

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

ONE HUNDRED THIRTEENTH DAY

St. Paul, Minnesota, Thursday, April 27, 2000

The Senate met at 9:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Senator 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. Rufus Thibodeaux.

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

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

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

Senators Kelley, S.P.; Kierlin and Solon were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 26, 2000

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 3178 and 2951.

Sincerely,  
Jesse Ventura, Governor

April 26, 2000

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2000	Date Filed 2000
3178		445	2:35 p.m. April 26	April 26
2951		446	2:37 p.m. April 26	April 26

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### 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. 3300.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 26, 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. 3386:** A bill for an act relating to higher education; creating a separate subdivision for the salary procedure for the chancellor of the Minnesota state colleges and universities; authorizing chancellors and presidents to receive additional compensation for early contract termination; amending Minnesota Statutes 1998, sections 15A.081, subdivision 7b, and by adding a subdivision; and 136F.40.

Senate File No. 3386 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 2000

### CONCURRENCE AND REPASSAGE

Senator Stumpf moved that the Senate concur in the amendments by the House to S.F. No. 3386 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 3386:** A bill for an act relating to higher education; creating a separate subdivision for the salary procedure for the chancellor of the Minnesota state colleges and universities; authorizing chancellors and presidents to receive additional compensation from certain foundations; amending Minnesota Statutes 1998, sections 15A.081, subdivision 7b, and by adding a subdivision; and 136F.40.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dille	Limmer	Ourada	Robertson
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So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

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. 1048:** A bill for an act relating to utilities; creating advisory selection process for public utility commissioners; regulating ex parte communications with commissioners; amending Minnesota Statutes 1998, sections 216A.03, subdivisions 1 and 1a; and 216A.037; proposing coding for new law in Minnesota Statutes, chapter 216A.

Senate File No. 1048 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 26, 2000

Senator Johnson, D.H. moved that the Senate do not concur in the amendments by the House to S.F. No. 1048, 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 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. 2575:** A bill for an act relating to economic development; regulating eligibility of farmers for the dislocated worker program; amending Minnesota Statutes 1999 Supplement, section 268.975, subdivision 3.

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

Tunheim, McElroy and Gunther.

Senate File No. 2575 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 26, 2000

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3534:

**H.F. No. 3534:** A bill for an act relating to agriculture; changing certain requirements and enforcement procedures for agricultural contracts; amending Minnesota Statutes 1998, sections 17.90, by adding a subdivision; and 17.91; proposing coding for new law in Minnesota Statutes, chapter 17.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Harder, Wenzel and Finseth have been appointed as such committee on the part of the House.

House File No. 3534 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 25, 2000

Senator Frederickson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3534, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3312:

**H.F. No. 3312:** A bill for an act relating to agriculture; changing the scope of the value-added agricultural product processing and marketing grant program; establishing a certification pilot program; changing meeting provisions and duties of the board of grain standards; changing certain fees; making technical changes to pesticide and fertilizer laws; clarifying the scope of certain regulation of wholesale produce dealers; updating certain food standards; simplifying certain language; providing for uniformity in meat and poultry inspection; changing certain reporting requirements; increasing the amount of livestock dealer bonds; clarifying status of certain grain buying transactions; changing certain grain storage provisions; changing the corporate and partnership farming law; amending Minnesota Statutes 1998, sections 17.101, subdivision 5; 17A.05, subdivision 2; 17B.07; 17B.12; 18C.005, subdivision 34, and by adding a subdivision; 18C.215, subdivisions 1, 2, and by adding a subdivision; 18C.411, subdivision 1; 18C.421, subdivision 1; 18D.201, subdivision 3; 27.01, subdivision 8; 27.19, subdivision 1; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 31.632; 31.633, subdivision 1; 31.651; 31A.02, subdivisions 5, 6, 10, 13, and 14; 31A.03; 31A.05; 31A.06; 31A.07, subdivisions 1 and 2; 31A.08; 31A.10; 31A.13; 31A.16; 31A.17; 223.16, subdivision 5; 223.17, subdivision 5; 223.175; 232.21, by adding a subdivision; 232.23, subdivisions 1, 3, and 6; 500.24, subdivisions 3a, 3b, 4, and 5; and 500.245, subdivision 2; Minnesota Statutes 1999 Supplement, sections 17B.15, subdivision 1; 28A.075; 31A.01; 31A.15, subdivision 1; 31B.07, subdivision 3; 500.24, subdivisions 2 and 3; and 500.245, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 17.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Finseth, Ness and Wenzel have been appointed as such committee on the part of the House.

House File No. 3312 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 26, 2000

Senator Sams moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3312, 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 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2854:** A bill for an act relating to civil commitment; requiring the commissioner of corrections before releasing persons convicted of criminal sexual conduct or sentenced as patterned offenders to send his determination whether a petition under the sexual psychopath law is necessary to certain county attorneys; allowing county attorneys or their designee to have access to certain information for purposes of determining whether good cause exists to file a commitment proceeding; amending Minnesota Statutes 1998, sections 244.05, subdivision 7; and 253B.185, by adding a subdivision.

Senate File No. 2854 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 26, 2000

Senator Kelly, R.C. moved that the Senate do not concur in the amendments by the House to S.F. No. 2854, 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 that the House wishes to recall for the purpose of further consideration House File No. 2598.

**H.F. No. 2598:** A bill for an act relating to education; allowing school districts to dispose of surplus school computers; amending Minnesota Statutes 1998, section 123B.52, by adding a subdivision.

Edward A. Burdick, Chief Clerk, House of Representatives

April 26, 2000

Senator Pogemiller moved that the message on H.F. No. 2598 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 Files, herewith transmitted: H.F. Nos. 849 and 3852.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 26, 2000

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 849:** A bill for an act relating to metropolitan government; modifying the authority to expand or upgrade minor use airports; amending Minnesota Statutes 1998, section 473.641, subdivision 4.

