made and transmitted as ~~herein provided~~ to the chief of police of ~~such the~~ city instead of the sheriff. Except as otherwise provided in subdivision 2, the office of ~~any such the~~ sheriff and of ~~any such the~~ chief of police shall keep the report as a confidential communication and ~~shall may~~ not disclose the name of the person ~~making the same who made it,~~ and the party making the report shall ~~may not by reason thereof~~ be subpoenaed, examined, or forced to testify in court as a consequence of having made ~~such a the~~ report.

Sec. 58. Minnesota Statutes 1996, section 634.15, subdivision 2, is amended to read:

Subd. 2. [TESTIMONY AT TRIAL.] Except in civil proceedings, including proceedings under section 169.123, an accused person or the accused person's attorney may request, by notifying the prosecuting attorney at least ten days before the trial, that the following persons testify in person at the trial on behalf of the state:

- (a) A person who performed the laboratory analysis or examination for the report described in subdivision 1, clause (a); or
- (b) A person who prepared the blood sample report described in subdivision 1, clause (b).

Sec. 59. [REPEALER.]

Minnesota Statutes 1996, section 86B.335, subdivisions 11 and 12, are repealed.

Sec. 60. [EFFECTIVE DATE.]

Sections 51, 52, and 54 are effective the day following final enactment. Sections 1 to 50, 53, and 55 to 59 are effective August 1, 1997, and apply to violations occurring on or after that date. However, violations occurring before August 1, 1997, which are listed in Minnesota Statutes, section 169.121, subdivision 1, paragraph (a), are considered prior impaired driving convictions or prior license revocations for purposes of determining criminal penalties, sentencing, and administrative licensing sanctions imposed for conviction for a person of a violation occurring on and after August 1, 1997."

Delete the title and insert:

"A bill for an act relating to crimes; driving while impaired; providing criminal penalties for persons operating recreational vehicles who refuse an alcohol test; increasing criminal penalties, minimum sentences, and administrative sanctions for persons driving motor vehicles and operating recreational vehicles with an alcohol concentration of 0.20 or more; providing more severe requirements concerning conditional release and electronic alcohol monitoring pending trial, alcohol use assessment and treatment, driver's license revocation, license plate impoundment, and vehicle forfeiture for persons driving motor vehicles and operating recreational vehicles with an alcohol concentration of 0.20 or more; authorizing the imposition of a penalty assessment of up to \$1,000 for persons driving motor vehicles with an alcohol concentration of 0.20 or more; redefining relevant evidence for operating a motorboat while under the influence of alcohol; including in the definition of prior DWI offenses, the offense of driving a commercial vehicle while impaired; authorizing peace officers to stop vehicles bearing special series license plates; enhancing criminal penalties for repeat violations involving commercial motor vehicles; clarifying the definition of commercial vehicle; clarifying that certain revocation period applies only to first-time DWI offenders; making technical correction allowing the commissioner of public safety to determine examination required for reinstatement of driving privileges; providing for petition for reinstatement of commercial driver's license following disqualification; clarifying applicable requirements for licensing commercial driver instructors; striking the requirement that a second chemical test be available to a person accused of driving while impaired; making various changes to the implied consent hearing process involving what must be stated in the petition,

available discovery, and the scope of the hearing; requiring health professionals to report injuries resulting from motor vehicle accidents that involve alcohol or controlled substances; extending the period of time that a court may place an offender on probation for certain gross misdemeanor DWI violations; broadening the permissible uses of preliminary breath test results obtained in DWI situations; broadening the scope of the DWI forfeiture law to include certain implied consent license revocations; accelerating the applicability of the forfeiture law; authorizing an administrative forfeiture process; requiring courts to notify persons convicted of DWI offenses of possible vehicle forfeiture and plate impoundment for future offenses; making various technical changes; amending Minnesota Statutes 1996, sections 84.91, subdivisions 1, 2, 5, 7, 8, and by adding a subdivision; 84.911, subdivisions 2, 3, and 6; 84.912, subdivision 1; 86B.331, subdivisions 1, 2, 4, 5, 6, 7, 8, and by adding a subdivision; 86B.335, subdivisions 2, 3, 4, and 6; 86B.337, subdivision 1; 97B.066, subdivision 6, and by adding subdivisions; 168.042, subdivisions 1, 2, 4, 9, and 11; 169.01, subdivision 75; 169.121, subdivisions 1, 1c, 2, 3, 3a, 3b, 4, 6, and by adding a subdivision; 169.1211, subdivision 1, and by adding subdivisions; 169.1217, subdivision 1; 169.123, subdivisions 3, 4, and 5c; 169.126, subdivision 1; 169.1261; 171.19; 171.30, by adding a subdivision; 364.09; 609.135, subdivision 2; 626.52; 626.53, subdivision 1; and 634.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 1996, section 86B.335, subdivisions 11 and 12."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 597, 421, 1255, 1684, 759 and 985 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 645, 265 and 763 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Hottinger moved that the name of Mr. Scheevel be added as a co-author to S.F. No. 1256. The motion prevailed.

