

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

 ONE HUNDRED FOURTEENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 28, 2000

The House of Representatives convened at 8:30 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Representative Mary Murphy, District 8A, Hermantown, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dorman	Holberg	Lindner	Paulsen	Swapinski
Abrams	Dorn	Holsten	Luther	Pawlenty	Swenson
Anderson, B.	Entenza	Howes	Mahoney	Paymar	Sykora
Anderson, I.	Erhardt	Huntley	Mares	Pelowski	Tingelstad
Bakk	Erickson	Jaros	Mariani	Peterson	Tomassoni
Biernat	Finseth	Jennings	Marko	Pugh	Trimble
Bishop	Folliard	Johnson	McCollum	Rest	Tuma
Boudreau	Fuller	Juhnke	McElroy	Rhodes	Tunheim
Bradley	Gerlach	Kahn	McGuire	Rifenberg	Vandever
Broecker	Gleason	Kalis	Molnau	Rostberg	Wagenius
Buesgens	Goodno	Kelliher	Mulder	Rukavina	Wejman
Carlson	Gray	Kielkucki	Mullery	Schumacher	Wenzel
Carruthers	Greenfield	Knoblach	Murphy	Seagren	Westerberg
Cassell	Greiling	Koskinen	Ness	Seifert, J.	Westfall
Chaudhary	Gunther	Krinkie	Nornes	Seifert, M.	Westrom
Clark, J.	Haake	Kubly	Olson	Skoe	Wilkin
Clark, K.	Haas	Kuisle	Opatz	Skoglund	Winter
Daggett	Hackbarth	Larsen, P.	Orfield	Smith	Workman
Davids	Harder	Larson, D.	Osskopp	Solberg	Spk. Sviggum
Dawkins	Hasskamp	Lenczewski	Osthoff	Stanek	
Dehler	Hausman	Leppik	Otremba	Stang	
Dempsey	Hilty	Lieder	Ozment	Storm	

A quorum was present.

Leighton, Milbert, Reuter and Wolf were excused.

Van Dellen was excused until 9:30 a.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Davids moved that further reading of the Journals be suspended and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
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

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
3169		444	11:40 a.m. April 27	April 27
3644		447	11:42 a.m. April 27	April 27

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2893, A bill for an act relating to business subsidies; providing clarification to the obligation of government agencies and businesses related to certain business subsidies; amending Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 116J.994, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and by adding a subdivision; and 116J.995.

Reported the same back with the following amendments to the unofficial engrossment:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1998, section 16C.05, subdivision 3, is amended to read:

Subd. 3. [EXCEPTION.] The requirements of subdivision 2 do not apply to contracts of the department of economic security distributing state and federal funds for the purpose of subcontracting the provision of program services to eligible recipients. For these contracts, the commissioner of economic security is authorized to directly enter into agency contracts and encumber available funds. For contracts distributing state or federal funds pursuant to the federal Economic Dislocation and Worker Adjustment Assistance Act, United States Code, title 29, section 1651 et seq., or sections 268.9771, 268.978, 268.9781, and 268.9782, the commissioner of economic security is authorized to directly enter into agency contracts with approval of the workforce development council and encumber available funds to ensure a rapid response to the needs of dislocated workers. The commissioner of economic security shall adopt internal procedures to administer and monitor funds distributed under these contracts. This exception also applies to any contracts entered into by the commissioner of children, families, and learning and the jobs skills partnership board that were previously entered into by the commissioner of economic security.

Sec. 2. Minnesota Statutes 1998, section 80A.122, is amended by adding a subdivision to read:

Subd. 4a. [EXPIRATION.] (a) A filing made in connection with the securities of an open-end investment company under subdivision 1 expires the next June 30 unless renewed. To renew a notice filing, an issuer shall:

(1) before expiration of a current notice filing, file with the commissioner the documents specified by the commissioner under subdivision 1, clause (2), together with any fees required by section 80A.28, subdivision 1, paragraph (c); and

(2) no later than September 1 following expiration, file a sales report for the prior fiscal year with the commissioner specifying:

(i) the registered sales;

(ii) the actual sales; and

(iii) the balance that could be sold without an additional filing under section 80A.28, subdivision 1, paragraph (c).

(b) No portion of the unsold balance of shares indicated on the issuer's sales report may be lawfully sold in this state in connection with a renewed notice filing until fees have been paid to renew the shares.

Sec. 3. Minnesota Statutes 1998, section 80A.28, subdivision 1, is amended to read:

Subdivision 1. (a) There shall be a filing fee of \$100 for every application for registration or notice filing. There shall be an additional fee of one-tenth of one percent of the maximum aggregate offering price at which the securities are to be offered in this state, and the maximum combined fees shall not exceed \$300.

(b) When an application for registration is withdrawn before the effective date or a preeffective stop order is entered under section 80A.13, subdivision 1, all but the \$100 filing fee shall be returned. If an application to register securities is denied, the total of all fees received shall be retained.