Senator Moe, R.D. moved that H.F. No. 849 be laid on the table. The motion prevailed.

**H.F. No. 3852:** A bill for an act relating to state government; authorizing decentralization of state government; proposing coding for new law in Minnesota Statutes, chapter 15.

Senator Moe, R.D. moved that H.F. No. 3852 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2516** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2516	3580				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2516 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2516 and insert the language after the enacting clause of S.F. No. 3580, the second engrossment; further, delete the title of H.F. No. 2516 and insert the title of S.F. No. 3580, the second engrossment.

And when so amended H.F. No. 2516 will be identical to S.F. No. 3580, and further recommends that H.F. No. 2516 be given its second reading and substituted for S.F. No. 3580, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Ranum from the Committee on Judiciary, to which were referred the following appointments as reported in the Journal for February 1, 2000:**

#### BOARD ON JUDICIAL STANDARDS

Roselyn Nordaune  
Suzanne White

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Ranum from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for March 28, 2000:**

## BOARD ON JUDICIAL STANDARDS

Tracey Martin

Reports the same back with the recommendation that the appointment be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Ranum from the Committee on Judiciary**, to which was referred the following appointment as reported in the Journal for January 7, 1999:

## BOARD ON JUDICIAL STANDARDS

Paul J. Gam

Reports the same back with the recommendation that the appointment be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning**, to which were referred the following appointments as reported in the Journal for February 1, 2000:

BOARD OF TRUSTEES OF THE  
MINNESOTA STATE COLLEGES AND UNIVERSITIES

Brent Calhoun

Jim Luoma

Joann Splonskowski

## STATE BOARD OF EDUCATION

Betty Aune

Kay Batchelder

Claudia Fuentes

Harvey Hietala

Report the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning**, to which were referred the following appointments as reported in the Journal for March 23, 2000:

## MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Kathryn Balstad Brewer

Gary Benson

Report the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF HOUSE BILLS**

H.F. No. 2516 was read the second time.

**MOTIONS AND RESOLUTIONS****Senator Knutson introduced--**

**Senate Resolution No. 164:** A Senate resolution congratulating the Apple Valley High School Speech Team for winning the Minnesota State High School League's Class AA 2000 state speech contest.

Referred to the Committee on Rules and Administration.

**Senator Runbeck introduced--**

**Senate Resolution No. 165:** A Senate resolution congratulating Michael Schmidt for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Lesewski introduced--**

**Senate Resolution No. 166:** A Senate resolution congratulating Jay Michael Lindsey of Marshall, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Lesewski introduced--**

**Senate Resolution No. 167:** A Senate resolution congratulating Zachary Alvin Blomme of Marshall, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Lesewski introduced--**

**Senate Resolution No. 168:** A Senate resolution congratulating Arthur Francis Thares of Lynd, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Lesewski introduced--**

**Senate Resolution No. 169:** A Senate resolution congratulating Michael Harlow Jackson of Marshall, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

S.F. No. 1870 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 1870**

A bill for an act relating to motor vehicles; regulating motor vehicle fuel franchises and marketing agreements; amending Minnesota Statutes 1998, section 80C.01, subdivision 4, and by adding subdivisions; proposing coding for new law as Minnesota Statutes, chapter 80F.



April 19, 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. 1870, 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. 1870 be further amended as follows:

Page 4, after line 13, insert:

"Sec. 5. [80C.147] [CHANGE IN OWNERSHIP.]

A motor vehicle fuel franchisor, or an affiliate of such franchisor, who determines to (1) sell or transfer its interests in marketing premises occupied by a franchisee, and (2) in connection with such sale or transfer assigns its interest as a franchisor in a franchise agreement applicable to such premises, shall offer to the franchisee occupying the premises those rights contained in United States Code, title 15, section 2802(b)(3)(D)(iii)(I) or (II). This section expires 12 months after the day of final enactment."

Page 13, lines 23, 25, and 30, delete "22" and insert "23"

Page 13, line 27, delete "7, 11, and 20" and insert "8, 12, and 21"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "proposing coding for new law in Minnesota Statutes, chapter 80C;"

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

Senate Conferees: (Signed) John C. Hottinger, Linda Runbeck, Sam G. Solon

House Conferees: (Signed) Bill Haas, Erik Paulsen, Matt Entenza

Senator Hottinger moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1870 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. 1870 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	Foley	Kinkel	Lessard	Oliver
Belanger	Frederickson	Kiscaden	Limmer	Olson
Berg	Hanson	Kleis	Lourey	Ourada
Berglin	Higgins	Knutson	Marty	Pappas
Betzold	Hottinger	Krentz	Metzen	Pariseau
Day	Janezich	Laidig	Moe, R.D.	Piper
Dille	Johnson, D.E.	Langseth	Murphy	Pogemiller
Fischbach	Johnson, D.J.	Larson	Neuville	Price
Flynn	Kelly, R.C.	Lesewski	Novak	Ranum

Ring  
Robertson  
Robling  
Runbeck

Sams  
Samuelson  
Scheevel

Scheid  
Spear  
Stevens

Stumpf  
Terwilliger  
Vickerman

Wiener  
Wiger  
Ziegler

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2521 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2521

A bill for an act relating to local government; establishing standards for the creation of corporations by political subdivisions; providing for the continuation of existing corporations created by political subdivisions; amending Minnesota Statutes 1998, section 238.08, subdivision 3; proposing coding for new law in Minnesota Statutes 1998, chapter 465; repealing Minnesota Statutes 1998, section 465.715, subdivisions 1, 2, and 3; Minnesota Statutes 1999 Supplement, section 465.715, subdivision 1a.

