

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1989

FORTY-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 3, 1989

The House of Representatives convened at 12:00 noon and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Pastor John Strohschein of Messiah Lutheran Church, Forest Lake, Minnesota.

The roll was called and the following members were present:

Abrams	Frerichs	Krueger	Onnen	Seaberg
Anderson, G.	Girard	Lasley	Orenstein	Segal
Anderson, R.	Greenfield	Lieder	Osthoff	Simoneau
Battaglia	Gruenes	Limmer	Ostrom	Skoglund
Bauerly	Gutknecht	Long	Otis	Solberg
Beard	Hartle	Lynch	Ozment	Sparby
Begich	Hasskamp	Macklin	Pappas	Stanius
Bennett	Haukoos	Marsh	Pauly	Steensma
Bertram	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Valento
Carlson, L.	Jefferson	Morrison	Redalen	Vellenga
Carruthers	Jennings	Munger	Reding	Wagenius
Clark	Johnson, A.	Murphy	Rest	Waltman
Conway	Johnson, R.	Nelson, C.	Rice	Weaver
Cooper	Johnson, V.	Nelson, K.	Richter	Welle
Dauner	Kahn	Neuenschwander	Rodosovich	Wenzel
Dawkins	Kalis	O'Connor	Rukavina	Williams
Dempsey	Kelly	Ogren	Runbeck	Winter
Dille	Kelso	Olsen, S.	Sarna	Wynia
Dorn	Kinkel	Olson, E.	Schafer	Spk. Vanasek
Forsythe	Knickerbocker	Olson, K.	Scheid	
Frederick	Kostohryz	Omann	Schreiber	

A quorum was present.

Uphus was excused.

Wynia moved that the House recess subject to the call of the Chair to meet with the Senate in Joint Convention. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the Chamber.

JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by Pastor John Strohschein of Messiah Lutheran Church, Forest Lake, Minnesota.

The roll being called, the following Senators answered to their names: Adkins, Anderson and Beckman.

Senator Moe, R. D., moved that further proceedings of the roll call be dispensed with. The motion prevailed and a quorum was declared present.

REPORT FROM THE HOUSE COMMITTEE ON
EDUCATION, THE EDUCATION DIVISION OF THE HOUSE
COMMITTEE ON APPROPRIATIONS, THE SENATE COMMITTEE ON
EDUCATION, AND THE EDUCATION DIVISION OF
THE SENATE COMMITTEE ON FINANCE

To the Honorable Robert E. Vanasek, Speaker of the House of Representatives, as President of the Joint Convention of the Senate and House of Representatives meeting to elect Regents of the University of Minnesota:

The House Committee on Education, the Education Division of the House Committee on Appropriations, the Senate Committee on Education, and the Education Division of the Senate Committee on Finance make the following report:

We have selected the following named persons as a slate of nominees for Regents of the University of Minnesota, to hold office for the term specified for each from the first Monday of February, 1989:

Darrin M. Roshka, At-Large Student Member, Six Years
Mary J. Page, At-Large, Six Years
Alan C. Page, At-Large, Six Years
Jean B. Keffeler, Fifth Congressional District, Six Years

We hereby submit the recommendation and the names of said persons in nomination for the offices and terms hereinbefore designated.

Respectfully submitted,

BOB MCEACHERN, Chairman
House Education Committee
and Co-Chair of the Joint Committee

JAMES C. PEHLER, Chairman
Senate Education Committee
and Co-Chair of the Joint Committee

McEachern and Pehler moved that the report of the Joint Committee be adopted.

The motion prevailed and the report was adopted.

ELECTION OF BOARD OF REGENTS

Pursuant to the Joint Rules of the Senate and House of Representatives the Joint Convention proceeded to elect a Regent from the Fifth Congressional District.

Jean B. Keffeler was nominated by the Joint Committee for a term of six years.

Osthoff nominated Alan C. Page.

There being no further nominations, the President declared nominations closed.

The Secretary called the roll.