(c) Where a filing is made in connection with a federal covered security under section 18(b)(2) of the Securities Act of 1933, there is a fee of \$100 for every initial filing. If the filing is made in connection with redeemable securities issued by an open end management company or unit investment trust, as defined in the Investment Company Act of 1940, there is an additional annual fee of 1/20 of one percent of the maximum aggregate offering price at which the securities are to be offered in this state during the notice filing period. The fee must be paid at the time of the initial filing and thereafter in connection with each renewal no later than July 1 of each year and must be sufficient to cover the shares the issuer expects to sell in this state over the next 12 months. If during a current notice filing the issuer determines it is likely to sell shares in excess of the shares for which fees have been paid to the commissioner, the issuer shall submit an amended notice filing to the commissioner under section 80A.122, subdivision 1, clause (3), together with a fee of 1/20 of one percent of the maximum aggregate offering price of the additional shares. Shares for which a fee has been paid, but which have not been sold at the time of expiration of the notice filing, may not be sold unless an additional fee to cover the shares has been paid to the commissioner as provided in this section and section 80A.122, subdivision 4a. If the filing is made in connection with redeemable securities issued by such a company or trust, there is no maximum fee for securities filings made according to this paragraph. If the filing is made in connection with any other federal covered security under Section 18(b)(2) of the Securities Act of 1933, there is an additional fee of one-tenth of one percent of the maximum aggregate offering price at which the securities are to be offered in this state, and the combined fees shall not exceed \$300. Beginning with fiscal year 2001 and continuing each fiscal year thereafter, as of the last day of each fiscal year, the commissioner shall determine the total amount of all fees that were collected under this paragraph in connection with any filings made for that fiscal year for securities of an open-end investment company on behalf of a security that is a federal covered security pursuant to section 18(b)(2) of the Securities Act of 1933. To the extent the total fees collected by the commissioner in connection with these filings exceed \$25,000,000 in a fiscal year, the commissioner shall refund, on a pro rata basis, to all persons who paid any fees for that fiscal year, the amount of fees collected by the commissioner in excess of \$25,000,000. No individual refund is required of amounts of \$100 or less for a fiscal year.

Sec. 4. Minnesota Statutes 1999 Supplement, section 116J.421, subdivision 2, is amended to read:

Subd. 2. [GOVERNANCE.] The center is governed by a board of directors appointed to six-year terms by the governor comprised of:

(1) a representative from each of the two largest statewide general farm organizations;

- (2) a representative from a regional initiative organization selected under section 116J.415, subdivision 3;
- (3) the president of Mankato State University;
- (4) a representative from the general public residing in a town of less than 5,000 located outside of the metropolitan area;
- (5) a member of the house of representatives appointed by the speaker of the house and a member of the senate appointed by the subcommittee on committees of the senate committee on rules and administration appointed for two-year terms;
- (6) three representatives from business, including one representing rural manufacturing and one rural retail and service business;
- (7) three representatives from private foundations with a demonstrated commitment to rural issues;
- (8) one representative from a rural county government; and
- (9) one representative from a rural regional government.

The board shall appoint one additional member to the board of directors who shall represent the general public.

If the board concludes at any time that the composition of the board does not adequately reflect the ethnic and gender diversity of rural Minnesota, the board may appoint up to four additional members in order to better reflect this diversity. Members appointed by the board under this paragraph shall serve six-year terms. The board may not appoint additional members such that the board would have a total of more than 20 members."

Page 10, after line 27, insert:

"Sec. 15. Minnesota Statutes 1998, section 116L.04, subdivision 1, is amended to read:

Subdivision 1. [PARTNERSHIP PROGRAM.] (a) The partnership program may provide grants-in-aid to educational or other nonprofit ~~training~~ educational institutions using the following guidelines:

- (1) the educational or other nonprofit educational institution is a provider of training within the state in either the public or private sector;
 - (2) the program involves skills training that is an area of employment need; and
 - (3) preference will be given to educational or other nonprofit training institutions which serve economically disadvantaged people, minorities, or those who are victims of economic dislocation and to businesses located in rural areas.
- (b) A single grant to any one institution shall not exceed \$400,000.

Sec. 16. [136F.77] [EQUITY INVESTMENTS.]

Subdivision 1. The board may acquire an interest in a product or a private business entity for the purpose of developing and providing educational materials and related programs or services to further the mission of the Minnesota state colleges and universities and foster the economic growth of the state. The board may enter into joint venture agreements with private corporations to develop educational materials and related programs or services. Any proceeds from such investments or ventures are appropriated to the board. The state is not liable for any obligations or liabilities that arise from investments pursuant to this section. The board must report annually by September 1 to the legislature regarding its earnings from partnerships and the disposition of those earnings.

Subd. 2. Prior to entering into a joint venture agreement under this section, the board shall consult with appropriate exclusive bargaining representatives and must address topics such as employee protections, instructional services, information availability and reporting conflicts of interest.

Subd. 3. Nothing in this section shall abrogate the provisions of sections 43A.047 and 136F.581.

Sec. 17. [144.994] [PROFESSIONAL BOXING REGULATION.]

Subdivision 1. [GENERALLY.] The commissioner of health shall regulate professional boxing matches in Minnesota. For the purposes of this section, "professional boxing matches" means boxing contests held in Minnesota between individuals for financial compensation, but does not include boxing contests regulated by an amateur sports organization.