April 14, 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. 2521, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment to delete everything after the enacting clause of S.F. No. 2521 and insert all of the text after the enacting clause but not the title of H.F. No. 2673, the third engrossment; that the House recede from its other amendment; and that S.F. No. 2521, as amended, be further amended, as follows:

Page 7, line 19, delete "proprietary"

Page 7, line 20, after "businesses" insert "consisting of financial statements, credit reports, audits, business plans, income and expense projections, customer lists, balance sheets, income tax returns, and design, market, and feasibility studies not paid for with public funds"

Page 8, after line 16, insert:

"Sec. 2. Minnesota Statutes 1998, section 469.003, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONERS.] An authority shall consist of five up to seven commissioners, who shall be residents of the area of operation of the authority, who shall be appointed after the resolution becomes finally effective. If any additional commissioners are appointed, one of the commissioners must be appointed in accordance with the requirements of Code of Federal Regulations, title 24, part 964.

Sec. 3. Minnesota Statutes 1998, section 469.006, subdivision 1, is amended to read:

Subdivision 1. [COUNTY COMMISSIONERS.] When the governing body of a county adopts a resolution under section 469.004, the governing body shall appoint five persons or the number of commissioners for the governing body, plus up to two additional commissioners, as commissioners of the county authority. If any additional commissioners are appointed, one of the commissioners must be appointed in accordance with the requirements of Code of Federal Regulations, title 24, part 964. The membership of the commission will reflect an areawide

distribution on a representative basis. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four, and five years respectively, from the date of their appointment. Thereafter commissioners shall be appointed for a term of office of five years except that all vacancies shall be filled for the unexpired term. Persons may be appointed as commissioners if they reside within the boundaries or area, and are otherwise eligible for the appointments under sections 469.001 to 469.047.

Sec. 4. Minnesota Statutes 1998, section 469.006, subdivision 2, is amended to read:

Subd. 2. [MULTICOUNTY COMMISSIONERS.] The governing body in the case of a county, and the mayor with the approval of the governing body in the case of a city, of each political subdivision included in a multicounty authority shall appoint one person as a commissioner of the authority at or after the time of the adoption of the resolution establishing the authority.

In the case of a multicounty authority comprising only two or three political subdivisions, the appointing authorities of the participating political subdivisions shall each appoint one additional commissioner whose term of office shall be as provided for a commissioner of a multicounty authority. If any additional commissioners are appointed, one of the commissioners must be appointed in accordance with the requirements of Code of Federal Regulations, title 24, part 964.

In the case of a multicounty authority comprising more than three political subdivisions, the appointing authorities of the participating political subdivisions may each appoint one additional commissioner whose term of office shall be as provided for a commissioner of a multicounty authority. The housing and redevelopment authority board of commissioners of a multicounty authority may appoint one or two additional commissioners in order to comply with the requirements of Code of Federal Regulations, title 24, part 964. The appointment must be approved by a majority of the commissioners of each of the political subdivisions comprising the multicounty authority.

When the area of operation of a multicounty authority is increased to include an additional political subdivision, the appointing authority of each additional political subdivision shall appoint one or, if appropriate, two commissioners of the multicounty authority.

The appointing authority of each political subdivision shall appoint the successors of the commissioner appointed by it. The commissioners of a multicounty authority shall be appointed for terms of five years except that all vacancies shall be filled for the unexpired terms.

Sec. 5. Minnesota Statutes 1998, section 469.011, subdivision 4, is amended to read:

Subd. 4. [EXPENSES; COMPENSATION.] Each commissioner may receive necessary expenses, including traveling expenses, incurred in the performance of duties. Each commissioner may be paid up to ~~\$55~~ \$75 for attending each regular and special meeting of the authority. Commissioners who are full-time state employees or full-time employees of the political subdivisions of the state may not receive the daily payment, but they may suffer no loss in compensation or benefits from the state or a political subdivision as a result of their service on the board. Commissioners who are elected officials may receive the daily payment for a particular day only if they do not receive any other daily payment for public service on that day. Commissioners who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source.

Sec. 6. [WASHINGTON COUNTY HRA INCREASED TO SEVEN.]

Notwithstanding Minnesota Statutes, section 469.006, subdivision 1, the Washington county housing and redevelopment authority has seven members. The county board must appoint one member from each county commissioner district after receiving a recommendation for the position from the district's county commissioner. One housing and redevelopment commissioner must be appointed by the county board to represent the county at large. One authority member must be appointed by the county board from among county residents who are directly assisted by the public housing agency as defined in Code of Federal Regulations, title 24, part 964. The first

appointee to an at-large position serves for two years; thereafter the term is three years. The first appointee to the position requiring one directly assisted by the public housing agency serves for one year; thereafter the term is three years.

Sec. 7. [EFFECTIVE DATE; LOCAL APPROVAL.]

Section 6 is effective the day after the governing body of Washington county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

Senate Conferees: (Signed) Jim Vickerman, Steve Kelley, Arlene J. Lesewski

House Conferees: (Signed) Ann H. Rest, Elaine Harder, Ron Abrams

Senator Vickerman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2521 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. 2521 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	Hottinger	Langseth	Olson	Samuelson
Belanger	Janezich	Larson	Ourada	Scheivel
Berg	Johnson, D.E.	Lesewski	Pappas	Scheid
Berglin	Johnson, D.H.	Lessard	Pariseau	Spear
Betzold	Johnson, D.J.	Limmer	Piper	Stevens
Day	Junge	Lourey	Pogemiller	Stumpf
Dille	Kelly, R.C.	Marty	Price	Terwilliger
Fischbach	Kinkel	Metzen	Ranum	Vickerman
Flynn	Kiscaden	Moe, R.D.	Ring	Wiener
Foley	Kleis	Murphy	Robertson	Wiger
Frederickson	Knutson	Neuville	Robling	Ziegler
Hanson	Krentz	Novak	Runbeck	
Higgins	Laidig	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. 2845 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON 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.

April 18, 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. 2845, 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. 2845 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 171.171, is amended to read:

171.171 [SUSPENSION; ILLEGAL PURCHASE OF ALCOHOL OR TOBACCO.]

