

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

ONE HUNDRED SEVENTH DAY

St. Paul, Minnesota, Thursday, April 13, 2000

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Berg 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. Susanne Alberti.

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

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

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Senator Ring was excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2972.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 2000

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2845: A bill for an act relating to crimes; increasing criminal penalties and driver license sanctions for underage persons who use any type of false identification to purchase or attempt to purchase alcoholic beverages or tobacco; authorizing peace officers to transport alleged truants from the child's home to school or to a truancy service center; authorizing retailers to seize false identification; amending Minnesota Statutes 1998, sections 171.171; 340A.702; and 609.685, subdivisions 1a, 2, and 3; Minnesota Statutes 1999 Supplement, sections 260B.235, subdivision 4; 260C.143, subdivision 4; and 340A.503, subdivision 6.

There has been appointed as such committee on the part of the House:

Leppik, Rest and Dorman.

Senate File No. 2845 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 2000

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 3016: A bill for an act relating to family law; changing certain child support enforcement provisions; providing for notices; clarifying certain delegation of powers provisions; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 518.255; 518.64, subdivision 5; 518.68, subdivision 2; 524.5-505; 552.01, subdivision 3, and by adding a subdivision; 552.03; and 552.04, subdivisions 4, 6, 11, and 16; Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 518 and 552; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821.

There has been appointed as such committee on the part of the House:

Entenza, Seifert, J. and Broecker.

Senate File No. 3016 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 2000

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on Senate File No. 2500:

Delete the name of Wenzel and add the name of Stang.

Edward A. Burdick, Chief Clerk, House of Representatives

April 12, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2615, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2615: A bill for an act relating to public health; providing that a person who leaves an unharmed newborn child at a hospital may not be prosecuted; providing for duties to be undertaken by a hospital when accepting an unharmed newborn child; providing immunity from liability for hospitals and their personnel when carrying out those duties; limiting duty to implement certain relative preference placement requirements; proposing coding for new law in Minnesota Statutes, chapters 145; and 609.

Senate File No. 2615 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1202, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1202: A bill for an act relating to health; establishing protocol for occupational exposure to bloodborne pathogens in certain settings; providing criminal penalties; amending Minnesota Statutes 1998, sections 13.99, subdivision 38, and by adding a subdivision; 72A.20, subdivision 29; 144.4804, by adding a subdivision; 214.18, subdivision 5, and by adding a subdivision; 214.19; 214.20; 214.22; 214.23, subdivisions 1 and 2; 214.25, subdivision 2; and 611A.19, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 241; repealing Minnesota Statutes 1998, sections 144.761; 144.762; 144.763; 144.764; 144.765; 144.766; 144.767; 144.768; 144.769; and 144.7691.

Senate File No. 1202 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1733, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1733: A bill for an act relating to alcoholic beverages; imposing civil third-party liability for damages caused by intoxication of persons under age 21; prohibiting certain subrogation claims; proposing coding for new law in Minnesota Statutes, chapter 340A.

Senate File No. 1733 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 2000

MOTIONS AND RESOLUTIONS

Senator Kelley, S.P. moved that the names of Senators Novak, Sams, Terwilliger and Hottinger be added as co-authors to S.F. No. 3776. The motion prevailed.

Senator Ourada introduced--

Senate Resolution No. 158: A Senate resolution congratulating Jordan Bilyeu of Elk River, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Higgins moved that her name be stricken as chief author, shown as a co-author and the name of Senator Betzold be added as chief author to S.F. No. 2811. The motion prevailed.

S.F. No. 2946 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2946

A bill for an act relating to motor fuels; limiting the use of certain oxygenates in gasoline sold in Minnesota; amending Minnesota Statutes 1998, section 239.761, subdivision 6; Minnesota Statutes 1999 Supplement, section 239.791, subdivision 1.

April 6, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2946, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2946 be further amended as follows:

Page 1, line 14, delete "one-half" and insert "one-third"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Jim Vickerman, Kenric J. Scheevel, Bob Lessard

House Conferees: (Signed) Dan Dorman, Mark William Holsten, Margaret Anderson Kelliher

Senator Vickerman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2946 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2946 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2456 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2456

A bill for an act relating to local government; authorizing Wright county to convey certain county ditches to the cities of St. Michael and Albertville.

April 11, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2456, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Mark Ourada, Bob Lessard, Dallas C. Sams

House Conferees: (Signed) Bruce Anderson, Tom Hackbarth, Steve Smith

Senator Ourada moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2456 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2456 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2785 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2785

A bill for an act relating to motor vehicles; exempting utility-owned vehicles from certain weight restrictions; amending Minnesota Statutes 1998, sections 169.825, by adding a subdivision; and 169.87, by adding a subdivision.

April 12, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2785, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2785 be further amended as follows:

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1998, section 169.87, is amended by adding a subdivision to read:

Subd. 6. [RECYCLING VEHICLES.] Weight restrictions imposed under subdivisions 1 and 2 do not apply to a two-axle vehicle that does not exceed 20,000 pounds per single axle and is used exclusively for recycling, while engaged in recycling in a political subdivision that mandates curbside recycling pickup.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment and are repealed June 1, 2003."