Mr. Moe, R.D. moved that the name of Mr. Stevens be added as a co-author to S.F. No. 1645. The motion prevailed.

Ms. Anderson moved that the name of Mr. Hottinger be added as a co-author to S.F. No. 1823. The motion prevailed.

Mr. Marty moved that S.F. No. 1689 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Mr. Moe, R.D. introduced--

Senate Resolution No. 32: A Senate resolution congratulating Harold Stassen on his life's achievements.

Mr. Moe, R.D. moved that Senate Resolution No. 32 be laid on the table. The motion prevailed.

Mrs. Robling introduced--

Senate Resolution No. 33: A Senate resolution congratulating Matthew Van Hecke for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Ms. Anderson moved that S.F. No. 463 be taken from the table. The motion prevailed.

S.F. No. 463: A bill for an act relating to the city of St. Paul education center and teacher training institute; allowing rentals to offset certain costs; amending Laws 1994, chapter 643, section 72, as amended.

RECONSIDERATION

Ms. Anderson moved that the vote whereby S.F. No. 463 was passed by the Senate on March 10, 1997, be now reconsidered. The motion prevailed.

Ms. Anderson moved that S.F. No. 463 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Piper moved that S.F. No. 1020 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Crime Prevention. The motion prevailed.

Ms. Johnson, J.B. moved that S.F. No. 1550 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Ms. Berglin moved that S.F. No. 523, No. 137 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1645 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1645: A bill for an act relating to public safety; appropriating money for costs relating to the 1837 treaty.

Mr. Berg moved to amend S.F. No. 1645 as follows:

Page 2, after line 1, insert:

"Sec. 2. [REQUEST FOR CONTRIBUTION.]

By May 1, 1997, the commissioner of public safety shall request each Indian tribe that receives a rebate of excise taxes paid under Minnesota Statutes, chapter 297, 297A, or 297B, to contribute a significant portion of the rebate received by it to the general fund, to be used for the appropriation under section 1."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Betzold questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 49, as follows:

Those who voted in the affirmative were:

Berg	Fischbach	Lesewski	Pariseau	Stevens
Day	Laidig	Neuville	Robling	
Dille	Larson	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Higgins	Kleis	Novak	Scheid
Beckman	Hottinger	Knutson	Oliver	Solon
Belanger	Johnson, D.E.	Krentz	Ourada	Spear
Berglin	Johnson, D.H.	Langseth	Pappas	Stumpf
Betzold	Johnson, D.J.	Lourey	Piper	Ten Eyck
Cohen	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Flynn	Junge	Metzen	Price	Vickerman
Foley	Kelley, S.P.	Moe, R.D.	Ranum	Wiener
Frederickson	Kelly, R.C.	Morse	Robertson	Wiger
Hanson	Kiscaden	Murphy	Runbeck	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 1645 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 61 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Berg; Johnson, D.J.; Larson and Scheevel voted in the negative.

So the bill passed and its title was agreed to.

CALENDAR

S.F. No. 227: A bill for an act relating to local government; providing for the distribution of certain federal payments; amending Minnesota Statutes 1996, section 471.653.