The commissioner shall suspend for a period of 90 days the license of a person who:

(1) is under the age of 21 years and is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340A.503 if the person used a license ~~or~~, Minnesota identification card, or any type of false identification to purchase or attempt to purchase the alcoholic beverage;

(2) is convicted under section 171.22, subdivision 1, clause (2), or 340A.503, subdivision 2, clause (3), of lending or knowingly permitting a person under the age of 21 years to use the person's license ~~or~~, Minnesota identification card, or other type of identification to purchase or attempt to purchase an alcoholic beverage;

(3) is under the age of 18 years and is found by a court to have committed a petty misdemeanor under section 609.685, subdivision 3, if the person used a license ~~or~~, Minnesota identification card, or any type of false identification to purchase or attempt to purchase the tobacco product; or

(4) is convicted under section 171.22, subdivision 1, clause (2), of lending or knowingly permitting a person under the age of 18 years to use the person's license ~~or~~, Minnesota identification card, or other type of identification to purchase or attempt to purchase a tobacco product.

Sec. 2. Minnesota Statutes 1999 Supplement, section 260B.235, subdivision 4, is amended to read:

Subd. 4. [DISPOSITIONS.] If the juvenile court finds that a child is a petty offender, the court may:

- (a) require the child to pay a fine of up to \$100;
- (b) require the child to participate in a community service project;
- (c) require the child to participate in a drug awareness program;
- (d) place the child on probation for up to six months;

(e) order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an outpatient chemical dependency treatment program;

(f) order the child to make restitution to the victim; or

(g) perform any other activities or participate in any other outpatient treatment programs deemed appropriate by the court.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340A.503, if the child has a driver's license or permit to drive, and if the child used a driver's license, permit or, Minnesota identification card, or any type of false identification to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall suspend the child's license or permit for a period of 90 days.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase tobacco in violation of section 609.685, subdivision 3, if the child has a driver's license or permit to drive, and if the child used a driver's license, permit, or Minnesota identification card, or any type of false identification to purchase or attempt to purchase tobacco, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall suspend the child's license or permit for a period of 90 days.

None of the dispositional alternatives described in clauses (a) to (f) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Sec. 3. Minnesota Statutes 1999 Supplement, section 340A.503, subdivision 6, is amended to read:

Subd. 6. [PROOF OF AGE; DEFENSE; SEIZURE OF FALSE IDENTIFICATION.] (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

(2) a valid military identification card issued by the United States Department of Defense;

(3) a valid passport issued by the United States; or

(4) in the case of a foreign national, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

(c) A licensed retailer or municipal liquor store may seize a form of identification listed under paragraph (a) if the retailer or municipal liquor store has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A retailer or municipal liquor store that seizes a form of identification as authorized under this paragraph must deliver it to a law enforcement agency, within 24 hours of seizing it.

Sec. 4. Minnesota Statutes 1998, section 340A.702, is amended to read:

340A.702 [GROSS MISDEMEANORS.]

It is a gross misdemeanor:

(1) to sell an alcoholic beverage without a license authorizing the sale;

(2) for a licensee to refuse or neglect to obey a lawful direction or order of the commissioner or the commissioner's agent, withhold information or a document the commissioner calls for examination, obstruct or mislead the commissioner in the execution of the commissioner's duties or swear falsely under oath;

(3) to violate the provisions of sections 340A.301 to 340A.312;

(4) to violate the provisions of section 340A.508;

(5) for any person, partnership, or corporation to knowingly have or possess direct or indirect interest in more than one off-sale intoxicating liquor license in a municipality in violation of section 340A.412, subdivision 3;

(6) to sell or otherwise dispose of intoxicating liquor within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(7) to violate the provisions of section 340A.502;

(8) except as otherwise provided in section 340A.701, to violate the provisions of section 340A.503, subdivision 2, clause (1) or (3);

(9) to withhold any information, book, paper, or other thing called for by the commissioner for the purpose of an examination;

(10) to obstruct or mislead the commissioner in the execution of the commissioner's duties; ~~or~~

(11) to swear falsely concerning any matter stated under oath; or

(12) to violate the provisions of section 340A.503, subdivision 5, a second or subsequent time.

Sec. 5. Minnesota Statutes 1998, section 609.685, subdivision 1a, is amended to read:

Subd. 1a. [~~GROSS MISDEMEANOR PENALTY TO SELL.~~] (a) Whoever sells tobacco to a person under the age of 18 years is guilty of a misdemeanor for the first violation. Whoever violates this subdivision a subsequent time is guilty of a gross misdemeanor.

(b) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

Sec. 6. Minnesota Statutes 1998, section 609.685, subdivision 2, is amended to read:

Subd. 2. [~~MISDEMEANOR OTHER OFFENSES.~~] (a) Whoever furnishes tobacco or tobacco-related devices to a person under the age of 18 years is guilty of a misdemeanor for the first violation. Whoever violates this paragraph a subsequent time is guilty of a gross misdemeanor.

(b) A person under the age of 18 years who purchases or attempts to purchase tobacco or tobacco-related devices and who uses a driver's license, permit, Minnesota identification card, or any type of false identification to misrepresent the person's age, is guilty of a misdemeanor.