Delete the title and insert:

"A bill for an act relating to motor vehicles; exempting certain utility-owned vehicles and recycling vehicles from certain weight restrictions; amending Minnesota Statutes 1998, sections 169.825, by adding a subdivision; and 169.87, by adding subdivisions."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Steve L. Murphy, Dave Johnson, Dennis R. Frederickson

House Conferees: (Signed) Tom Workman, Mark Buesgens, Al Juhnke

Senator Murphy moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2785 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2785 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Day	Higgins	Johnson, D.J.	Kinkel
Belanger	Dille	Hottinger	Junge	Kiscaden
Berglin	Fischbach	Janezich	Kelley, S.P.	Kleis
Betzold	Frederickson	Johnson, D.E.	Kelly, R.C.	Knutson
Cohen	Hanson	Johnson, D.H.	Kierlin	Krentz

Langseth	Moe, R.D.	Pariseau	Sams	Stumpf
Larson	Murphy	Piper	Samuelson	Terwilliger
Lesewski	Neuville	Price	Scheevel	Vickerman
Lessard	Novak	Ranum	Scheid	Wiger
Lourey	Oliver	Robertson	Solon	Ziegler
Marty	Olson	Robling	Spear	
Metzen	Pappas	Runbeck	Stevens	

Those who voted in the negative were:

Foley	Limmer	Ourada
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that his name be stricken as chief author and the name of Senator Pogemiller be added as chief author to S.F. No. 3426. The motion prevailed.

Senator Junge moved that her name be stricken as chief author and the name of Senator Pogemiller be added as chief author to S.F. No. 2286. The motion prevailed.

Senator Hottinger moved that the name of Senator Ring be added as a co-author to S.F. No. 2381. The motion prevailed.

Senator Moe, R.D. moved that H.F. No. 3501 be withdrawn from the Committee on Judiciary, given a second reading and placed on General Orders. The motion prevailed.

H.F. No. 3501 was read the second time.

Remaining on the Order of Business of Motions and Resolutions, Senator Moe, R.D. moved that the Senate revert to the Orders of Business of Messages From the House and First Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2591 and 2830.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 12, 2000

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2591: A bill for an act relating to local government; changing economic development authority of certain nonmetro counties; creating the Koochiching county economic development commission; authorizing Yellow Medicine county to establish an economic development commission; amending Minnesota Statutes 1998, section 298.17; proposing coding for new law in Minnesota Statutes, chapter 469.

Senator Moe, R.D. moved that H.F. No. 2591 be laid on the table. The motion prevailed.

H.F. No. 2830: A bill for an act relating to crime prevention; enhancing the penalties for pimps of juvenile prostitutes; requiring a study by the commissioner of public safety and the executive director of the POST board on training peace officers to combat juvenile prostitution; amending Minnesota Statutes 1998, section 609.322, subdivision 1.

Senator Moe, R.D. moved that H.F. No. 2830 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2870, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2870: A bill for an act relating to financial institutions; regulating certain loan charges and payments; making various technical changes; amending Minnesota Statutes 1998, sections 47.59, subdivisions 7, 10, and by adding a subdivision; 47.60, subdivision 2; 48.56; 52.04, subdivision 1; 56.131, subdivision 4; 58.02, subdivision 10; 58.04, subdivisions 2 and 3; 58.05, by adding a subdivision; 58.08, as amended; 58.10, subdivision 1; and 168.72, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 47.52; and 58.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 1998, sections 58.02, subdivision 15; and 58.05, subdivision 2; Minnesota Rules, part 2675.4180.

Senate File No. 2870 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2484, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2484: A bill for an act relating to traffic regulations; requiring vehicles to be driven in the right-hand lane unless overtaking slower vehicles; modifying school zone speed limit provisions; amending Minnesota Statutes 1998, sections 169.14, subdivisions 4 and 5a; and 169.18, subdivision 7.

Senate File No. 2484 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 3023, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 3023: A bill for an act relating to motor vehicles; modifying vehicle registration and titling provisions; modifying interstate commercial vehicle registration provisions to conform to interstate registration plan; conforming state open bottle law to federal law; allowing exception to requirement of school bus drivers to activate school bus stop signals; adopting federal odometer regulations; modifying provisions to conform to federal standards for emergency vehicle siren; extending allowable length of recreational vehicle combinations; modifying fee provisions; making technical and clarifying changes; amending Minnesota Statutes 1998, sections 168.012, subdivision 7; 168.017, subdivision 3; 168.09, subdivision 6; 168.1235, subdivisions 1 and 4;

168.1291; 168.13; 168.187, subdivision 8; 168.31, subdivision 4; 168.33, subdivision 7; 168.54, subdivisions 5 and 6; 168A.03; 168A.06; 168A.13; 168A.14; 168A.31, subdivision 1; 169.122, subdivisions 1, 2, and 3; 169.443, subdivision 3; 169.68; 169.781, subdivision 3; 169.81, subdivision 3c; 171.20, subdivision 4; and 325E.15; Minnesota Statutes 1999 Supplement, sections 168.15, subdivision 1; 168.16; and 171.29, subdivision 2; Laws 1995, chapter 264, article 2, section 44, as amended; repealing Minnesota Statutes 1998, section 168.1292.