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:

Anderson	Fischbach	Johnson, D.J.	Laidig	Moe, R.D.
Beckman	Flynn	Johnson, J.B.	Langseth	Morse
Belanger	Foley	Junge	Larson	Murphy
Berg	Frederickson	Kelley, S.P.	Lesewski	Neuville
Berglin	Hanson	Kelly, R.C.	Lessard	Novak
Betzold	Higgins	Kiscaden	Limmer	Oliver
Cohen	Hottinger	Kleis	Lourey	Olson
Day	Johnson, D.E.	Knutson	Marty	Ourada
Dille	Johnson, D.H.	Krentz	Metzen	Pappas

Pariseau	Ranum	Samuelson	Spear	Terwilliger
Piper	Robertson	Scheevel	Stevens	Vickerman
Pogemiller	Robling	Scheid	Stumpf	Wiener
Price	Runbeck	Solon	Ten Eyck	Wiger

So the bill passed and its title was agreed to.

H.F. No. 453: A bill for an act relating to the military; changing certain military requirements, procedures, and duties; clarifying certain language; changing armory provisions; amending Minnesota Statutes 1996, sections 190.02; 190.05, by adding subdivisions; 190.07; 190.16, subdivision 2; 190.25, subdivision 1; 192.19; 192.20; 192.23; 192.37; 192.38, subdivision 1; 192.40; 192.49, subdivisions 1 and 2; 193.142, subdivisions 1, 2, and 3; 193.143; 193.144, subdivisions 1, 2, and 6; 193.145, subdivisions 2, 4, and 5; 193.148; and 193.29, subdivision 4; repealing Minnesota Statutes 1996, sections 190.13; 190.29; 192.36; 192.435; 192.44; 192.45; 192.46; 192.47; and 192.51, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 472: A bill for an act relating to taxation; recodifying sales taxes on cigarettes and tobacco products; providing criminal and civil penalties; appropriating money; amending Minnesota Statutes 1996, sections 16A.26; 16A.661, subdivision 3; 16A.6701, subdivision 1; 116P.13, subdivision 1; 325D.32, subdivision 4; and 325D.415; proposing coding for new law as Minnesota Statutes, chapter 297F; repealing Minnesota Statutes 1996, sections 297.01; 297.02; 297.03; 297.031; 297.032; 297.04; 297.041; 297.05; 297.06; 297.07; 297.075; 297.08; 297.09; 297.10; 297.11; 297.12; 297.13; 297.21; 297.22; 297.23; 297.24; 297.25; 297.26; 297.31; 297.32; 297.321; 297.33; 297.335; 297.34; 297.35; 297.36; 297.37; 297.38; 297.385; 297.39; 297.40; 297.41; 297.42; 297.43; and 297.44.

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:

Anderson	Dille	Johnson, D.E.	Kleis	Limmer
Beckman	Fischbach	Johnson, D.H.	Knutson	Lourey
Belanger	Flynn	Johnson, D.J.	Krentz	Marty
Berg	Foley	Johnson, J.B.	Laidig	Metzen
Berglin	Frederickson	Junge	Langseth	Moe, R.D.
Betzold	Hanson	Kelley, S.P.	Larson	Morse
Cohen	Higgins	Kelly, R.C.	Lesewski	Murphy
Day	Hottinger	Kiscaden	Lessard	Neuville

Novak	Pariseau	Robertson	Scheid	Ten Eyck
Oliver	Piper	Robling	Solon	Terwilliger
Olson	Pogemiller	Runbeck	Spear	Vickerman
Ourada	Price	Samuelson	Stevens	Wiener
Pappas	Ranum	Scheevel	Stumpf	Wiger

So the bill passed and its title was agreed to.

S.F. No. 378: A bill for an act relating to taxation; recodifying taxes on liquor; providing civil and criminal penalties; appropriating money; amending Minnesota Statutes 1996, sections 16A.26; 340A.301, subdivision 8; 340A.302, subdivision 1; 340A.414, subdivision 7; 340A.417; and 340A.7035; proposing coding for new law as Minnesota Statutes, chapter 297G; repealing Minnesota Statutes 1996, sections 297C.01; 297C.02; 297C.03; 297C.04; 297C.045; 297C.05; 297C.06; 297C.07; 297C.08; 297C.09; 297C.10; 297C.11; 297C.12; 297C.13; 297C.14; 297C.16; and 297C.17.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 671: A bill for an act relating to traffic regulations; changing the designation of the agency responsible for notifying victims of vehicle thefts; amending Minnesota Statutes 1996, section 169.042, subdivision 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 542: A bill for an act relating to law enforcement; authorizing the Lower Sioux Indian community to exercise law enforcement authority; proposing coding for new law in Minnesota Statutes, chapter 626.