190 members voted for Jean B. Keffeler, Fifth Congressional District Regent, for a six year term, as follows:

SENATE ROLL CALL

Adkins	Cohen	D. R.	Lessard	Olson
Anderson	Dahl	Freeman	Luther	Pariseau
Beckman	Davis	Gustafson	Marty	Pehler
Belanger	Decker	Hughes	McGowan	Peterson, D. C.
Benson	DeCramer	Johnson, D. E.	McQuaid	Peterson, R. W.
Berg	Dicklich	Johnson, D. J.	Mehrkens	Piper
Berglin	Diessner	Knaak	Merriam	Pogemiller
Bernhagen	Frank	Knutson	Metzen	Purfeerst
Bertram	Frederick	Kroening	Moe, D. M.	Ramstad
Brandl	Frederickson,	Langseth	Moe, R. D.	Reichgott
Brataas	D. J.	Lantry	Morse	Renneke
Chmielewski	Frederickson,	Larson	Novak	Samuelson

Schmitz Solon	Spear Storm	Stumpf Taylor	Vickerman Waldorf
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HOUSE OF REPRESENTATIVES ROLL CALL

Abrams	Greenfield	Krueger	Omann	Schreiber
Anderson, G.	Gruenes	Lasley	Onnen	Seaberg
Anderson, R.	Gutknecht	Lieder	Orenstein	Simoneau
Bauerly	Hartle	Limmer	Ostrom	Skoglund
Beard	Hasskamp	Long	Otis	Sparby
Bennett	Haukoos	Lynch	Ozment	Stanius
Bertram	Heap	Macklin	Pappas	Steensma
Bishop	Henry	Marsh	Pauly	Sviggum
Blatz	Himle	McDonald	Pellow	Swenson
Boo	Hugoson	McEachern	Pelowski	Tjornhom
Brown	Jacobs	McGuire	Peterson	Tompkins
Burger	Janezich	McLaughlin	Poppenhagen	Trimble
Carlson, D.	Jaros	McPherson	Price	Tunheim
Carlson, L.	Jefferson	Milbert	Pugh	Valento
Carruthers	Jennings	Miller	Quinn	Vellenga
Clark	Johnson, A.	Morrison	Redalen	Wagenius
Conway	Johnson, R.	Munger	Reding	Waltman
Cooper	Johnson, V.	Nelson, C.	Rest	Weaver
Dauner	Kahn	Nelson, K.	Rice	Welle
Dempsey	Kalis	Neuenschwander	Richter	Wenzel
Dille	Kelly	O'Connor	Rodosovich	Williams
Dorn	Kelso	Ogren	Rukavina	Winter
Forsythe	Kinkel	Olsen, S.	Runbeck	Wynia
Frerichs	Knickerbocker	Olson, E.	Sarna	Pres. Vanasek
Girard	Kostohryz	Olson, K.	Schafer	

10 members voted for Alan C. Page, Fifth Congressional District Regent, for a six year term, as follows:

SENATE ROLL CALL

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HOUSE OF REPRESENTATIVES ROLL CALL

Battaglia	Dawkins	Murphy	Scheid	Solberg
Begich	Frederick	Osthoff	Segal	

Jean B. Keffeler, having received a majority of the votes cast, was declared elected Fifth Congressional District Regent, for a six year term.

Pursuant to the Joint Rules of the Senate and House of Representatives the Joint Convention proceeded to elect an At-Large Student Regent.

Darrin M. Rosha was nominated by the Joint Committee for a term of six years.

Ogren nominated David Minkkinen.

Lynch nominated Randall Peterson.

There being no further nominations, the President declared nominations closed.

The Secretary called the roll.

124 members voted for Darrin M. Rosha, At-Large Student Regent, for a six year term, as follows:

SENATE ROLL CALL

Adkins	Brataas	Hughes	Metzen	Renneke
Anderson	Davis	Knaak	Moe, D. M.	Samuelson
Beckman	Decker	Knutson	Morse	Spear
Belanger	Diessner	Langseth	Olson	Storm
Benson	Frederick	McGowan	Pariseau	Stumpf
Bertram	Frederickson,	McQuaid	Pehler	Taylor
Brandl	D. R.	Mehrtens	Ramstad	Vickerman