Senate File No. 3023 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2683, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2683: A bill for an act relating to game and fish; exempting archery bows used for bow fishing from casing requirement; authorizing disability permits for taking rough fish and hunting small game with a crossbow; amending Minnesota Statutes 1998, sections 97B.051; 97B.055, subdivision 2; and 97B.106.

Senate File No. 2683 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 2000

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. 2677: A bill for an act relating to crime prevention; recodifying the driving while impaired crimes and related provisions; making numerous clarifying, technical, and substantive changes in the pursuit of simplification; amending Minnesota Statutes 1998, section 629.471; Minnesota Statutes 1999 Supplement, sections 260B.171, subdivision 7; 260B.225, subdivision 4; and 609.035, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 169A; repealing Minnesota Statutes 1998, sections 168.042; 169.01, subdivisions 61, 68, 82, 83, 86, 87, 88, and 89; 169.121, subdivisions 1, 1a, 1b, 1d, 2, 3b, 3c, 5, 5a, 5b, 6, 7, 8, 9, 10, 10a, 11, and 12; 169.1211; 169.1215; 169.1216; 169.1217, subdivisions 2, 3, 4, 5, 6, and 8; 169.1218; 169.1219; 169.122, subdivisions 1, 2, 3, and 4; 169.123, subdivisions 2, 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 6, 7, 8, and 10; 169.124; 169.125; 169.126; 169.1261; 169.1265; 169.128; and 169.129, subdivision 3; Minnesota Statutes 1999 Supplement, sections 169.121, subdivisions 1c, 3, 3d, 3f, and 4; 169.1217, subdivisions 1, 7, 7a, and 9; 169.122, subdivision 5; 169.123, subdivisions 1 and 5c; and 169.129, subdivision 1.

Senate File No. 2677 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 2000

Senator Johnson, D.H. moved that the Senate do not concur in the amendments by the House to S.F. No. 2677, 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 to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the

Conference Committee on House File No. 2671, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2671 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 2000

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2671

A bill for an act relating to human services; mental retardation protection; requiring legislative recommendations.

April 11, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 2671, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2671 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [INCOME EXCLUSION OR DISREGARD.]

(a) The earned income that a temporary census employee for the 2000 census receives from the United States Census Bureau is excluded from income under Minnesota Statutes, sections 256B.056, subdivision 4; 256D.03, subdivision 3; 256J.21, subdivision 2; and 256L.01, subdivision 5, and disregarded as income under Minnesota Statutes, sections 256D.06, subdivision 1; and 256D.435, subdivision 5.

(b) An income exclusion or disregard under paragraph (a) applies to a person receiving benefits on or before March 1, 2000, under Minnesota Statutes, chapter 256B, 256J, or 256L, or sections 256D.03, subdivision 3, 256D.06, or 256D.33 to 256D.54.

Sec. 2. [RECOMMENDATIONS ON TRANSFERRING PUBLIC GUARDIANSHIP RESPONSIBILITIES.]

The commissioner of human services, in consultation with representatives of interested groups, including family members, advocacy organizations, counties, service providers, the office of the ombudsman for mental health and mental retardation, and others, must develop specific legislative recommendations on transferring public guardianship responsibilities and related duties and authority under Minnesota Statutes, chapter 252A, from the commissioner of human services and counties to another entity that can independently and responsibly fulfill the guardianship and related obligations. To be eligible to perform these transferred duties, an entity must either be a multi-purpose agency that provides a broad range of social services or a new or existing office within state government that does not currently have operational or financial duties under Minnesota Statutes, chapter 252A, and it must provide assurances that it will act in the best interests of each ward or conservatee, per Minnesota Statutes, section 525.539, subdivision 7. The legislative recommendations, including cost estimates, shall be provided to the chairs of the house of representatives health and human services policy committee and the senate health and family security policy committee by December 15, 2000.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; excluding certain earned income from income for the purposes of assistance; mental retardation protection; requiring legislative recommendations."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Fran Bradley, Tim Wilkin, Darlene Luther

Senate Conferees: (Signed) John C. Hottinger, Linda Berglin, Martha R. Robertson

Senator Hottinger moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2671 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2671 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

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

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2563, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2563 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 2000

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2563

A bill for an act relating to liens; modifying mechanics' lien penalties; creating a civil cause of action; authorizing attorney fees; providing that proceeds are exempt from execution; imposing criminal penalties; amending Minnesota Statutes 1998, sections 514.02, subdivision 1, and by adding a subdivision; and 550.37, by adding a subdivision.

April 10, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 2563, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and H.F. No. 2563 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 514.02, subdivision 1, is amended to read:

Subdivision 1. [PROCEEDS OF PAYMENTS; ACTS CONSTITUTING THEFT.] (a) Proceeds of payments received by a person contributing to an improvement to real estate within the meaning of section 514.01 shall be held in trust by that person for the benefit of those persons who furnished the labor, skill, material, or machinery contributing to the improvement. Proceeds of the payment are not subject to garnishment, execution, levy, or attachment. Nothing contained in this subdivision shall require money to be placed in a separate account and not commingled with other money of the person receiving payment or create a fiduciary liability or tort liability on the part of any person receiving payment or entitle any person to an award of punitive damages among persons contributing to an improvement to real estate under section 514.01 for a violation of this subdivision.

