

plan. If the association uses a preferred provider network, payments to nonparticipating providers must meet the minimum requirements of section 72A.20, subdivision 15. They shall offer health maintenance organization contracts in those areas of the state where a health maintenance organization has agreed to make the coverage available and has been selected as a writing carrier. Notwithstanding the provisions of section 62E.06 and unless those charges are billed by a provider that is part of the association's preferred provider network, the state plan shall exclude coverage of services of a private duty nurse other than on an inpatient basis and any charges for treatment in a hospital located outside of the state of Minnesota in which the covered person is receiving treatment for a mental or nervous disorder, unless similar treatment for the mental or nervous disorder is medically necessary, unavailable in Minnesota and provided upon referral by a licensed Minnesota medical practitioner.

Sec. 2. Minnesota Statutes 1994, section 62Q.18, subdivision 8, is amended to read:

Subd. 8. **COMPREHENSIVE HEALTH ASSOCIATION.** Effective ~~July 1, 1997~~ on the date specified by law enacted after January 1, 1995, pursuant to subdivision 9, the comprehensive health association created in section 62E.10 shall not accept new applicants for enrollment, except for Medicare-related coverage described in section 62E.12 and for coverage described in section 62E.18.

Presented to the governor April 25, 1995

Signed by the governor April 26, 1995, 2:05 p.m.

CHAPTER 97—H.F.No. 377

An act relating to driving while intoxicated; extending vehicle forfeiture penalties to include failure to appear at trial for designated driving while intoxicated offenses; amending Minnesota Statutes 1994, section 169.1217, subdivisions 7, 8, and 9.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 169.1217, subdivision 7, is amended to read:

Subd. 7. **LIMITATIONS ON FORFEITURE OF MOTOR VEHICLES.**

(a) A vehicle is subject to forfeiture under this section only if:

(1) the driver is convicted of the designated offense upon which the forfeiture is based; or

(2) the driver fails to appear with respect to the designated offense charge in violation of section 609.49.

New language is indicated by underline, deletions by ~~strikeout~~.

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

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

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

Sec. 2. Minnesota Statutes 1994, section 169.1217, subdivision 8, is amended to read:

Subd. 8. **FORFEITURE PROCEDURE.** (a) A motor vehicle used to commit a designated offense is subject to forfeiture under this subdivision.

(b) A separate complaint shall be filed against the vehicle, describing it, and specifying that it was used in the commission of a designated offense and specifying the time and place of its unlawful use. If the person charged with a designated offense appears in court as required and is not convicted of the offense, the court shall dismiss the complaint against the vehicle and order the property returned to the person legally entitled to it. If the lawful ownership of the vehicle used in the commission of a designated offense can be determined and it is found the owner was not privy to commission of a designated offense, the vehicle shall be returned immediately.

Sec. 3. Minnesota Statutes 1994, section 169.1217, subdivision 9, is amended to read:

Subd. 9. **DISPOSITION OF FORFEITED VEHICLES.** (a) If the court finds under subdivision 8 that the vehicle is subject to forfeiture, it shall order the appropriate agency to:

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

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

(b) The proceeds from the sale of forfeited vehicles, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property, must be forwarded to the treasury of the political subdivision that employs the appropriate agency responsible for the forfeiture for use in DWI-related enforcement, training and education. If the appropriate agency is an agency of state government, the net proceeds must be forwarded to the ~~agency for use in DWI-related enforcement, training, and education until June 30, 1994, and thereafter to the state treasury and credited to the general fund.~~

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment.

Presented to the governor April 27, 1995

Signed by the governor April 28, 1995, 2:45 p.m.

CHAPTER 98—H.F.No. 1468

An act relating to the governor; providing that the governor may declare an inability to discharge duties of the office or may be declared unable to do so; amending Minnesota Statutes 1994, section 4.06.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 4.06, is amended to read:

4.06 VACANCY, SUCCESSION; DISABILITY.

(a) When a vacancy occurs, from any cause whatever, in the office of governor, the lieutenant governor shall become governor and the last duly elected president of the senate shall become lieutenant governor for the remainder of the term. When a vacancy occurs, from any cause whatever, in the office of governor and in the office of lieutenant governor, the president of the senate shall become governor for the remainder of the term. If there be no president of the senate, then the speaker of the house of representatives shall become governor for the remainder of the term; or if there be none, then the secretary of state, or the auditor, or the treasurer, or the attorney general, in that order, shall upon resignation from office, become governor for the remainder of the term.

(b) In case of the death or other failure to take office of the governor-elect, the lieutenant governor-elect shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect. In case of the death or other failure to take office of both the governor-elect and lieutenant governor-elect, the last duly elected president of the senate, or in the case of death or other failure to take office, the last duly elected speaker of the house of representatives, or in the case of death or other failure to take office, the secretary of state-elect, or under the same circumstances the auditor-elect, the treasurer-elect or the attorney general-elect, in that order shall become governor from the same time and in the same manner and for the same term as provided for the governor-elect.

(c) If the governor transmits to the president of the senate and the speaker of the house of representatives a written declaration of an inability to discharge the powers and duties of the office of governor, and until the governor transmits a written declaration to the contrary, the powers and duties of the governor shall be discharged by the lieutenant governor.

New language is indicated by underline, deletions by ~~strikeout~~.