Subd. 2. [COMPLIANCE WITH FEDERAL LAW.] The commissioner shall act as Minnesota's state boxing commission for the purposes of the Professional Boxing Safety Act, United States Code, title 15, sections 6301 to 6313, and shall ensure that safety standards, registration procedures, and other regulations required by federal law are sufficient to protect the health and safety of boxers.

Subd. 3. [LIMITATION.] The commissioner shall not impose regulations substantially more stringent than necessary to protect boxers' health and safety and to fully comply with federal requirements.

Sec. 18. [182.6545] [RIGHTS OF NEXT OF KIN UPON DEATH.]

In the case of a death of an employee, the department shall make reasonable efforts to locate the employee's next of kin and shall mail to them copies of the following:

- (1) citations and notification of penalty;
- (2) notices of hearings;
- (3) complaints and answers;
- (4) settlement agreements;
- (5) orders and decisions; and
- (6) notices of appeals.

In addition, the next of kin shall have the right to request a consultation with the department regarding citations and notification of penalties issued as a result of the investigation of the employee's death. For the purposes of this section, "next of kin" refers to the nearest proper relative as that term is defined by section 253B.03, subdivision 6, paragraph (c).

Sec. 19. Minnesota Statutes 1998, section 182.661, subdivision 1, is amended to read:

Subdivision 1. If, after an inspection or investigation, the commissioner issues a citation under section 182.66, the commissioner shall notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 182.666 and that the employer has 20 calendar days within which to file a notice of contest and certification of service, on a form provided by the commissioner, indicating that the employer wishes to contest the citation, type of violation, proposed assessment of penalty, or the period of time fixed in the citation given for correction of violation. A copy of the citation and the proposed assessment of penalty shall also be mailed to the authorized employee representative ~~and including~~, in the case of the death of an employee, ~~to~~ the next of kin ~~if requested~~. If within 20 calendar days from the receipt of the penalty notice issued by the commissioner the employer fails to file

the notice of contest, and no notice of contest is filed by any employee or authorized representative of employees under subdivision 3 within such time, the citation and assessment, as proposed, shall be deemed a final order of the commissioner and not subject to review by any court or agency.

Sec. 20. Minnesota Statutes 1998, section 182.666, subdivision 2, is amended to read:

Subd. 2. Any employer who has received a citation for a serious violation of its duties under section 182.653, or any standard, rule, or order adopted under the authority of the commissioner as provided in this chapter, shall be assessed a fine not to exceed \$7,000 for each violation. ~~If the violation causes or contributes to the cause of the death of an employee, the employer shall be assessed a fine of up to \$25,000.~~

Sec. 21. Minnesota Statutes 1998, section 182.666, is amended by adding a subdivision to read:

Subd. 2a. Notwithstanding any other provision of this section, if any (1) serious, willful, or repeated violation other than a violation of section 182.653, subdivision 2; or (2) any failure to correct a violation pursuant to subdivision 4 causes or contributes to the death of an employee, the minimum total nonnegotiable fine which shall be assessed for all citations connected to the death of an employee is \$50,000 if there is a willful or repeated violation or \$25,000 if there is no willful or repeated violation.

Sec. 22. Minnesota Statutes 1998, section 216C.051, subdivision 9, is amended to read:

Subd. 9. [EXPIRATION.] This section is repealed ~~June 30~~ March 15, 2000 2001.

Sec. 23. Minnesota Statutes 1998, section 216C.41, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY WINDOW.] Payments may be made under this section only for electricity generated:

(a) from a qualified hydroelectric facility that is operational and generating electricity before ~~January 1~~ December 31, 2001; or

(b) from a qualified wind energy conversion facility that is operational and generating electricity before January 1, 2005.

Sec. 24. Minnesota Statutes 1998, section 268.362, subdivision 2, is amended to read:

Subd. 2. [GRANT APPLICATIONS; AWARDS.] Interested eligible organizations must apply to the commissioner for the grants. The advisory committee must review the applications and provide to the commissioner a list of recommended eligible organizations that the advisory committee determines meet the requirements for receiving a grant. The total grant award for any program may not exceed ~~\$80,000~~ \$150,000 per year. In awarding grants, the advisory committee and the commissioner must give priority to:

(1) continuing and expanding effective programs by providing grant money to organizations that are operating or have operated a successful program that meets the program purposes under section 268.364; and

(2) distributing programs throughout the state through start-up grants for programs in areas that are not served by an existing program.

To receive a grant under this section, the eligible organization must match the grant money with at least an equal amount of nonstate money. The commissioner must verify that the eligible organization has matched the grant money. Nothing in this subdivision shall prevent an eligible organization from applying for and receiving grants for more than one program. A grant received by an eligible organization from the federal Youthbuild Project under United States Code, title 42, section 5091, is nonstate money and may be used to meet the state match requirement. State grant money awarded under this section may be used by grantee organizations for match requirements of a federal Youthbuild Project.

Sec. 25. Minnesota Statutes 1999 Supplement, section 268.98, subdivision 3, is amended to read:

Subd. 3. [COST LIMITATIONS.] (a) For purposes of sections 268.9781 and 268.9782, funds allocated to a grantee are subject to the following limitations:

(1) a maximum of 15 percent for administration in a worker adjustment services plan and ten percent in a dislocation event services grant;

(2) a minimum of 50 percent for provision of training assistance;

(3) ~~no more than ten percent statewide may be allocated annually~~ a maximum of 15 percent for support services, as defined in section 268.975, subdivision 13; and

(4) the balance used for provision of basic readjustment assistance.