(b) If a person, on any improvement to real estate within the meaning of section 514.01, fails to use the proceeds of any a payment made to that person on account of such for the improvement by the owner of such real estate or person having any improvement made, for the payment for labor, skill, material, and machinery contributed to such the improvement, knowing that the cost of any such the labor performed, or skill, material, or machinery furnished for such improvement remains unpaid, and who has not furnished to the person making such payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for such improvement under section 514.07, or a payment bond in the basic amount of the contract price for such the improvement, conditioned for the prompt payment to any person or persons entitled thereto for the performance of labor or the furnishing of skill, material, or machinery for the improvement, shall be guilty of theft of the proceeds of such the payment and upon conviction shall be fined not more than \$3,000 or imprisoned not more than one year, or both. is punishable under section 609.52. For an improvement to residential real estate made by a person licensed, or who should be licensed, under section 326.84, a shareholder, officer, director, or agent of a corporation who is responsible for the theft shall be guilty of theft of the proceeds.

(c) The penalties and remedies provided in this section do not apply to a third party who receives a payment in the ordinary course of business.

(d) For purposes of this section, "residential real estate" has the meaning given in section 326.83.

Sec. 2. Minnesota Statutes 1998, section 514.02, is amended by adding a subdivision to read:

Subd. 1a. [CIVIL ACTION.] A person injured by a violation of subdivision 1 may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other relief as determined by the court, including, without limitation, equitable tracing. A civil action under this subdivision may be brought:

(1) against the person who committed the theft under subdivision 1; and

(2) for an improvement to residential real estate made by a person licensed, or who should be licensed, under section 326.84, against a shareholder, officer, director, or agent of a corporation

who is not responsible for the theft but who knowingly receives proceeds of the payment as salary, dividend, loan repayment, capital distribution, or otherwise.

Sec. 3. Minnesota Statutes 1998, section 550.37, is amended by adding a subdivision to read:

Subd. 25. [PROCEEDS FOR IMPROVEMENTS TO PROPERTY.] Proceeds of payments received by a person for labor, skill, material, or machinery contributing to an improvement to real estate within the meaning of section 514.01.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2000, and apply to crimes committed on or after that date and civil claims for causes of action arising on or after that date."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Julie Storm, Elaine Harder, Tim Mahoney

Senate Conferees: (Signed) John C. Hottinger, Dennis R. Frederickson, Twyla Ring

Senator Hottinger moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2563 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2563 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

CALL OF THE SENATE

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

RECESS

Senator Junge 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

Senator 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. 3020: Senators Fischbach, Berglin and Kiscaden.

S.F. No. 2677: Senators Johnson, D.H.; Knutson; Kelly, R.C.; Neuville and Murphy.

Senator Junge moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Junge moved that H.F. No. 2591 be taken from the table. The motion prevailed.

H.F. No. 2591: A bill for an act relating to local government; changing economic development authority of certain nonmetro counties; creating the Koochiching county economic development commission; authorizing Yellow Medicine county to establish an economic development commission; amending Minnesota Statutes 1998, section 298.17; proposing coding for new law in Minnesota Statutes, chapter 469.

SUSPENSION OF RULES

Senator Junge moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2591 and that the rules of the Senate be so far suspended as to give H.F. No. 2591 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2591 was read the second time.

Senator Vickerman moved to amend H.F. No. 2591 as follows:

Delete everything after the enacting clause and insert:

"Section. 1. [469.1082] [COUNTY ECONOMIC DEVELOPMENT SERVICE PROVIDER; NONMETRO ALTERNATIVE CREATION.]

Subdivision 1. [AUTHORITY TO CREATE.] A county located outside the metropolitan area may form a county economic development authority or grant a housing and redevelopment authority the powers specified in subdivision 4, clause (2), if it receives a recommendation to do so from a committee formed under subdivision 2. An economic development authority established under this section has all the powers and rights of an authority under sections 469.090 to 469.1081, except the authority granted under section 469.094 if so limited under subdivision 4. This section is in addition to any other authority to create a county economic development authority or service provider.

Subd. 2. [LOCAL COMMITTEES.] Upon notice to all local government units and development agencies within the county, a county may adopt a resolution to create a committee to recommend options for a county economic development service provider.

The committee shall consist of no fewer than 11 and no more than 15 members appointed by the county board. At least one city official, at least one housing and redevelopment official, and at least one township official from the county to be served by the county economic service provider shall be included on the committee. Members may also represent school districts, political subdivisions that currently provide services under sections 469.001 to 469.047 and 469.090 to 469.1081, nonprofit or for-profit housing and economic development organizations, business, and labor organizations located within the county. Political subdivision representatives must be selected by their local governments and must constitute no more than 50 percent of the total

committee membership. The county may appoint no more than two county commissioners. The committee shall select a chair at its initial meeting.