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:

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

So the bill passed and its title was agreed to.

H.F. No. 281: A bill for an act relating to utilities; providing performance regulation plans for gas utility services; amending Minnesota Statutes 1996, section 216B.16, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 137: A bill for an act relating to natural resources; modifying the provisions of the youth corps advisory committee; authorizing the commissioner to make certain contracts and grants; making conservation corps crew services available for natural resources projects; changing the method of allocation of conservation corps crew services; amending Minnesota Statutes 1996, sections 84.0887, subdivision 4, and by adding a subdivision; and 84.99.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 127: A bill for an act relating to the environment; modifying requirements relating to certain environmental advisory councils; amending Minnesota Statutes 1996, sections 115A.12; and 473.803, subdivision 4; repealing Minnesota Statutes 1996, section 473.149, subdivision 4.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 101: A bill for an act relating to human services; adding an exclusion to elderly housing with services establishment; downsizing the number of IMD beds; modifying the appeal process for nursing facilities; changing procedure for permanent placement of a child and provisions for reimbursement for family foster care; removing the time limitation on family general assistance; amending Minnesota Statutes 1996, sections 144D.01, subdivision 4; 245.466, by adding a subdivision; 256B.059, subdivisions 1, 2, 5, and by adding a subdivision; 256B.17, subdivision 7; 256B.431, subdivision 18; 256B.50, subdivisions 1, 1b, 1c, and 1e; 256D.01, subdivision 1a; 257.071, subdivision 2; 260.191, subdivision 3b; 260.192; 260.242, subdivision 2; and 382.18; repealing Minnesota Statutes 1996, sections 256B.17, subdivisions 1, 2, 3, 4, 5, 6, and 8; and 256B.50, subdivisions 1d, 1g, 1h, and 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Berglin	Cohen	Dille
Beckman	Berg	Betzold	Day	Fischbach

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

So the bill passed and its title was agreed to.

S.F. No. 280: A bill for an act relating to crime prevention; prohibiting the interruption of a 911 call; providing a criminal penalty; amending Minnesota Statutes 1996, section 609.78.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 392: A bill for an act relating to highways; lengthening Laura Ingalls Wilder Historic Highway; amending Minnesota Statutes 1996, section 161.14, subdivision 29.

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 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Limmer, Marty and Oliver voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 475: A bill for an act relating to drivers' licenses; exempting applicants for farm work licenses from minimum six-month permit possession requirement; amending Minnesota Statutes 1996, section 171.041.

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 53 and nays 13, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Kleis	Ourada	Ranum	Spear
Flynn	Murphy	Pappas	Robertson	
Foley	Novak	Pogemiller	Robling	

So the bill passed and its title was agreed to.

S.F. No. 395: A bill for an act relating to crimes; requiring persons convicted of causing the death of someone while committing criminal sexual conduct to give biological specimens for DNA analysis; amending Minnesota Statutes 1996, section 609.3461, subdivisions 1 and 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:

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

So the bill passed and its title was agreed to.

S.F. No. 31: A bill for an act relating to crime prevention; defining probation; clarifying jurisdiction of probation service providers; requiring reports and reviews; requiring policies to be adopted; requiring probation service providers to collect and maintain certain information; creating a work group; amending Minnesota Statutes 1996, sections 260.311, subdivision 1; and 609.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 244.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 950: A bill for an act relating to education; adopting working group recommendations for conducting teacher background checks; amending Minnesota Statutes 1996, section 120.1045.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 93: A bill for an act relating to human services; changing provisions for state liens for cost of care; amending Minnesota Statutes 1996, sections 55.10, subdivision 4; 256.015, subdivisions 1, 2, and 4; 256B.042, subdivisions 1, 2, and 4; 256B.37, subdivision 1; 514.71; 514.980, subdivision 2; 514.981, subdivision 2; 514.982, subdivisions 1 and 2; 514.985; 524.1-201; 524.3-801; 524.3-1004; and 524.3-1201.

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:

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

So the bill passed and its title was agreed to.