(b) A waiver of the cost limitation on providing training assistance may be requested. The waiver may not permit less than 30 percent of the funds be spent on training assistance.

(c) The commissioner shall prescribe the form and manner for submission of an application for a waiver under paragraph (b). Criteria for granting a waiver shall be established by the commissioner in consultation with the workforce development council.

Sec. 26. Laws 1997, chapter 200, article 1, section 5, subdivision 3, is amended to read:

Subd. 3. State Services for the Blind

3,735,000

3,816,000

This appropriation may be supplemented by funds provided by the Friends of the Communication Center, for support of Services for the Blind's Communication Center, which serves all blind and visually handicapped Minnesotans. The commissioner shall report to the legislature on a biennial basis the funds provided by the Friends of the Communication Center.

The commissioner may not require employees to participate in intensive blindness sensitivity training in which the employees are blindfolded or otherwise simulate blindness, unless the employee is a manager or counselor; except that the commissioner may require the training for up to 14 employees who are not managers or counselors but have direct contact with blind clients seeking services, and up to four employees at the store located at the state services for the blind.

A person may not serve more than ~~a total of six consecutive~~ six consecutive years as a member of the rehabilitation advisory council for the blind or its predecessor, the council for the blind. ~~Service prior to the effective date of this section is included in the six-year limit, except that a person currently serving on the rehabilitation advisory council for the blind may serve out the person's current term and serve one additional term. After six consecutive years of service, a person may not be reappointed to the council until a period of one year has elapsed.~~

Sec. 27. Laws 1999, chapter 223, article 2, section 81, as amended by Laws 1999, chapter 249, section 12, is amended to read:

Sec. 81. [EFFECTIVE DATES.]

Section 48 is effective March 1, 2000.

Sections 59, 61, 62, 64, 65, and 79 are effective the day following final enactment.

Section 67 is effective June 30, 1999.

Section 80, paragraph (a), is effective July 1, 1999.

Section 80, ~~paragraphs paragraph (b) and (c), are~~ is effective July 1, 2000.

Section 80, paragraph (c), is effective July 1, 2001.

Sec. 28. Laws 1999, chapter 223, article 3, section 8, is amended to read:

Sec. 8. [EFFECTIVE DATE.]

Sections 1; and 2; ~~and 5~~ are effective July 1, 2000.

Section 5 is effective July 1, 2001.

Sec. 29. [COMMISSIONER OF FINANCE TO CONSULT WITH MINNESOTA HISTORICAL SOCIETY.]

The commissioner of finance shall consult with the commissioner of employee relations and the Minnesota Historical society to consider the causes of ongoing shortfalls in the salary and benefit accounts at the Minnesota Historical Society, and to compare the salaries and benefits at agencies in other states that have comparable missions. The commissioner shall report findings, including recommendations, to the legislature by December 31, 2000.

Sec. 30. [ASSUMPTION OF RESPONSIBILITIES BY COMMISSIONER OF HEALTH.]

The commissioner of health shall consult with appropriate knowledgeable individuals on an ongoing basis regarding the development and enforcement of boxing regulations.

Sec. 31. [UPPER RED LAKE BUSINESS LOAN PROGRAM.]

The appropriation to the commissioner of trade and economic development in Laws 1999, chapter 223, article 1, section 2, subdivision 4, for the Upper Red Lake business loan program is available until December 31, 2000, and applications for grants under that program may be accepted until that date.

Sec. 32. [WORKFORCE CENTER LOCATIONS.]

The commissioner of the department of administration shall assist the commissioner of economic security and the board of trustees of the Minnesota state colleges and universities system to develop and report to the legislature by January 15, 2001, on a ten-year plan for the possible location of workforce centers or affiliate locations on Minnesota college and university campuses where appropriate.

The plan must identify space requirements, current workforce center lease expiration dates, and the campuses that can immediately accommodate workforce centers, and recommend timelines for collocating workforce centers with Minnesota state colleges and universities system facilities.

If additional space would be required to accommodate the workforce center, the plan must outline alternative capital financing mechanisms, including private build-lease.

Sec. 33. [WORKFORCE DEVELOPMENT TASK FORCE.]

Subdivision 1. [ESTABLISHMENT.] The workforce development task force is established to study workforce development issues. The purposes of the task force are to review the recommendations of the governor's mini-cabinet on workforce development, to develop and propose a cohesive workforce development strategy for Minnesota, to communicate with interested parties including state agencies, nonprofit providers of job training services, members of the public, local workforce investment boards, and organized labor, and to prepare recommendations for the 2001 legislative session, including the budget process.

Subd. 2. [MEMBERSHIP.] (a) The task force consists of 15 members appointed as follows:

(1) three public members appointed by the governor, one of which must be a representative of organized labor and one of which must be a representative of the business community;

(2) the chair of the governor's workforce development council;

(3) the director of the Minnesota office of strategic and long-range planning, or a designee;

(4) four state representatives appointed by the speaker of the house; two of which must be members of the minority caucus; and

(5) four state senators appointed by the subcommittee on committees of the senate committee on rules and administration, two of which must be members of the minority caucus.