Subd. 3. [COMMITTEE REPORT.] The committee shall issue its report within 90 days of its initial meeting. The committee may request one 60-day extension from the county board. The report must contain the committee's recommendation for the preferred organizational option for a county economic development service provider. The report must contain written findings on issues considered by the committee including, but not limited to, the following:

(1) identification of the current level of economic development, housing, and community development programs and services provided by existing agencies, any existing gaps in programs and services, and the capacity and ability of those agencies to expand their activities; and

(2) the recommended organizational option for providing needed economic development, housing, and community development services in the most efficient, effective manner.

Subd. 4. [ORGANIZATIONAL OPTIONS.] The committee may only recommend:

(1) establishment of a county economic development authority to operate under sections 469.090 to 469.1081, except that the county shall not have the powers of section 469.094 without the consent of an existing county housing and redevelopment authority operating within that county. For the purposes of a county economic development authority's operation, the county is considered to be the city and the county board is considered to be the city council;

(2) requiring an existing county housing and redevelopment authority or multicounty housing and redevelopment authority to operate under sections 469.090 to 469.1081;

(3) that the county pursue special legislation; or

(4) no change in the existing structure.

Subd. 5. [AREA OF OPERATION.] The area of operation of a county economic development service provider created under this section shall include all cities within a county that have adopted resolutions electing to participate. A city may adopt a resolution electing to withdraw participation. The withdrawal election may be made every fifth year following adoption of the resolution electing participation. The withdrawal election is effective on the anniversary date of the original resolution provided notice is given to the county economic development authority not less than 90 nor more than 180 days prior to that anniversary date. The city electing to withdraw retains any rights, obligations, and liabilities it obtained or incurred during its participation. Any city within the county shall have the option to adopt a resolution to prohibit the county economic development service provider created under this section from operating within its boundaries and (1) within an agreed upon urban service area, (2) within a two-mile radius of its boundaries if no agreed upon urban service area exists, or (3) within a two-mile radius of the boundaries of an area to be annexed under an orderly annexation agreement. The two-mile radius shall extend in any direction from the boundary into the unincorporated territories and does not apply to areas that are incorporated as cities. If a city prohibits a county economic development service provider created under this section from operating within its boundaries, the city's property taxpayers shall not be subject to the property tax levied for the county economic development service provider.

Subd. 6. [CITY ECONOMIC DEVELOPMENT AUTHORITIES.] If a county economic development service provider has been established under this section, existing city economic development authorities shall continue to function and operate under sections 469.090 to 469.1081. Additional city economic development authorities may be created within the area of operation of the county economic development service provider created under this section without the explicit concurrence of the county economic development service provider.

Subd. 7. [CONTINUATION OF EXISTING COUNTY AND MULTICOUNTY HOUSING AND REDEVELOPMENT AUTHORITIES.] Existing county and multicounty housing and redevelopment authorities shall continue to function and operate under the provisions of sections 469.001 to 469.047."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2591 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Senator Junge, designee of the Chair of the Committee on Rules and Administration, designated H.F. No. 3497 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 3497: A bill for an act relating to state government; regulating the recovery of costs and attorney fees from the state of Minnesota; conforming certain provisions of state law to analogous federal law; clarifying existing law; establishing specific procedures for application of fees; correcting miscellaneous noncontroversial oversights, inconsistencies, ambiguities, and technical errors; amending Minnesota Statutes 1998, sections 15.471, subdivisions 4, 5, and 6; and 15.472.

Senator Junge moved to amend H.F. No. 3497, as amended pursuant to Rule 49, adopted by the Senate April 6, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3539.)

Pages 1 and 2, delete sections 2 and 3

Page 3, lines 4 to 7, delete the new language

Page 3, line 10, reinstate the stricken language

Page 3, line 11, delete the new language and reinstate the stricken language

Page 3, line 14, delete the semicolon

Page 3, lines 15 to 26, delete the new language

Page 3, line 29, delete the new language and reinstate the stricken language

Pages 3 and 4, delete sections 6 and 7

Page 4, delete line 29 and insert "other expenses which shows that the party unless special circumstances make an award unjust. is a prevailing"

Page 4, delete line 36

Page 5, delete lines 1 to 12

Page 5, line 13, delete "(d)" and insert "(c)"

Page 5, delete lines 21 to 25

Page 5, line 26, delete "(f)" and insert "(d)"

Page 5, delete section 9

Page 5, line 34, delete "pending on,"

Page 5, line 35, delete the first "or" and delete the comma

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3497 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Langseth	Olson	Scheevel
Belanger	Johnson, D.E.	Larson	Pappas	Scheid
Berg	Johnson, D.H.	Lesewski	Pariseau	Solon
Berglin	Johnson, D.J.	Lessard	Piper	Spear
Betzold	Junge	Limmer	Pogemiller	Stevens
Day	Kelly, R.C.	Lourey	Price	Stumpf
Fischbach	Kierlin	Marty	Ranum	Vickerman
Flynn	Kinkel	Metzen	Robertson	Wiener
Foley	Kiscaden	Murphy	Robling	Wiger
Frederickson	Kleis	Neuville	Runbeck	Ziegler
Hanson	Knutson	Novak	Sams	
Higgins	Krentz	Oliver	Samuelson	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Junge moved that H.F. No. 2830 be taken from the table. The motion prevailed.