Sec. 7. Minnesota Statutes 1998, section 609.685, subdivision 3, is amended to read:

Subd. 3. [~~PETTY MISDEMEANOR.~~] Except as otherwise provided in subdivision 2, whoever possesses, smokes, chews, or otherwise ingests, purchases, or attempts to purchase tobacco or tobacco related devices and is under the age of 18 years is guilty of a petty misdemeanor. This subdivision does not apply to a person under the age of 18 years who purchases or attempts to purchase tobacco or tobacco related devices while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

Sec. 8. Minnesota Statutes 1999 Supplement, section 609.685, subdivision 5, is amended to read:

Subd. 5. [~~EXCEPTION EXCEPTIONS.~~] (a) Notwithstanding subdivision 2, an Indian may furnish tobacco to an Indian under the age of 18 years if the tobacco is furnished as part of a traditional Indian spiritual or cultural ceremony. For purposes of this subdivision paragraph, an

Indian is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

(b) The penalties in this section do not apply to a person under the age of 18 years who purchases or attempts to purchase tobacco or tobacco-related devices while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

Sec. 9. Minnesota Statutes 1998, section 609.685, is amended by adding a subdivision to read:

Subd. 6. [SEIZURE OF FALSE IDENTIFICATION.] A retailer may seize a form of identification listed in section 340A.503, subdivision 6, if the retailer has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A retailer that seizes a form of identification as authorized under this subdivision shall deliver it to a law enforcement agency within 24 hours of seizing it.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective August 1, 2000, and apply to violations occurring on or after that date."

Delete the title and insert:

"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 retailers to seize false identification; amending Minnesota Statutes 1998, sections 171.171; 340A.702; and 609.685, subdivisions 1a, 2, 3, and by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 260B.235, subdivision 4; 340A.503, subdivision 6; and 609.685, subdivision 5."

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

Senate Conferees: (Signed) David L. Knutson, Ember R. Junge, John C. Hottinger

House Conferees: (Signed) Peggy Leppik, Ann H. Rest, Dan Dorman

Senator Knutson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2845 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. 2845 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	Langseth	Olson	Sams
Belanger	Hottinger	Larson	Ourada	Scheevel
Berg	Janezich	Lesewski	Pappas	Scheid
Berglin	Johnson, D.E.	Lessard	Pariseau	Spear
Betzold	Johnson, D.H.	Limmer	Piper	Stevens
Day	Junge	Lourey	Pogemiller	Stumpf
Dille	Kelly, R.C.	Marty	Price	Terwilliger
Fischbach	Kinkel	Metzen	Ranum	Vickerman
Flynn	Kleis	Moe, R.D.	Ring	Wiener
Foley	Knutson	Neuville	Robertson	Wiger
Frederickson	Krentz	Novak	Robling	Ziegler
Hanson	Laidig	Oliver	Runbeck	

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



**MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 3036 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 3036**

A bill for an act relating to natural resources; providing for seizure and administrative forfeiture of certain firearms and abandoned property; modifying authority to issue trespass citations; modifying provisions for forfeited vehicles; modifying definition of peace officer; providing civil penalties; appropriating money; amending Minnesota Statutes 1998, sections 97B.002, subdivision 1; and 609.5312, subdivision 4; Minnesota Statutes 1999 Supplement, sections 169.1217, subdivision 9; and 169.123, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97A.

April 17, 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. 3036, 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. 3036 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [97A.223] [SEIZURE AND ADMINISTRATIVE FORFEITURE OF CERTAIN FIREARMS AND ABANDONED PROPERTY.]

Subdivision 1. [PROPERTY SUBJECT TO SEIZURE AND FORFEITURE.] (a) An enforcement officer must seize:

- (1) firearms possessed in violation of state or federal law or court order; and
  - (2) property described in section 97A.221, subdivision 1, where no owner can be determined.
- (b) Property seized under this section is subject to administrative forfeiture.

Subd. 2. [NOTICE OF SEIZURE AND INTENT TO FORFEIT.] When property is seized under subdivision 1, the enforcement officer shall serve any known owner and person possessing the property with a notice of the seizure and intent to forfeit the property. The notice must be in writing, describing the property seized, the date of seizure, and notice of the right to appeal the seizure and forfeiture as described in subdivision 3.

Subd. 3. [APPEAL; FINAL ORDER.] Seizure and administrative forfeiture of property under this section may be appealed under the procedures in section 116.072, subdivision 6, if the owner or other person from whom the property was seized requests a hearing by notifying the commissioner in writing within 45 days after seizure of the property. For purposes of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the commissioner of natural resources. If a hearing is not requested within 45 days of seizure, the forfeiture becomes a final order and not subject to further review.

Subd. 4. [OTHER REMEDIES.] The authority to forfeit firearms and other property under this section is in addition to other remedies available under state and federal law.

Subd. 5. [DISPOSAL OF FORFEITED PROPERTY.] Forfeited property under this section may be disposed of as contraband according to section 97A.221, subdivision 4.

Sec. 2. Minnesota Statutes 1998, section 97B.002, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ISSUE.] Conservation officers, sheriffs, and deputies may issue citations to a person who trespasses in violation of section 84.90 or 97B.001 or removes a sign posted to prevent trespass without permission of the owner of the property.

Sec. 3. Minnesota Statutes 1999 Supplement, section 169.1217, subdivision 7a, is amended to read:

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, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. The notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. 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. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500."

(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 \$7,500 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. If the value of the seized property is less than \$500, the claimant does not have to pay 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, at the option of the prosecuting authority, may take place at the same time as any judicial review of the person's license revocation under section 169.123. If the judicial review and hearing under this section do not take place at the same time as the judicial review of the person's license revocation under section 169.123, the review and hearing must take place at the earliest practicable date. 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 sanctions under section 549.211.