H.F. No. 447: A bill for an act relating to insurance; requiring health plan companies to provide direct access to obstetric and gynecologic services; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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:

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

So the bill passed and its title was agreed to.

S.F. No. 465: A bill for an act relating to insurance; regulating the sale of certain qualified long-term care insurance policies; amending Minnesota Statutes 1996, sections 61A.072, subdivisions 1 and 4; 62A.011, subdivision 3; 62A.31, subdivision 6; 62A.48, by adding a subdivision; 62A.50, by adding a subdivision; and 62L.02, subdivision 15; proposing coding for new law as Minnesota Statutes, chapter 62S.

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 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Johnson, D.H.	Krentz	Moe, R.D.
Beckman	Flynn	Johnson, D.J.	Laidig	Murphy
Belanger	Foley	Johnson, J.B.	Langseth	Neuville
Berg	Frederickson	Junge	Larson	Novak
Berglin	Hanson	Kelley, S.P.	Lesewski	Oliver
Betzold	Higgins	Kelly, R.C.	Lessard	Olson
Cohen	Hottinger	Kiscaden	Limmer	Ourada
Day	Janezich	Kleis	Lourey	Pappas
Dille	Johnson, D.E.	Knutson	Metzen	Pariseau

Piper	Robertson	Scheevel	Stevens	Vickerman
Pogemiller	Robling	Scheid	Stumpf	Wiener
Price	Runbeck	Solon	Ten Eyck	Wiger
Ranum	Samuelson	Spear	Terwilliger	

Mr. Marty voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 1705: A bill for an act relating to state lands; providing for the sale or exchange of certain lands belonging to the board of trustees of the Minnesota state colleges and universities to or with the city of Inver Grove Heights, Dakota county, Minnesota, for public library site.

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:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. Nos. 4, 420, 1071, 291, 526, 333, 877, 1116, 199 and H.F. Nos. 293, 538, which the committee recommends to pass.

S.F. No. 762, which the committee recommends to pass with the following amendment offered by Mr. Solon:

Page 2, line 12, strike everything after "incurred"

Page 2, line 13, strike everything before "commencing"

Page 14, line 13, delete "the" and insert "that"

Page 17, line 26, delete "at its option"

Page 21, line 1, delete "apply to this provision"

Page 21, line 4, after "issued" insert a semicolon

Page 24, line 7, delete the third "the" and insert "that"

The motion prevailed. So the amendment was adopted.

S.F. No. 539, which the committee recommends to pass with the following amendment offered by Mr. Vickerman:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1996, section 161.14, subdivision 21, is amended to read:

Subd. 21. [GEORGE MANN MEMORIAL HIGHWAY.] That segment of marked trunk highway No. 60 from Mankato to ~~Worthington~~ Brewster is named and designated the "George Mann Memorial Highway." The commissioner shall adopt a suitable marking design to mark this highway and shall erect the appropriate signs."

Page 1, after line 17, insert:

"Sec. 3. Minnesota Statutes 1996, section 161.14, is amended by adding a subdivision to read:

Subd. 41. [DON RICKERS MEMORIAL HIGHWAY.] That segment of marked trunk highway No. 60 from Brewster to Worthington to the city of Brewster is designated "Don Rickers Memorial Highway." The commissioner of transportation shall adopt a suitable design for marking this highway and shall erect appropriate signs at locations determined by the commissioner. The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 535, which the committee recommends to pass with the following amendment offered by Mr. Betzold:

Page 3, line 9, delete "1" and insert "15"

The motion prevailed. So the amendment was adopted.

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

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 504, 624 and 700.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1997

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS

AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 543: A bill for an act relating to agriculture; changing certain license requirements; repealing the interstate compact on agricultural grain marketing; amending Minnesota Statutes 1996, sections 17A.04, subdivision 1; 231.01, subdivision 5; 236.01, subdivision 3; and 236.02, subdivisions 1 and 2; repealing Minnesota Statutes 1996, sections 236A.01; and 236A.02.

Senate File No. 543 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1997

Mr. Dille moved that the Senate do not concur in the amendments by the House to S.F. No. 543, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 90, 1755, 1383, 992, 1188, 756, 1045 and 427.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1997

FIRST READING OF HOUSE BILLS

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

H.F. No. 90: A bill for an act relating to drivers' licenses; allowing exemption from commercial driver's license requirement for certain snowplow operators; amending Minnesota Statutes 1996, section 171.02, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 61, now on General Orders.