H.F. No. 2830: A bill for an act relating to crime prevention; enhancing the penalties for pimps of juvenile prostitutes; requiring a study by the commissioner of public safety and the executive director of the POST board on training peace officers to combat juvenile prostitution; amending Minnesota Statutes 1998, section 609.322, subdivision 1.

SUSPENSION OF RULES

Senator Junge moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2830 and that the rules of the Senate be so far suspended as to give H.F. No. 2830 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2830 was read the second time.

H.F. No. 2830 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1415, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1415 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 2000

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1415

A bill for an act relating to natural resources; providing for gray wolf management; providing criminal penalties; amending Minnesota Statutes 1998, sections 97A.331, by adding a subdivision; and 97B.645; proposing coding for new law in Minnesota Statutes, chapter 97B.

April 5, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1415, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 1415 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 3.737, subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION REQUIRED.] (a) Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a livestock owner shall be compensated by the commissioner of agriculture for livestock that is destroyed by a ~~timber gray~~ wolf or is so crippled by a ~~timber gray~~ wolf that it must be destroyed. The owner is entitled to the fair market value of the destroyed livestock, ~~not to exceed \$750 per animal destroyed,~~ as determined by the commissioner, upon recommendation of a university extension agent ~~and~~ or a conservation officer.

(b) Either the agent or the conservation officer must make a personal inspection of the site. The agent or the conservation officer must take into account factors in addition to a visual identification of a carcass when making a recommendation to the commissioner. The commissioner, upon recommendation of the agent ~~and~~ or conservation officer, shall determine whether the livestock was destroyed by a ~~timber gray~~ wolf and any deficiencies in the owner's adoption of the best management practices developed in subdivision 5. The commissioner may authorize payment of claims only if the agent ~~and~~ or the conservation officer have has recommended payment. The owner shall file a claim on forms provided by the commissioner ~~and~~ available at the university extension agent's office.

Sec. 2. Minnesota Statutes 1998, section 97A.331, is amended by adding a subdivision to read:

Subd. 7. [GRAY WOLF.] A person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a gray wolf in violation of the game and fish laws is guilty of a gross misdemeanor.

Sec. 3. Minnesota Statutes 1998, section 97B.645, is amended to read:

97B.645 [GRAY WOLVES.]

Subdivision 1. [USE OF DOGS AND HORSES PROHIBITED; USE OF GUARD ANIMALS.] Except as provided in this subdivision, a person may not use a dog or horse to take a ~~timber gray~~ wolf. A person may use a guard animal to harass, repel, or destroy wolves to protect a person's livestock, domestic animals, or pets. A person whose guard animal destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf is destroyed.

Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use a snare to take a wolf except under a permit from the commissioner.

Subd. 3. [DESTROYING GRAY WOLVES IN DEFENSE OF HUMAN LIFE.] A person may, at any time and without a permit, take a gray wolf in defense of the person's own life or the life of another. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf is destroyed.

Subd. 4. [HARASSMENT OF GRAY WOLVES.] To discourage gray wolves from contact or association with people and domestic animals, a person may, at any time and without a permit, harass a gray wolf that is within 500 yards of people, buildings, dogs, livestock, or other domestic pets and animals. A gray wolf may not be purposely attracted, tracked, or searched out for the purpose of harassment. Harassment that results in physical injury to a gray wolf is prohibited.

Subd. 5. [DESTROYING GRAY WOLVES THREATENING LIVESTOCK, GUARD ANIMALS, OR DOMESTIC ANIMALS.] An owner of livestock, guard animals, or domestic animals, and the owner's agents may, at any time and without a permit, shoot or destroy a gray wolf when the gray wolf is posing an immediate threat to livestock, a guard animal, or a domestic

animal located on property owned, leased, or occupied by the owner of the livestock, guard animal, or domestic animal. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf is destroyed.

Subd. 6. [DESTROYING GRAY WOLVES THREATENING DOMESTIC PETS.] An owner of a domestic pet may, at any time and without a permit, shoot or destroy a gray wolf when the gray wolf is posing an immediate threat to a domestic pet under the supervision of the owner. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf is destroyed.

Subd. 7. [INVESTIGATION OF REPORTED GRAY WOLF TAKINGS.] (a) In response to a reported gray wolf taking under subdivision 3, 5, or 6, the commissioner shall:

- (1) investigate the reported taking;
- (2) collect appropriate written and photographic documentation of the circumstances and site of the taking, including, but not limited to, documentation of animal husbandry practices;
- (3) confiscate salvageable remains of the gray wolf killed; and
- (4) dispose of any salvageable gray wolf remains confiscated under this subdivision by sale or donation for educational purposes.

(b) The commissioner shall produce monthly reports of activities under this subdivision.

(c) In response to a reported gray wolf taking under subdivision 5, the commissioner must notify the county extension agent. The county extension agent must recommend what, if any, cost-conscious livestock best management practices and nonlethal wolf depredation controls are needed to prevent future wolf depredation. Any best management practices recommended by the county extension agent must be consistent with the best management practices developed by the commissioner of agriculture under section 3.737, subdivision 5.