Sec. 4. Minnesota Statutes 1999 Supplement, section 169.1217, subdivision 9, is amended to read:

Subd. 9. [DISPOSITION OF FORFEITED VEHICLE BY GOVERNMENT AGENCY.] (a) Except as otherwise provided in subdivision 10, 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, the appropriate agency 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:

(1) the treasury of the political subdivision that employs the appropriate agency responsible for the forfeiture for use in DWI-related enforcement, training and education; or

(2) the state treasury if the appropriate agency is an agency of state government; The net proceeds must be forwarded to the state treasury and credited to the following funds:

(1) if the forfeited vehicle is a motorboat, the net proceeds must be credited to the water recreation account in the natural resources fund;

(2) if the forfeited vehicle is a snowmobile, the net proceeds must be credited to the snowmobile trails and enforcement account in the natural resources fund;

(3) if the forfeited vehicle is an all-terrain vehicle, the net proceeds must be credited to the all-terrain vehicle account in the natural resources fund;

(4) if the forfeited vehicle is an off-highway motorcycle, the net proceeds must be credited to the off-highway motorcycle account in the natural resources fund;

(5) if the forfeited vehicle is an off-road vehicle, the net proceeds must be credited to the off-road vehicle account in the natural resources fund; and

(6) if otherwise, the net proceeds must be credited to the general fund are appropriated annually to that agency for costs and fees incurred by the agency for any other DWI forfeiture actions initiated under this section and DWI-related enforcement, training, and education.

Sec. 5. Minnesota Statutes 1998, section 169.1217, is amended by adding a subdivision to read:

Subd. 10. [SALE OF FORFEITED VEHICLE BY SECURED PARTY.] (a) A financial institution with a valid security interest in or a valid lease covering a forfeited vehicle may choose

to dispose of the vehicle under this subdivision, in lieu of the appropriate agency disposing of the vehicle under subdivision 9. A financial institution wishing to dispose of a vehicle under this subdivision shall notify the appropriate agency of its intent, in writing, within 30 days after receiving notice of the seizure and forfeiture. The appropriate agency shall release the vehicle to the financial institution or its agent after the financial institution presents proof of its valid security agreement or of its lease agreement and the financial institution agrees not to sell the vehicle to a member of the violator's household, unless the violator is not convicted of the offense on which the forfeiture is based. The financial institution shall dispose of the vehicle in a commercially reasonable manner as defined in section 336.9-504.

(b) After disposing of the forfeited vehicle, the financial institution shall reimburse the appropriate agency for its seizure, storage, and forfeiture costs. The financial institution may then apply the proceeds of the sale to its storage costs, to its sale expenses, and to satisfy the lien or the lease on the vehicle. If any proceeds remain, the financial institution shall forward the proceeds to the state treasury, which shall credit the appropriate fund as specified in subdivision 9.

Sec. 6. Minnesota Statutes 1999 Supplement, section 169.123, subdivision 1, is amended to read:

Subdivision 1. [PEACE OFFICER DEFINED.] For purposes of this section, section 169.121, and section 169.1211, the term peace officer means (1) a state patrol officer, (2) University of Minnesota peace officer, (3) a constable as defined in section 367.40, subdivision 3, (4) police officer of any municipality, including towns having powers under section 368.01, or county, and (5) ~~for purposes of violations of those sections in or on an off-road recreational vehicle or motorboat, or for violations of section 97B.065 or 97B.066,~~ a state conservation officer.

Sec. 7. Minnesota Statutes 1998, section 609.5312, subdivision 4, is amended to read:

Subd. 4. [VEHICLE FORFEITURE FOR FLEEING A PEACE OFFICER.] (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit a violation of section 609.487 and endanger life or property. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.487. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

(1) the prosecutor has failed to make the certification required by this paragraph;

(2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

(c) If the defendant is acquitted or the charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

(d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

(e) A motor vehicle that is an off-road recreational vehicle as defined in section 169.01, subdivision 86, or a motorboat as defined in section 169.01, subdivision 87, is not subject to paragraph (b).

## Sec. 8. [ASSESSING GROSS VIOLATIONS; REPORT.]

The commissioner of natural resources must review and assess gross violations of taking game and fish resources. A report on increased penalties for gross violations must be completed by the commissioner by February 1, 2001, and delivered to the house and senate committees on natural resources policy and finance.

## Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to penalties; providing for seizure and administrative forfeiture of certain firearms and abandoned property; modifying authority to issue trespass citations; modifying provisions for forfeited vehicles; modifying definition of peace officer; requiring a report of gross violations of game and fish law; providing civil penalties; appropriating money; amending Minnesota Statutes 1998, sections 97B.002, subdivision 1; 169.1217, by adding a subdivision; and 609.5312, subdivision 4; Minnesota Statutes 1999 Supplement, sections 169.1217, subdivisions 7a and 9; and 169.123, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97A."

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

Senate Conferees: (Signed) Dave Johnson, Jane Krentz, Gary W. Laidig

House Conferees: (Signed) Bill Haas, Kathy Tingelstad, Betty McCollum

Senator Johnson, D.H. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3036 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. 3036 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	Janezich	Larson	Ourada	Scheid
Belanger	Johnson, D.E.	Lesewski	Pappas	Spear
Berg	Johnson, D.H.	Lessard	Pariseau	Stevens
Betzold	Johnson, D.J.	Limmer	Pogemiller	Stumpf
Day	Junge	Lourey	Price	Terwilliger
Dille	Kelly, R.C.	Marty	Ranum	Vickerman
Fischbach	Kinkel	Metzen	Ring	Wiener
Flynn	Kiscaden	Moe, R.D.	Robertson	Wiger
Foley	Kleis	Murphy	Robling	Ziegler
Frederickson	Knutson	Neuville	Runbeck	
Hanson	Krentz	Novak	Sams	
Higgins	Laidig	Oliver	Samuelson	
Hottinger	Langseth	Olson	Scheevel	

So the bill, as amended by the Conference Committee, was repassed 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 Order of Business of Messages From the House.

**MESSAGES FROM THE HOUSE**

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. 2570:** A bill for an act relating to St. Louis county; increasing the authorized number for a position in the unclassified service; amending Minnesota Statutes 1998, section 383C.035.