(b) Compensation and removal of members is as provided by Minnesota Statutes, section 15.059.

Subd. 3. [ADMINISTRATION.] The Minnesota office of strategic and long-range planning shall provide staff support and other assistance for this task force.

Subd. 4. [REPORT.] The task force shall report its findings to the legislature by February 1, 2001.

Subd. 5. [EXPIRATION.] The task force expires on June 30, 2001.

Sec. 34. [EFFECTIVE DATES.]

Section 17 is effective July 1, 2001. Sections 22, 27, 28, 30, and 33 are effective the day following final enactment."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 2893 was read for the second time.

The Speaker called Paulsen to the Chair.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Lenczewski introduced:

H. F. No. 4167, A bill for an act relating to taxes; proposing an amendment to the Minnesota Constitution, article X; allowing a reverse referendum to rescind increases in certain state tax revenues; allowing a refund of rescinded revenue increases; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 16A; and 290.

The bill was read for the first time and referred to the Committee on Taxes.

Lenczewski introduced:

H. F. No. 4168, A bill for an act relating to taxation; income tax; requiring a plan for rate reductions to limit growth in revenues; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Taxes.

Tuma; Anderson, I.; Kielkucki; Anderson, B.; Otremba; Wenzel; Hasskamp; Stang; Olson; Osskopp; Dehler; Mulder; Lindner; Swenson and Abeler introduced:

H. F. No. 4169, A bill for an act relating to health; prohibiting persons from advising pregnant women to obtain abortions based on certain characteristics of the parents or the unborn child; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Smith introduced:

H. F. No. 4170, A bill for an act proposing an amendment to the Minnesota Constitution, by adding a section to article XIII; establishing the same constitutional standard for the Minnesota Constitution and the United States Constitution for issues relating to abortion.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3501:

Holberg, Smith and Carruthers.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

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 Senate has appointed as such committee:

Senators Frederickson, Sams and Vickerman.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Kelly, R. C.; Betzold and Neuville.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Skoglund moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2854. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2516, A bill for an act relating to crime; amending the definition of harassment; amending Minnesota Statutes 1998, section 609.748, subdivisions 1, 3, and 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Smith moved that the House refuse to concur in the Senate amendments to H. F. No. 2516, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 3036.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of 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: DAVE JOHNSON, JANE KRENTZ AND GARY W. LAIDIG.

House Conferees: BILL HAAS, KATHY TINGELSTAD AND BETTY MCCOLLUM.

Bishop moved that the House refuse to adopt the Conference Committee report on S. F. No. 3036, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

Stanek was excused for the remainder of today's session.

CALL OF THE HOUSE

On the motion of Luther and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dempsey	Hausman	Lenczewski	Osskopp	Solberg
Abrams	Dorman	Hilty	Leppik	Osthoff	Stang
Anderson, B.	Dorn	Holberg	Lieder	Otremba	Storm
Anderson, I.	Entenza	Holsten	Lindner	Ozment	Swapinski
Bakk	Erhardt	Howes	Luther	Paulsen	Swenson
Biernat	Erickson	Huntley	Mahoney	Paymar	Sykora
Bishop	Finseth	Jaros	Mares	Pelowski	Tingelstad
Boudreau	Folliard	Jennings	Mariani	Peterson	Tomassoni
Bradley	Fuller	Johnson	Marko	Pugh	Trimble
Broecker	Gerlach	Juhnke	McCollum	Rest	Tuma
Buesgens	Gleason	Kahn	McElroy	Rhodes	Tunheim
Carlson	Goodno	Kalis	McGuire	Rifenberg	Vandev eer
Carruthers	Gray	Kelliher	Molnau	Rostberg	Wagenius
Cassell	Greenfield	Kielkucki	Mulder	Rukavina	Wenzel
Chaudhary	Greiling	Knoblach	Mullery	Schumacher	Westerberg
Clark, J.	Gunther	Koskinen	Murphy	Seagren	Westfall
Clark, K.	Haake	Krinkie	Ness	Seifert, J.	Westrom
Daggett	Haas	Kubly	Nornes	Seifert, M.	Wilkin
Davids	Hackbarth	Kuisle	Olson	Skoe	Winter
Dawkins	Harder	Larsen, P.	Opatz	Skoglund	Workman
Dehler	Hasskamp	Larson, D.	Orfield	Smith	Spk. Sviggum

Abrams moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Bishop motion and the roll was called.

McElroy moved that those not voting be excused from voting. The motion prevailed.