Subd. 8. [SHOOTING OR TRAPPING GRAY WOLVES TO PROTECT LIVESTOCK, DOMESTIC ANIMALS, OR PETS IN ZONE B.] Notwithstanding the provisions of subdivisions 1 and 4 to 7, in zone B, a person may shoot a gray wolf at any time to protect the person's livestock, domestic animals, or pets or may employ a predator controller certified under section 97B.671 to trap a gray wolf for the same purpose. The person must report the gray wolf shot or trapped pursuant to this subdivision to a conservation officer as soon as practicable but no later than 48 hours after the gray wolf was shot or trapped. The gray wolf must be disposed of as prescribed by the commissioner.

Subd. 9. [OPEN SEASON.] There shall be no open season for gray wolves for five years after the gray wolf is delisted under the federal Endangered Species Act of 1973. After that time, the commissioner may prescribe open seasons and restrictions for taking gray wolves, but must provide opportunity for public comment.

Subd. 10. [RELEASE OF WOLF-DOG HYBRIDS AND CAPTIVE GRAY WOLVES.] A person may not release a wolf-dog hybrid. A person may not release a captive gray wolf without a permit from the commissioner.

Subd. 11. [FEDERAL LAW.] Notwithstanding the provisions of this section, a person may not take, harass, buy, sell, possess, transport, or ship gray wolves in violation of federal law.

Subd. 12. [DEFINITIONS.] (a) For purposes of this section, the terms used have the meanings given.

(b) "Guard animal" means a donkey, llama, dog, or other domestic animal specifically bred, trained, and used to protect livestock, domestic animals, or pets from gray wolf depredation.

(c) "Immediate threat" means the observed behavior of a gray wolf in the act of stalking, attacking, or killing livestock, a guard animal, or a domestic pet under the supervision of the owner. If a gray wolf is not observed stalking or attacking, the presence of a gray wolf feeding on an already dead animal whose death was not caused by gray wolves is not an immediate threat.

(d) "Zone B" means all that part of Minnesota south and west of a line beginning on state trunk highway No. 48 at the eastern boundary of the state; thence westerly along state trunk highway No. 48 to interstate highway No. 35; thence northerly on interstate highway No. 35 to state highway No. 23; thence west one-half mile on state highway No. 23 to state trunk highway No. 18; thence westerly along state trunk highway No. 18 to state trunk highway No. 65; thence northerly on state trunk highway No. 65 to state trunk highway No. 210; thence westerly along state trunk highway No. 210 to state trunk highway No. 6; thence northerly on state trunk highway No. 6 to Emily; thence westerly along county state-aid highway No. 1, Crow Wing county, to county state-aid highway No. 2, Cass county; thence westerly along county state-aid highway No. 2 to Pine River; thence northwesterly along state trunk highway No. 371 to Backus; thence westerly along state trunk highway No. 87 to U.S. highway No. 71; thence northerly along U.S. highway No. 71 to state trunk highway No. 200; thence northwesterly along state trunk highway No. 200 to county state-aid highway No. 2, Clearwater county; thence northerly along county state-aid highway No. 2 to Shevlin; thence along U.S. highway No. 2 to Bagley; thence northerly along state trunk highway No. 92 to Gully; thence northerly along county state-aid highway No. 2, Polk county, to county state-aid highway No. 27, Pennington county; thence along county state-aid highway No. 27 to state trunk highway No. 1; thence easterly along state trunk highway No. 1 to county state-aid highway No. 28, Pennington county; thence northerly along county state-aid highway No. 28 to county state-aid highway No. 54, Marshall county; thence northerly along county state-aid highway No. 54 to Grygla; thence west and northerly along state highway No. 89 to Roseau; thence northerly along state trunk highway No. 310 to the Canadian border.

Sec. 4. [97B.646] [GRAY WOLF MANAGEMENT PLAN.]

The commissioner, in consultation with the commissioner of agriculture, shall adopt a gray wolf management plan that includes goals to ensure the long-term survival of the gray wolf in Minnesota, to reduce conflicts between gray wolves and humans, to minimize depredation of livestock and domestic pets, and to manage the ecological impact of wolves on prey species and other predators.

Sec. 5. Minnesota Statutes 1998, section 97B.671, subdivision 3, is amended to read:

Subd. 3. [PREDATOR CONTROL PAYMENTS.] The commissioner shall pay a predator controller the amount the commissioner prescribes for each predator taken. The commissioner shall pay at least \$25 but not more than \$60 for each wolf or coyote taken. The commissioner may require the predator controller to submit proof of the taking and a signed statement concerning the predators taken.

Sec. 6. Minnesota Statutes 1998, section 97B.671, is amended by adding a subdivision to read:

Subd. 4. [GRAY WOLF CONTROL.] (a) The commissioner shall provide a gray wolf control training program for certified predator controllers participating in gray wolf control.

(b) After the gray wolf is delisted under the Federal Endangered Species Act of 1973, in zone B, as defined under section 97B.645, subdivision 12, if the commissioner, after considering recommendations from an extension agent or conservation officer, has verified that livestock, domestic animals, or pets were destroyed by a gray wolf within the previous five years, and if the livestock or pet owner requests gray wolf control, the commissioner shall open a predator control area for gray wolves.