H.F. No. 1755: A bill for an act relating to local government; providing for procedures between the county housing and redevelopment authority and certain municipalities and municipal authorities; amending Minnesota Statutes 1996, section 383B.77, subdivision 2.

Referred to the Committee on Local and Metropolitan Government.

H.F. No. 1383: A bill for an act relating to occupational safety and health; providing that certain notices are filed when placed in the United States mail; amending Minnesota Statutes 1996, section 182.661, subdivision 3b.

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

H.F. No. 992: A bill for an act relating to the town of Thomson; authorizing the establishment of a detached facility.

Referred to the Committee on Commerce.

H.F. No. 1188: A bill for an act relating to the town of Hassan; authorizing the establishment of a detached facility.

Referred to the Committee on Commerce.

H.F. No. 756: A bill for an act relating to the state demographer; changing procedures for certain population and related estimates; amending Minnesota Statutes 1996, sections 4A.02;

379.02; and 414.01, subdivision 14; repealing Minnesota Statutes 1996, section 414.033, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 691, now on General Orders.

H.F. No. 1045: A bill for an act relating to insurance; prohibiting a surcharge for an automobile accident in which the insured is a passenger in a bus, taxi, or commuter van; prohibiting discrimination in automobile policies based on coverage; removing a surcharge for the automobile theft prevention program; amending Minnesota Statutes 1996, sections 65B.13; and 65B.133, by adding a subdivision; repealing Laws 1996, chapter 408, article 2, section 1, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 759.

H.F. No. 427: 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 Taxes.

MOTIONS AND RESOLUTIONS

Mrs. Lourey moved that the name of Ms. Berglin be added as a co-author to S.F. No. 115. The motion prevailed.

Ms. Johnson, J.B. moved that her name be stricken as a co-author to S.F. No. 1203. The motion prevailed.

RECESS

Mr. Moe, R.D. 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.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 268: Messrs. Kelly, R.C.; Spear; Ms. Ranum, Messrs. Neuville and Limmer.

S.F. No. 543: Messrs. Dille, Sams and Berg.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Marty introduced--

S.F. No. 1825: A bill for an act relating to the legislature; ethics; providing for house and senate committees on ethics; providing procedures for handling ethics complaints; providing for forfeiture of legislative compensation and expenses in certain circumstances; prohibiting former

legislators from lobbying the legislature for one year after leaving office; establishing a fair campaign practices advisory board; amending Minnesota Statutes 1996, section 3.099, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 3; 10A; and 211B.

Referred to the Committee on Election Laws.

Mr. Johnson, D.H. introduced--

S.F. No. 1826: A bill for an act relating to crime; imposing a 30-day minimum incarceration penalty on minors who unlawfully possess pistols; limiting public assistance benefits to individuals convicted of felonies; increasing sentences for persons who commit felonies for the benefit of a criminal gang; repealing the statutory definition of criminal gang; expanding the obstruction of justice crime to include persons who flee on foot from a peace officer; seeking federal waivers; providing funding for gang resistance education training; appropriating money; amending Minnesota Statutes 1996, sections 256.9354, by adding a subdivision; 256D.03, subdivision 3; 256D.05, by adding a subdivision; 260.185, subdivision 1a; 609.229, subdivision 3; 609.50, subdivision 1; and 624.713, subdivision 2; repealing Minnesota Statutes 1996, section 609.229, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Cohen introduced--

S.F. No. 1827: A bill for an act relating to bonds; reducing certain earlier project authorizations; amending Minnesota Statutes 1996, section 475A.06, subdivision 7.

Referred to the Committee on State Government Finance.

Mr. Kleis, Mses. Anderson, Ranum, Messrs. Neuville and Kelly, R.C. introduced--

S.F. No. 1828: A bill for an act relating to crime victim services; appropriating money to provide programs for crime victims in unserved counties and to provide assistance to underserved communities.

Referred to the Committee on Crime Prevention.