There were 102 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Holberg	Lieder	Otremba	Stang
Anderson, B.	Dempsey	Holsten	Lindner	Paulsen	Storm
Anderson, I.	Dorman	Howes	Luther	Pawlenty	Swapinski
Bakk	Dorn	Huntley	Mahoney	Paymar	Swenson
Biernat	Erhardt	Jaros	Mariani	Pelowski	Sykora
Bishop	Erickson	Jennings	Marko	Peterson	Tomassoni
Boudreau	Finseth	Johnson	McElroy	Pugh	Trimble
Bradley	Fuller	Juhnke	McGuire	Rifenberg	Tuma
Broecker	Gerlach	Kahn	Molnau	Rostberg	Tunheim
Buesgens	Gleason	Kalis	Mulder	Rukavina	Van Dellen
Carlson	Gray	Kelliher	Mullery	Schumacher	Wejcmán
Carruthers	Greenfield	Kielkucki	Murphy	Seagren	Westfall
Cassell	Haake	Knoblach	Ness	Seifert, J.	Westrom
Clark, J.	Hackbarth	Koskinen	Nornes	Seifert, M.	Wilkin
Daggett	Harder	Kubly	Olson	Skoe	Winter
Davids	Hasskamp	Kuisle	Opatz	Smith	Workman
Dawkins	Hilty	Lenczewski	Osskopp	Solberg	Spk. Sviggum

Those who voted in the negative were:

Abrams	Goodno	Krinkie	McCollum	Rhodes	Wenzel
Chaudhary	Greiling	Larsen, P.	Orfield	Skoglund	Westerberg
Clark, K.	Gunther	Larsen, D.	Osthoff	Tingelstad	
Entenza	Haas	Leppik	Ozment	Vandevveer	
Folliard	Hausman	Mares	Rest	Wagenius	

The motion prevailed.

CALL OF THE HOUSE LIFTED

Skoglund moved that the call of the House be suspended. The motion prevailed and it was so ordered.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2521.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of 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: JIM VICKERMAN, STEVE KELLEY AND ARLENE J. LESEWSKI.

House Conferees: ANN H. REST, ELAINE HARDER AND RON ABRAMS.

Rest moved that the report of the Conference Committee on S. F. No. 2521 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Haas	Koskinen	Mulder	Rhodes
Abrams	Dehler	Hackbarth	Krinkie	Mullery	Rifenberg
Anderson, B.	Dempsey	Harder	Kubly	Murphy	Rostberg
Anderson, I.	Dorman	Hasskamp	Kuisle	Ness	Rukavina
Bakk	Dorn	Hausman	Larsen, P.	Nornes	Schumacher
Biernat	Entenza	Hilty	Larson, D.	Olson	Seagren
Bishop	Erhardt	Holberg	Lenczewski	Opatz	Seifert, J.
Boudreau	Erickson	Holsten	Leppik	Orfield	Seifert, M.
Bradley	Finseth	Howes	Lieder	Osskopp	Skoe
Broecker	Folliard	Huntley	Lindner	Osthoff	Skoglund
Buesgens	Fuller	Jaros	Luther	Otremba	Smith
Carlson	Gerlach	Jennings	Mahoney	Ozment	Solberg
Carruthers	Gleason	Johnson	Mares	Paulsen	Stang
Cassell	Goodno	Juhnke	Mariani	Pawlenty	Storm
Chaudhary	Gray	Kahn	Marko	Paymar	Swapinski
Clark, J.	Greenfield	Kalis	McCollum	Pelowski	Swenson
Clark, K.	Greiling	Kelliher	McElroy	Peterson	Sykora
Daggett	Gunther	Kielkucki	McGuire	Pugh	Tingelstad
Davids	Haake	Knoblach	Molnau	Rest	Tomassoni

Tuma	Vandever	Wenzel	Westrom	Workman
Tunheim	Wagenius	Westerberg	Wilkin	Spk. Sviggum
Van Dellen	Wejcman	Westfall	Winter	

The bill was repassed, as amended by Conference, and its title agreed to.

Schumacher and Wenzel were excused for the remainder of today's session.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2845.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of 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: DAVID L. KNUTSON, EMBER R. JUNGE AND JOHN C. HOTTINGER.

House Conferees: PEGGY LEPPIK, ANN H. REST AND DAN DORMAN.

Leppik moved that the report of the Conference Committee on S. F. No. 2845 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

Seifert, M., moved that the House refuse to adopt the Conference Committee report on S. F. No. 2845, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Seifert, M., motion and the roll was called. There were 93 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dawkins	Howes	Lieder	Peterson	Tomassoni
Anderson, I.	Dehler	Huntley	Lindner	Pugh	Trimble
Bakk	Dorn	Jaros	Luther	Rifenberg	Tuma
Biernat	Erickson	Jennings	Mahoney	Rostberg	Tunheim
Bishop	Finseth	Johnson	Mares	Rukavina	Van Dellen
Boudreau	Fuller	Juhnke	Mariani	Seagren	Vandever
Bradley	Gerlach	Kahn	Marko	Seifert, J.	Wagenius
Broecker	Gleason	Kalis	Mullery	Seifert, M.	Wejcmán
Buesgens	Gray	Kelliher	Murphy	Skoe	Westfall
Carlson	Greiling	Kielkucki	Ness	Skoglund	Westrom
Carruthers	Gunther	Knoblach	Olson	Solberg	Wilkin
Chaudhary	Hackbarth	Koskinen	Opatz	Stang	Winter
Clark, J.	Harder	Krinkie	Orfield	Storm	Workman
Clark, K.	Hilty	Kubly	Osskopp	Swapinski	
Daggett	Holberg	Kuisle	Otremba	Swenson	
Davids	Holsten	Larsen, P.	Pelowski	Sykora	

Those who voted in the negative were:

Abeler	Erhardt	Hasskamp	McElroy	Paulsen	Tingelstad
Abrams	Folliard	Hausman	McGuire	Pawlenty	Westerberg
Cassell	Goodno	Larson, D.	Molnau	Paymar	Spk. Sviggum
Dempsey	Greenfield	Lenczewski	Mulder	Rest	
Dorman	Haake	Leppik	Nornes	Rhodes	
Entenza	Haas	McCollum	Ozment	Smith	

The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1870.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVER, Secretary of 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: JOHN C. HOTTINGER, LINDA RUNBECK AND SAM G. SOLON.