HOUSE OF REPRESENTATIVES ROLL CALL

Abrams	Forsythe	Johnson, V.	Neuenschwander	Scheid
Anderson, G.	Frederick	Kahn	Olson, E.	Schreiber
Bauerly	Frerichs	Kalis	Omman	Simoneau
Bennett	Girard	Kelly	Onnen	Skoglund
Bertram	Greenfield	Knickerbocker	Ostrom	Swiggum
Bishop	Gruenes	Kostohryz	Otis	Swenson
Blatz	Gutknecht	Lieder	Ozment	Tjornhom
Brown	Hartle	Limmer	Pauly	Tompkins
Burger	Hasskamp	Long	Pellow	Tunheim
Carlson, L.	Haukoos	Macklin	Pelowski	Valento
Carruthers	Heap	Marsh	Peterson	Vellenga
Clark	Henry	McDonald	Poppenhagen	Wagenius
Conway	Himle	McEachern	Redalen	Waltman
Cooper	Hugoson	McGuire	Reding	Weaver
Dauner	Jacobs	McPherson	Rest	Welle
Dempsey	Jefferson	Miller	Richter	Wenzel
Dille	Jennings	Morrison	Rodosovich	Wynia
Dorn	Johnson, A.	Nelson, K.	Schafer	Pres. Vanasek

68 members voted for David Minkkinen, At-Large Student Regent, for a six year term, as follows:

SENATE ROLL CALL

Berg	Dicklich	Johnson, D. E.	Luther	Piper
Berglin	Frank	Johnson, D. J.	Marty	Pogemiller
Bernhagen	Frederickson,	Kroening	Moe, R. D.	Purfeerst
Chmielewski	D. J.	Laidig	Novak	Reichgott
Cohen	Freeman	Lantry	Peterson, D. C.	Schmitz
DeCramer	Gustafson	Lessard	Peterson, R. W.	Solon

HOUSE OF REPRESENTATIVES ROLL CALL

Battaglia	Johnson, R.	Murphy	Price	Solberg
Beard	Kelso	Nelson, C.	Pugh	Sparby
Begich	Kinkel	O'Connor	Quinn	Stanius
Boo	Krueger	Ogren	Rice	Stensma
Carlson, D.	Lasley	Olson, K.	Rukavina	Trimble
Dawkins	McLaughlin	Orenstein	Sarna	Williams
Janezich	Milbert	Osthoff	Seaberg	Winter
Jaros	Munger	Pappas	Segal	

8 members voted for Randall Peterson, At-Large Student Regent, for a six year term, as follows:

SENATE ROLL CALL

Dahl Larson Merriam Waldorf

HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, R. Lynch Olsen, S. Runbeck

Darrin M. Rosha, having received a majority of the votes cast, was declared elected At-Large Student Regent, for a six year term.

Pursuant to the Joint Rules of the Senate and House of Representatives the Joint Convention proceeded to elect two At-Large Regents.

Mary J. Page and Alan C. Page were nominated by the Joint Committee for terms of six years.

Luther nominated Luella Goldberg.

Adkins nominated Cy Carpenter.

Waldorf nominated James Shannon.

Himle nominated Vernon Moore.

There being no further nominations, the President declared the nominations closed.

The Secretary called the roll.

131 members voted for Alan C. Page, At-Large Regent, for a six year term, as follows:

SENATE ROLL CALL

Adkins	Dahl	Kroening	Moe, D. M.	Renneke
Anderson	Decker	Lantry	Moe, R. D.	Samuelson
Beckman	DeCramer	Luther	Novak	Spear
Benson	Diessner	Marty	Pariseau	Stumpf
Berglin	Frederickson,	McGowan	Pehler	Vickerman
Brandl	D. J.	McQuaid	Peterson, D. C.	Waldorf
Brataas	Frederickson,	Mehrkens	Pogemiller	
Chmielewski	D. R.	Merriam	Purfeerst	
Cohen	Freeman	Metzen	Reichgott	

HOUSE OF REPRESENTATIVES ROLL CALL

Battaglia	Begich	Boo	Carlson, L.	Cooper
Bauerly	Bishop	Brown	Carruthers	Dauner
Beard	Blatz	Carlson, D.	Clark	Dawkins