Senate File No. 2570 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 26, 2000

**CONCURRENCE AND REPASSAGE**

Senator Janezich moved that the Senate concur in the amendments by the House to S.F. No. 2570 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2570 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage 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	Larson	Ourada	Scheevel
Belanger	Janezich	Lesewski	Pappas	Spear
Berg	Johnson, D.H.	Lessard	Pariseau	Stevens
Berglin	Johnson, D.J.	Limmer	Piper	Stumpf
Betzold	Junge	Lourey	Pogemiller	Terwilliger
Day	Kelly, R.C.	Marty	Price	Vickerman
Dille	Kinkel	Metzen	Ranum	Wiener
Fischbach	Kiscaden	Moe, R.D.	Ring	Wiger
Flynn	Kleis	Murphy	Robertson	Ziegler
Foley	Knutson	Neuville	Robling	
Frederickson	Krentz	Novak	Runbeck	
Hanson	Laidig	Oliver	Sams	
Higgins	Langseth	Olson	Samuelson	

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

**RECESS**

Senator 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**

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. 3534: Senators Frederickson, Sams and Vickerman.

S.F. No. 1048: Senators Johnson, D.H.; Murphy and Knutson.

S.F. No. 2854: Senators Kelly, R.C.; Betzold and Neuville.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 40, Senator Moe, R.D., with the concurrence of the first author, moved that S.F. No. 3173 be withdrawn from the Committee on State Government Finance, and re-referred to the Committee on Rules and Administration. The motion prevailed.

### SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2516 and that the rules of the Senate be so far suspended as to give H.F. No. 2516, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

Senator Price moved to amend H.F. No. 2516, as amended pursuant to Rule 49, adopted by the Senate April 27, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3580.)

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1998, section 609.713, is amended by adding a subdivision to read:

Subd. 4. [THREATS TO HARM SCHOOL OFFICIAL.] Whoever directly threatens to inflict bodily harm on a school official, because the victim is a school official and with purpose to terrorize the official or in reckless disregard of the risk of causing such terror, is guilty of a misdemeanor. As used in this subdivision, "school official" includes teachers, school administrators, and other employees of a public or private school. Whoever violates this subdivision a second or subsequent time is guilty of a gross misdemeanor."

Page 4, delete section 5 and insert:

"Sec. 6. [EFFECTIVE DATES.]

Section 1 is effective August 1, 2000, and applies to offenses committed on or after that date. Sections 2 to 5 are effective July 1, 2000, and apply to petitions filed on or after that date."

Renumber the sections in sequence and correct the internal references

Delete the title and insert:

"A bill for an act relating to crime prevention; providing criminal penalties for persons who threaten to harm a school official; amending the definition of harassment; modifying petition and filing fee requirements; amending Minnesota Statutes 1998, section 609.713, by adding a subdivision; and 609.748, subdivisions 1, 3, 3a, and 4."

Senator Neuville questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 2516 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 52 and nays 12, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Junge	Lourey	Ourada	Scheid
Dille	Laidig	Neuville	Scheevel	Terwilliger
Foley	Lesewski			

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### CONFIRMATION

Senator Sams moved that the reports from the Committee on Agriculture and Rural Development, reported March 8, 2000, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Sams moved that the foregoing reports be now adopted. The motion prevailed.

Senator Sams moved that in accordance with the reports from the Committee on Agriculture and Rural Development, reported March 8, 2000, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### BOARD OF ANIMAL HEALTH

Sharon Baker, Rt. 1, Box 94, Cyrus, Stevens County, effective June 1, 1999, for a term expiring on January 6, 2003.

Todd Searles, Rt. 3, Box 108A, Spring Valley, Fillmore County, effective June 1, 1999, for a term expiring on January 6, 2003.

Darrell Zehrer, P.O. Box 60, Rogers, Hennepin County, effective January 3, 2000, for a term expiring on January 5, 2004.

#### MINNESOTA RURAL FINANCE AUTHORITY

Leslie Anderson, 2232 - 55th Ave., Trimont, Martin County, effective June 1, 1999, for a term expiring on January 6, 2003.

James Molenaar, 17032 - 72nd St. N.E., New London, Kandiyohi County, effective January 3, 2000, for a term expiring on January 5, 2004.

The motion prevailed. So the appointments were confirmed.

#### CONFIRMATION

Senator Vickerman moved that the reports from the Committee on Local and Metropolitan Government, reported March 14, 2000, pertaining to appointments, be taken from the table. The motion prevailed.



Senator Vickerman moved that the foregoing reports be now adopted. The motion prevailed.

Senator Vickerman moved that in accordance with the reports from the Committee on Local and Metropolitan Government, reported March 14, 2000, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### GAMBLING CONTROL BOARD

Dennis Flaherty, 100 S.E. 2nd St., #603, Minneapolis, Hennepin County, effective July 1, 1999, for a term expiring on June 30, 2003.

Irving Olsen, 1511 Ferndale Ave. N.E., Fridley, Anoka County, effective September 8, 1999, for a term expiring on June 30, 2000.

Howard Register, 6601 Buckley Cir., #101, Inver Grove Heights, Dakota County, effective July 1, 1999, for a term expiring on June 30, 2003.

#### METROPOLITAN COUNCIL

John Conzemius, 25024 Cannon Falls Blvd., Cannon Falls, Dakota County, effective April 19, 1999, for a term expiring on January 6, 2003.

Caren Dewar, 1458 W. 35th St., Minneapolis, Hennepin County, effective April 19, 1999, for a term expiring on January 6, 2003.

Natalie Haas Steffen, 7007 - 164th Ave. N.W., Ramsey, Anoka County, effective April 19, 1999, for a term expiring on January 6, 2003.

Marc Hugunin, 10775 Kimbro Ave. Ct. N., Stillwater, Washington County, effective April 19, 1999, for a term expiring on January 6, 2003.

Carol Kummer, 4818 - 30th Ave. S., Minneapolis, Hennepin County, effective April 19, 1999, for a term expiring on January 6, 2003.

James Nelson, 1747 - 37th Ave. N.E., Columbia Heights, Anoka County, effective April 19, 1999, for a term expiring on January 6, 2003.