House Conferees: BILL HAAS, ERIK PAULSEN AND MATT ENTENZA.

Haas moved that the report of the Conference Committee on S. F. No. 1870 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 116 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Howes	Mahoney	Pawlenty	Swenson
Abrams	Erickson	Huntley	Mares	Paymar	Sykora
Anderson, I.	Finseth	Jaros	Mariani	Pelowski	Tingelstad
Biernat	Folliard	Jennings	Marko	Peterson	Tomassoni
Bishop	Fuller	Johnson	McCollum	Pugh	Trimble
Boudreau	Gleason	Juhnke	McElroy	Rest	Tuma
Bradley	Goodno	Kahn	McGuire	Rhodes	Tunheim
Broecker	Gray	Kalis	Molnau	Rifenberg	Van Dellen
Carlson	Greenfield	Kelliher	Mullery	Rostberg	Vandever
Carruthers	Greiling	Knoblach	Murphy	Rukavina	Wagenius
Cassell	Gunther	Koskinen	Ness	Seagren	Wejcman
Clark, J.	Haake	Kubly	Nornes	Seifert, J.	Westfall
Clark, K.	Haas	Kuisle	Olson	Seifert, M.	Westrom
Daggett	Hackbarth	Larsen, P.	Opatz	Skoe	Winter
Davids	Harder	Larson, D.	Orfield	Skoglund	Workman
Dawkins	Hasskamp	Lenczewski	Osskopp	Smith	Spk. Sviggum
Dehler	Hausman	Leppik	Osthoff	Solberg	
Dempsey	Hilty	Lieder	Otremba	Stang	
Dorman	Holberg	Lindner	Ozment	Storm	
Dorn	Holsten	Luther	Paulsen	Swapinski	

Those who voted in the negative were:

Anderson, B.	Erhardt	Kielkucki	Mulder	Wilkin
Buesgens	Gerlach	Krinkie	Westerberg	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Johnson, D. H.; Murphy and Knutson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jennings moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1048. The motion prevailed.

Skoglund was excused for the remainder of today's session.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Friday, April 28, 2000:

S. F. No. 3257; H. F. No. 2216; and S. F. Nos. 3229 and 2851.

CALENDAR FOR THE DAY

S. F. No. 3257 was reported to the House.

Olson; Rukavina; Krinkie; Gleason; Buesgens; Vandever; Anderson, B.; Dehler; Mahoney; Osthoff; Juhnke; Schumacher; Lindner and Mulder moved to amend S. F. No. 3257 as follows:

Page 1, line 15, after the period, insert "Each member of the legislature shall be allowed to directly hire and employ one staff person under this provision. The hiring of a staff person by a member must not increase the total number of staff persons authorized under the rules of each house."

Page 1, line 16, before "shall" insert ", including those hired by members."

Page 10, after line 3, insert:

"Sec. 9. [EFFECTIVE DATE.]

Section 1 is effective on the first Tuesday after the first Monday in January, 2001."

A roll call was requested and properly seconded.

The question was taken on the Olson et al amendment and the roll was called. There were 40 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark, K.	Johnson	Mariani	Osthoff	Tuma
Anderson, I.	Dawkins	Juhnke	Marko	Peterson	Tunheim
Bakk	Dehler	Krinkie	Mulder	Rostberg	Vandever
Buesgens	Dorn	Larson, D.	Mullery	Rukavina	Wejzman
Carlson	Gleason	Lindner	Olson	Smith	Winter
Carruthers	Gray	Luther	Opatz	Solberg	
Chaudhary	Jaros	Mahoney	Osskopp	Tomassoni	

Those who voted in the negative were:

Abeler	Erickson	Hilty	Lenczewski	Pawlenty	Sykora
Abrams	Finseth	Holberg	Leppik	Paymar	Tingelstad
Biernat	Folliard	Holsten	Lieder	Pelowski	Trimble
Bishop	Fuller	Howes	Mares	Pugh	Van Dellen
Boudreau	Gerlach	Huntley	McCollum	Rest	Wagenius
Bradley	Goodno	Jennings	McElroy	Rhodes	Westerberg
Broecker	Greenfield	Kahn	McGuire	Rifenberg	Westfall
Cassell	Greiling	Kalis	Molnau	Seagren	Westrom
Clark, J.	Gunther	Kelliher	Murphy	Seifert, J.	Wilkin
Daggett	Haake	Kielkucki	Ness	Seifert, M.	Workman
Davids	Haas	Knoblach	Nornes	Skoe	Spk. Sviggum
Dempsey	Hackbarth	Koskinen	Orfield	Stang	
Dorman	Harder	Kubly	Otremba	Storm	
Entenza	Hasskamp	Kuisle	Ozment	Swapinski	
Erhardt	Hausman	Larsen, P.	Paulsen	Swenson	