Dorn	Kelly	Munger	Pauly	Segal
Forsythe	Kelso	Nelson, C.	Pelowski	Skoglund
Frerichs	Kinkel	Nelson, K.	Peterson	Solberg
Greenfield	Kostohryz	O'Connor	Poppenhagen	Sparby
Gruenes	Krueger	Ogren	Price	Steensma
Gutknecht	Lieder	Olson, E.	Pugh	Tjornhom
Hartle	Limmer	Olson, K.	Quinn	Trimble
Hasskamp	Long	Omann	Redalen	Tunheim
Haukoos	Lynch	Onnen	Reding	Vellenga
Henry	Macklin	Orenstein	Rest	Wagenius
Jaros	Marsh	Osthoff	Rice	Weaver
Jefferson	McEachern	Ostrom	Rodosovich	Welle
Johnson, A.	McGuire	Otis	Sarna	Wenzel
Johnson, R.	McLaughlin	Ozment	Schafer	Winter
Kahn	Milbert	Pappas	Scheid	Wynia
				Pres. Vanasek

118 members voted for Mary J. Page, At-Large Regent, for a six year term, as follows:

SENATE ROLL CALL

Adkins	Decker	Johnson, D. E.	McQuaid	Purfeerst
Beckman	DeCramer	Johnson, D. J.	Metzen	Renneke
Belanger	Dicklich	Knutson	Moe, D. M.	Solon
Berg	Frederickson,	Kroening	Morse	Spear
Berglin	D. J.	Laidig	Olson	Stumpf
Bernhagen	Frederickson,	Langseth	Pehler	Taylor
Bertram	D. R.	Lantry	Peterson, D. C.	Vickerman
Brandl	Freeman	Larson	Piper	
Davis	Gustafson	Lessard	Pogemiller	

HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, G.	Gruenes	Lasley	Otis	Steensma
Anderson, R.	Hartle	Lieder	Pappas	Sviggum
Bauerly	Hasskamp	Long	Peterson	Swenson
Bertram	Hugoson	McEachern	Price	Trimble
Brown	Jacobs	McGuire	Pugh	Tunheim
Carlson, L.	Janezich	Miller	Reding	Vellenga
Clark	Jaros	Munger	Rest	Wagenius
Conway	Jefferson	Murphy	Rice	Welle
Cooper	Johnson, A.	Nelson, C.	Richter	Wenzel
Dawkins	Johnson, R.	Nelson, K.	Rodosovich	Williams
Dempsey	Johnson, V.	Ogren	Rukavina	Winter
Dille	Kahn	Olson, E.	Sarna	Wynia
Dorn	Kalis	Olson, K.	Schafer	Pres. Vanasek
Frederick	Kelly	Omann	Seaberg	
Girard	Kinkel	Onnen	Skoglund	
Greenfield	Kostohryz	Ostrom	Sparby	

94 members voted for Luella Goldberg, At-Large Regent, for a six year term, as follows:

SENATE ROLL CALL

Anderson	Dahl	Johnson, D. J.	McGowan	Pariseau
Belanger	Diessner	Knaak	Mehrkens	Peterson, R. W.
Benson	Frederick	Knutson	Moe, R. D.	Ramstad
Bernhagen	Gustafson	Laidig	Morse	Reichgott
Brataas	Hughes	Larson	Novak	Solon
Cohen	Johnson, D. E.	Luther	Olson	Storm
				Taylor

HOUSE OF REPRESENTATIVES ROLL CALL

Abrams	Girard	Lynch	Osthoff	Seaberg
Beard	Gutknecht	Macklin	Ozment	Segal
Bennett	Haukoos	Marsh	Pauly	Simoneau
Bishop	Heap	McDonald	Pellow	Solberg
Blatz	Henry	McLaughlin	Pelowski	Stanius
Boo	Himle	McPherson	Poppenhagen	Sviggum
Burger	Hugoson	Milbert	Quinn	Tjornhom
Carlson, D.	Janezich	Miller	Redalen	Tompkins
Carruthers	Jennings	Morrison	Richter	Valento
Dauner	Johnson, V.	Neuenschwander	Rukavina	Waltman
Forsythe	Kelso	O'Connor	Runbeck	Weaver
Frederick	Knickerbocker	Olsen, S.	Scheid	
Frerichs	Lasley	Orenstein	Schreiber	