Messrs. Ten Eyck and Moe, R.D. introduced--

S.F. No. 1829: A bill for an act relating to health; modifying requirements for review of community support plans; including case management in the definition of chemical dependency treatment service; amending Minnesota Statutes 1996, sections 245.4711, subdivision 4; and 245.4881, subdivision 4.

Referred to the Committee on Health and Family Security.

Mrs. Fischbach introduced--

S.F. No. 1830: A bill for an act relating to taxation; extending eligibility for classification as 4c property to certain community service organizations; amending Minnesota Statutes 1996, section 273.13, subdivision 25.

Referred to the Committee on Local and Metropolitan Government.

Mrs. Fischbach, Messrs. Kleis and Stevens introduced--

S.F. No. 1831: A bill for an act relating to human services; appropriating money to an ICF/MR in Stearns or Sherburne county.

Referred to the Committee on Health and Family Security.

Mr. Larson introduced--

S.F. No. 1832: A bill for an act relating to early childhood programs; appropriating money for a grant to independent school district No. 544, Fergus Falls.

Referred to the Committee on Children, Families and Learning.

Mr. Ten Eyck introduced--

S.F. No. 1833: A bill for an act relating to counties; providing that issuance of a certain permit does not make a county liable for certain injuries; amending Minnesota Statutes 1996, section 86B.121.

Referred to the Committee on Judiciary.

Mrs. Lourey and Mr. Morse introduced--

S.F. No. 1834: A bill for an act relating to agriculture; providing for competition and economic fairness in the marketing of dairy products; allowing retail price flexibility in sales of milk and milk products; repealing Minnesota Statutes 1996, sections 32.70; 32.71; 32.72; 32.73; and 32.74.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Marty and Foley introduced--

S.F. No. 1835: A bill for an act relating to taxation; providing an alternative property tax refund formula; amending Minnesota Statutes 1996, section 290A.04, subdivisions 1, 3, 6, and by adding a subdivision.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Johnson, D.J. and Solon introduced--

S.F. No. 1836: A bill for an act relating to public improvements; appropriating bond proceeds for improvements to the Hartley Nature Center in Duluth.

Referred to the Committee on Environment and Natural Resources.

Mses. Pappas, Flynn, Messrs. Hottinger and Johnson, D.J. introduced--

S.F. No. 1837: A bill for an act relating to finance; providing for school funding; changing property class rates; expanding the property tax refund program; providing a property tax refund to certain businesses; providing for truth in budgeting; modifying aids to local governments; exempting sales of certain construction materials; imposing a future schools facilities fee; changing the calculation of fiscal disparities; requiring a study; appropriating money; amending Minnesota Statutes 1996, sections 16A.103, subdivisions 1 and 2; 122.247, subdivision 3; 122.45, subdivision 3a; 122.531, subdivisions 4a and 9; 122.533; 122.535, subdivision 6; 124.17, subdivision 1d; 124.239, subdivision 5; 124.2601, subdivisions 2 and 3; 124.2711, subdivisions 1 and 5; 124.2713, subdivision 1; 124.2714; 124.2715, subdivision 1; 124.2716, subdivision 2; 124.2725, subdivisions 2, 6, 13, and 14; 124.2726, subdivisions 1 and 3; 124.2727, subdivision 6a; 124.312, subdivision 5; 124.313; 124.4945; 124.83, subdivision 3; 124.91, subdivisions 1, 2, 5, and 7; 124.912, subdivisions 1, 3, 6, and 7; 124.914, subdivisions 1, 2, 3, and 4; 124.916, subdivisions 1, 2, 3, and 4; 124.918, subdivision 8; 124A.22, subdivision 1; 124A.23, subdivision 1; 124A.292, subdivision 2; 273.13, subdivisions 24, 25, and by adding a subdivision; 273.1398, subdivisions 1, 2, 3, and 8; 275.065, subdivisions 3, 5a, 6, and by adding a subdivision; 275.08, subdivision 1b; 276.04, subdivision 2; 276A.04; 276A.05, subdivisions 1 and 5; 276A.06,

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Referred to the Committee on Local and Metropolitan Government.

MEMBERS EXCUSED

Mr. Janezich was excused from the Session of today from 8:00 to 9:00 a.m. Mr. Novak was excused from the Session of today at 9:15 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 7:45 a.m., Friday, April 4, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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