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

S. F. No. 3257, A bill for an act relating to state employment; modifying legislative employment provisions; amending Minnesota Statutes 1998, sections 3.07; 3.09; 3.095; 352.01, subdivision 2a; and 352D.02, subdivisions 1 and 1c; Minnesota Statutes 1999 Supplement, sections 3.096; and 43A.24, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hilty	Lieder	Otremba	Swapinski
Abrams	Dorn	Holberg	Lindner	Ozment	Swenson
Anderson, I.	Entenza	Holsten	Luther	Paulsen	Sykora
Bakk	Erhardt	Howes	Mahoney	Pawlenty	Tingelstad
Biernat	Erickson	Huntley	Mares	Paymar	Tomassoni
Bishop	Finseth	Jaros	Mariani	Pelowski	Trimble
Boudreau	Folliard	Jennings	Marko	Peterson	Tuma
Bradley	Fuller	Johnson	McCollum	Pugh	Tunheim
Broecker	Gerlach	Juhnke	McElroy	Rest	Van Dellen
Buesgens	Gleason	Kahn	McGuire	Rhodes	Vandever
Carlson	Goodno	Kalis	Molnau	Rifenberg	Wagenius
Carruthers	Gray	Kelliher	Mulder	Rostberg	Wejzman
Cassell	Greenfield	Kielkucki	Mullery	Rukavina	Westerberg
Chaudhary	Greiling	Knoblach	Murphy	Seagren	Westfall
Clark, J.	Gunther	Koskinen	Ness	Seifert, J.	Westrom
Clark, K.	Haake	Kubly	Nornes	Seifert, M.	Wilkin
Daggett	Haas	Kuisle	Olson	Skoe	Winter
Davids	Hackbarth	Larsen, P.	Opatz	Smith	Workman
Dawkins	Harder	Larson, D.	Orfield	Solberg	Spk. Sviggum
Dehler	Hasskamp	Lenczewski	Osskopp	Stang	
Dempsey	Hausman	Leppik	Osthoff	Storm	

Those who voted in the negative were:

Anderson, B. Krinkie

The bill was passed and its title agreed to.

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

Be it Resolved, by the House of Representatives of the State of Minnesota, that the Chief Clerk is directed to correct and approve the Journal of the House for the last day of the 81st Regular Session.

Be it Further Resolved, that the Chief Clerk is authorized to include in the Journal for the last day of the 81st Regular Session any proceedings, including subsequent proceedings and any legislative interim committees or commissions created or appointments made to them by legislative action or by law.

The motion prevailed and the resolution was adopted.

Pawlenty for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

Be it Resolved, by the House of Representatives of the State of Minnesota, that during the time between adjournment sine die in 2000 and the convening of the House of Representatives in 2001, the Chief Clerk under the direction of the Speaker shall maintain House facilities in the Capitol. The House Chamber, retiring room, hearing and conference rooms, and offices shall be set up and made ready for legislative use and reserved for the House and its committees. Those rooms may be reserved for uses by others that are not in conflict with the House's use. The House Chamber, retiring room, and hearing rooms may be used by the Territorial Pioneers, YMCA Youth in Government, Girls' State, Young Leaders Organization, National Forensics League, and 4-H Leadership Conference.

The motion prevailed and the resolution was adopted.

Pawlenty for the Committee on Rules and Legislative Administration offered the following report and moved its adoption:

Be it Resolved, by the House of Representatives of the State of Minnesota that it retains the use of parking lots B, C, P, O, N, and X, and the state office building parking ramp for members and employees of the House of Representatives during the time between adjournment sine die in 2000 and the convening of the House of Representatives in 2001. The Sergeant at Arms is authorized to manage and direct the availability and use of the lots and ramp while the House of Representatives is adjourned. The Controller of the House may continue to deduct from the check of any legislator or legislative employee a sum adequate to cover the exercise of the parking privilege.

The motion prevailed and the resolution was adopted.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2942, A bill for an act relating to consumer protection; regulating telephone sales calls; requiring telephone solicitors to register with the secretary of state; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 3986, A bill for an act relating to government data practices; permitting individuals to restrict the release of certain public data on them held by state agencies; amending Minnesota Statutes 1998, sections 13.04, subdivision 2; 168.346; and 171.12, subdivision 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 4143, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 1998, section 268.059.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 3019, A bill for an act relating to government data practices; limiting the immunity of a school district and others for good faith use and sharing of certain data on minors; amending Minnesota Statutes 1999 Supplement, section 13.32, subdivision 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2942, 3986 and 4143 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 3019 was read for the second time.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2516:

Smith, Hackbarth and Carruthers.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2854:

Skoglund, Bishop and Smith.

MOTIONS AND RESOLUTIONS

McCollum moved that the name of Abeler be added as an author on H. F. No. 4015. The motion prevailed.

Abeler moved that the name of Carruthers be added as an author on H. F. No. 4166. The motion prevailed.

Mares moved that S. F. No. 2594 be recalled from the Committee on State Government Finance and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, May 1, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and Speaker pro tempore Paulsen declared the House stands adjourned until 11:00 a.m., Monday, May 1, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