Todd Paulson, 3216 Poe Rd., Brooklyn Center, Hennepin County, effective April 19, 1999, for a term expiring on January 6, 2003.

Fred Perez, 360 W. Stevens St., St. Paul, Ramsey County, effective April 19, 1999, for a term expiring on January 6, 2003.

Matthew Ramadan, 1411 - 14th Ave. N., Minneapolis, Hennepin County, effective April 19, 1999, for a term expiring on January 6, 2003.

Phillip Riveness, 5301 Northwood Ridge, Bloomington, Hennepin County, effective April 19, 1999, for a term expiring on January 6, 2003.

Carolyn Rodriguez, 12815 Foliage Ave., Apple Valley, Dakota County, effective April 19, 1999, for a term expiring on January 6, 2003.

Julius Smith, 3200 Highpoint Dr., Chaska, Carver County, effective April 19, 1999, for a term expiring on January 6, 2003.

Mary Smith, 515 N. Ferndale Rd., Orono, Hennepin County, effective April 19, 1999, for a term expiring on January 6, 2003.

Saundra Spigner, 9615 - 29th Ave. N., Plymouth, Hennepin County, effective April 19, 1999, for a term expiring on January 6, 2003.

Roger Williams, 3450 Siems Ct., Arden Hills, Ramsey County, effective April 19, 1999, for a term expiring on January 6, 2003.

Lee Pao Xiong, 769 Como Ave., St. Paul, Ramsey County, effective April 19, 1999, for a term expiring on January 6, 2003.

#### MINNESOTA RACING COMMISSION

Thomas Brownell, 16109 Logarto Ln., Lakeville, Dakota County, effective February 1, 2000, for a term expiring on June 30, 2003.

Barbara Halper, 4395 Trillium Ln. W., Minnetrista, Hennepin County, effective February 1, 2000, for a term expiring on June 30, 2005.

Camille McArdle, D.V.M., 20925 Cty. Rd. 50, Corcoran, Hennepin County, effective February 1, 2000, for a term expiring on June 30, 2005.

Arnold Palmer, 5550 Juneau Ln. N., Plymouth, Hennepin County, effective February 1, 2000, for a term expiring on June 30, 2005.

The motion prevailed. So the appointments were confirmed.

#### CONFIRMATION

Senator Hottinger moved that the report from the Committee on Health and Family Security, reported April 12, 2000, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Hottinger moved that the foregoing report be now adopted. The motion prevailed.

Senator Hottinger moved that in accordance with the report from the Committee on Health and Family Security, reported April 12, 2000, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### EMERGENCY MEDICAL SERVICES REGULATORY BOARD

David Huisenga, 2117 Highland Pkwy., St. Paul, Ramsey County, effective July 5, 1999, for a term expiring on January 6, 2003.

Steven Nesseth, 424 Gunderson Blvd., Kenyon, Goodhue County, effective July 5, 1999, for a term expiring on January 6, 2003.

John Prondzinski, 500 S. Maple St., Waconia, Carver County, effective July 5, 1999, for a term expiring on January 6, 2003.

Dr. Michael Wilcox, 310 - 1st Ave. N.W., New Prague, Scott County, effective July 5, 1999, for a term expiring on January 6, 2003.

The motion prevailed. So the appointments were confirmed.

#### CONFIRMATION

Senator Metzen moved that the report from the Committee on Governmental Operations and Veterans, reported March 9, 2000, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Metzen moved that the foregoing report be now adopted. The motion prevailed.

Senator Metzen moved that in accordance with the report from the Committee on Governmental Operations and Veterans, reported March 9, 2000, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### BOARD OF THE ARTS

Kirsten Giese, 1119 W. Franklin Ave., #209, Minneapolis, Hennepin County, effective June 27, 1999, for a term expiring on January 6, 2003.

Penelope Haru Snipper, 1920 S. 1st St., #2306, Minneapolis, Hennepin County, effective June 27, 1999, for a term expiring on January 6, 2003.

Benjamin Vander Kooi, Jr., 127 E. Main, P.O. Box 746, Luverne, Rock County, effective June 27, 1999, for a term expiring on January 6, 2003.

#### MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

George Ross, 1427 Tyler St., Hastings, Dakota County, effective June 14, 1999, for a term expiring on January 6, 2003.

Wayne Sletten, 626 - 13th Ave., Two Harbors, Lake County, effective June 14, 1999, for a term expiring on January 6, 2003.

The motion prevailed. So the appointments were confirmed.

#### CONFIRMATION

Senator Marty moved that the report from the Committee on Election Laws, reported April 25, 2000, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Election Laws, reported April 25, 2000, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Donald Roggenbauer, P.O. Box 1884, Maple Grove, Hennepin County, effective June 12, 1999, for a term expiring on January 6, 2002.

The motion prevailed. So the appointment was confirmed.

#### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 3557 be withdrawn from the Committee on Governmental Operations and Veterans, given a second reading and placed on General Orders. The motion prevailed.

H.F. No. 3557 was read the second time.

#### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Senators Stevens, Lesewski, Robling, Larson and Ziegler introduced--**

**S.F. No. 3829:** A bill for an act relating to human services; authorizing a nursing facility rate increase for employee wage enhancements; appropriating money; amending Minnesota Statutes 1999 Supplement, section 256B.431, subdivision 28.

Referred to the Committee on Health and Family Security.

#### **Senators Hanson, Foley, Scheid, Novak and Samuelson introduced--**

**S.F. No. 3830:** A bill for an act relating to railroads; appropriating money for the Northstar commuter rail line.

Referred to the Committee on Transportation.

### **MEMBERS EXCUSED**

Senator Junge was excused from the Session of today from 9:00 to 9:45 a.m. Senator Cohen was excused from the Session of today from 9:00 to 10:15 a.m. Senators Larson, Ranum and Samuelson were excused from the Session of today at 11:00 a.m.

### **ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, May 1, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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