(c) After the gray wolf is delisted under the Federal Endangered Species Act of 1973, in zone A, as defined under paragraph (g), if the commissioner, after considering recommendations from an extension agent or conservation officer, verifies that livestock, domestic animals, or pets were destroyed by a gray wolf, and if the livestock or pet owner requests gray wolf control, the commissioner shall open a predator control area for gray wolves for up to 60 days.

(d) A predator control area opened for gray wolves may not exceed a one-mile radius surrounding the damage site.

(e) The commissioner shall pay a certified gray wolf predator controller \$150 for each wolf taken. The certified gray wolf predator controller must dispose of unsalvageable remains as directed by the commissioner. All salvageable gray wolf remains must be surrendered to the commissioner.

(f) The commissioner may, in consultation with the commissioner of agriculture, develop a cooperative agreement for gray wolf control activities with the United States Department of Agriculture. The cooperative agreement activities may include, but not be limited to, gray wolf control, training for state predator controllers, and control monitoring and recordkeeping.

(g) For the purposes of this subdivision, "zone A" means that portion of the state lying outside of zone B, as defined under section 97B.645, subdivision 12.

Sec. 7. [REPORT TO THE LEGISLATURE.]

The commissioner of natural resources must submit a report to the chairs of the senate and house environment and natural resources policy and funding committees by October 1, 2000. The report must provide recommendations on appropriations needed to accomplish the gray wolf management plan.

Sec. 8. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall change the phrase "timber wolf" wherever it appears in Minnesota Statutes and Minnesota Rules to "gray wolf."

Sec. 9. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2001."

Delete the title and insert:

"A bill for an act relating to natural resources; removing the per animal limit on wolf depredation payments; providing for gray wolf management; providing criminal penalties; amending Minnesota Statutes 1998, sections 3.737, subdivision 1; 97A.331, by adding a subdivision; 97B.645; and 97B.671, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97B."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Tim Finseth, Mark William Holsten, Robert L. Westfall, Thomas Bakk

Senate Conferees: (Signed) LeRoy A. Stumpf, Becky Lourey, Dallas C. Sams

Senator Laidig moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1415 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Senator Anderson moved that the recommendations and Conference Committee Report on H.F. No. 1415 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Senator Oliver moved that the following members be excused for a Conference Committee on S.F. No. 2500 at 1:40 p.m.:

Senators Oliver, Spear and Flynn. The motion prevailed.

CALL OF THE SENATE

Senator Anderson imposed a call of the Senate for the balance of the proceedings on H.F. No. 1415. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Anderson motion.

The roll was called, and there were yeas 33 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kiscaden	Novak	Runbeck
Belanger	Higgins	Kleis	Oliver	Scheid
Berglin	Hottinger	Knutson	Pappas	Spear
Betzold	Johnson, D.H.	Krentz	Pogemiller	Wiener
Cohen	Junge	Laidig	Price	Wiger
Flynn	Kelley, S.P.	Marty	Ranum	
Foley	Kelly, R.C.	Metzen	Robertson	

Those who voted in the negative were:

Berg	Johnson, D.J.	Limmer	Pariseau	Stevens
Day	Kierlin	Lourey	Piper	Stumpf
Dille	Kinkel	Moe, R.D.	Robling	Vickerman
Fischbach	Langseth	Murphy	Sams	Ziegler
Hanson	Larson	Neuville	Samuelson	
Janezich	Lesewski	Olson	Scheevel	
Johnson, D.E.	Lessard	Ourada	Solon	

The motion prevailed. So the Conference Committee Report was rejected and the bill was re-referred to the Conference Committee.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3692, and repassed said bill in accordance with the report of the Committee, so adopted.

H.F. No. 3692: A bill for an act relating to agriculture; amending feedlot permit provisions; providing specific requirements for feedlot permit rules; adding requirements for administrative penalty orders; requiring a report; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c; and 116.0713; Minnesota Statutes 1999 Supplement, sections 116.07, subdivision 7; and 116.072, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 18B.

House File No. 3692 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 2000

Senator Sams moved that H.F. No. 3692 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3046.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 2000

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 3046: A bill for an act relating to game and fish; requiring certain reports; modifying duties of citizen oversight committees; modifying certain licensing fees; appropriating money; amending Minnesota Statutes 1998, sections 97A.055, subdivisions 4 and 4a; 97A.475, subdivisions 2, 3, 6, 7, 8, 11, 12, 13, and 20; and 97A.485, subdivision 12.

Senator Moe, R.D. moved that H.F. No. 3046 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hanson moved that her name be stricken as chief author and the name of Senator Pogemiller be added as chief author to S.F. No. 2317. The motion prevailed.

MEMBERS EXCUSED

Senator Johnson, D.H. was excused from the Session of today from 10:00 to 10:30 a.m. Senator Foley was excused from the Session of today from 10:00 to 10:35 a.m. Senators Johnson, D.J. and Kiscaden were excused from the Session of today from 10:00 to 10:40 a.m. Senators Berglin and Knutson were excused from the Session of today from 10:30 to 10:45 a.m. Senator Moe, R.D. was excused from the Session of today from 11:15 a.m. to 12:00 noon. Senator Kelley, S.P. was excused from the Session of today from 11:20 a.m. to 12:20 p.m. Senator Terwilliger was excused from the Session of today at 11:35 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, April 17, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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