20 members voted for Vernon Moore, At-Large Regent, for a six year term, as follows:

SENATE ROLL CALL

Berg	Davis	Frank	Frederick	Knaak
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HOUSE OF REPRESENTATIVES ROLL CALL

Bennett	Knickerbocker	Olsen, S.	Schreiber	Tompkins
Heap	McDonald	Pellow	Simoneau	Valento
Himle	McPherson	Runbeck	Swenson	Waltman

18 members voted for James Shannon, At-Large Regent, for a six year term, as follows:

SENATE ROLL CALL

Chmielewski	Marty	Peterson, R. W.	Ramstad	Storm
Hughes	Merriam	Piper	Schmitz	Waldorf

HOUSE OF REPRESENTATIVES ROLL CALL

Abrams	Burger	Jacobs	Morrison
Anderson, G.	Dempsey	Limmer	Stanius

17 members voted for Cy Carpenter, At-Large Regent, for a six year term, as follows:

SENATE ROLL CALL

Bertram	Frank	Lessard	Schmitz
Dicklich	Langseth	Samuelson	

HOUSE OF REPRESENTATIVES ROLL CALL

Anderson, R.	Begich	Conway	Jennings	Krueger
Battaglia	Bertram	Dille	Kalis	Neuenschwander

2 members voted for Yvonne Condell, At-Large Regent, for a six year term, as follows:

HOUSE OF REPRESENTATIVES ROLL CALL

Murphy Williams

Mary C. Page and Alan C. Page, having received a majority of the votes cast, were declared elected At-Large Regents, for six year terms.

DECLARATION OF ELECTION

Jean B. Keffeler, Fifth Congressional District Regent, six years; Darrin M. Rosha, At-Large Student Regent, six years; Alan C. Page, At-Large Regent, six years; Mary J. Page, At-Large Regent, six years, having received the largest number of votes at the Joint Convention were declared by the President of the Joint Convention to be elected to the Board of Regents of the University of Minnesota for terms ending the first Monday of February, 1995.

Moe, R. D., moved that the Joint Convention arise. The motion prevailed and the President declared the Joint Convention adjourned.

RECONVENED

The House reconvened and was called to order by the Speaker.

CERTIFICATION

May 3, 1989

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Wednesday, May 3, 1989, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified from the first Monday of February, 1989:

Jean B. Keffeler, Fifth Congressional District, Six Years
Darrin M. Rosha, At-Large Student, Six Years

Alan C. Page, At-Large, Six Years
Mary J. Page, At-Large, Six Years

JEROME M. HUGHES
President of the Senate

ROBERT E. VANASEK
Speaker of the House of
Representatives

The Chief Clerk proceeded to read the Journal of the preceding day. Skoglund moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1689, 1758, 1734 and 1759 and S. F. Nos. 490, 840, 1139, 786, 922, 1027, 459, 1083, 164, 723, 49, 476, 572, 583, 598, 1042, 783, 1009, 1258, 486, 834, 1191, 243, 590, 1031, 1401, 281, 180, 847, 1070, 809, 858, 1269, 886 and 1039 have been placed in the members' files.

S. F. No. 1191 and H. F. No. 1407, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carruthers moved that S. F. No. 1191 be substituted for H. F. No. 1407 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1258 and H. F. No. 1504, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hugoson moved that S. F. No. 1258 be substituted for H. F. No. 1504 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 858 and H. F. No. 1110, which had been referred to the

Chief Clerk for comparison, were examined and found to be identical.

Schafer moved that S. F. No. 858 be substituted for H. F. No. 1110 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 809 and H. F. No. 604, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Stanis moved that the rules be so far suspended that S. F. No. 809 be substituted for H. F. No. 604 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 583 and H. F. No. 1175, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bauerly moved that the rules be so far suspended that S. F. No. 583 be substituted for H. F. No. 1175 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1039 and H. F. No. 1358, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jacobs moved that S. F. No. 1039 be substituted for H. F. No. 1358 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1009 and H. F. No. 1179, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

McDonald moved that S. F. No. 1009 be substituted for H. F. No. 1179 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 590 and H. F. No. 759, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Welle moved that S. F. No. 590 be substituted for H. F. No. 759 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 783 and H. F. No. 872, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jaros moved that the rules be so far suspended that S. F. No. 783 be substituted for H. F. No. 872 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1269 and H. F. No. 1648, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Price moved that the rules be so far suspended that S. F. No. 1269 be substituted for H. F. No. 1648 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 886 and H. F. No. 780, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Cooper moved that S. F. No. 886 be substituted for H. F. No. 780 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 486 and H. F. No. 981, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rest moved that the rules be so far suspended that S. F. No. 486 be substituted for H. F. No. 981 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 476 and H. F. No. 187, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Miller moved that the rules be so far suspended that S. F. No. 476 be substituted for H. F. No. 187 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 847 and H. F. No. 953, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hasskamp moved that the rules be so far suspended that S. F. No. 847 be substituted for H. F. No. 953 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 281 and H. F. No. 1040, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Olson, E., moved that the rules be so far suspended that S. F. No. 281 be substituted for H. F. No. 1040 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1031 and H. F. No. 1379, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Trimble moved that the rules be so far suspended that S. F. No. 1031 be substituted for H. F. No. 1379 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 180 and H. F. No. 513, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hugoson moved that the rules be so far suspended that S. F. No. 180 be substituted for H. F. No. 513 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 723 and H. F. No. 728, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Segal moved that the rules be so far suspended that S. F. No. 723 be substituted for H. F. No. 728 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 834 and H. F. No. 1118, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sarna moved that the rules be so far suspended that S. F. No. 834 be substituted for H. F. No. 1118 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 59, A bill for an act relating to crime; controlled

substances; creating controlled substance crimes in the first, second, third, fourth, and fifth degrees; increasing penalties for controlled substance offenses; providing mandatory minimum sentences for repeat controlled substance offenses; providing a mandatory minimum sentence for a controlled substance offense committed with a dangerous weapon; creating a permissible inference that occupants in a room knowingly possess controlled substances found there; providing that public safety be considered by the sentencing guidelines commission in modifying the sentencing guidelines; modifying provisions concerning the forfeiture of conveyance devices or real property associated with controlled substances; requiring reporting of newborns with signs of controlled substance exposure; limiting liability of medical personnel administering toxicology tests on newborns; requiring an education program to prevent harm to unborn children from prenatal exposure to controlled substances and alcohol; establishing a grant program for community crime prevention and reduction programs; appropriating money; amending Minnesota Statutes 1988, sections 152.01, subdivision 7, and by adding subdivisions; 152.096, subdivision 1; 152.097, by adding a subdivision; 152.15, subdivision 4a; 152.151; 152.18, subdivision 1; 152.20; 152.21, subdivision 6; 244.09, subdivision 5; 609.11, subdivision 9; 609.5311, subdivision 3; 609.5314, subdivision 1; 609.5315, subdivision 1; and 626.556, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116K; 121; 152; and 626; repealing Minnesota Statutes 1988, sections 152.09; and 152.15, subdivisions 1, 2, 2a, 2b, 3, and 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1 APPROPRIATIONS

Section 1. [BOND SALE; APPROPRIATION FOR CAPITAL IMPROVEMENT.]

Subdivision 1. [APPROPRIATION; BOND SALE.] \$10,755,000 is appropriated from the state building fund to the department of administration to convert portions of the regional treatment center at Faribault for use as a medium security correctional facility for adult males.

To provide the money appropriated by this section from the state building fund, the commissioner of finance on request of the governor shall sell and issue bonds of the state in an amount up to \$10,755,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. [DEBT SERVICE.] The commissioner of finance shall schedule the sale of state general obligation bonds authorized to be issued under this section so that, during the biennium ending June 30, 1991, no more than \$1,753,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on them, in addition to limits in other law placed on debt service on state general obligation bonds for the biennium or either fiscal year of it. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 2. [CRIME AND CORRECTIONS; APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1990" and "1991," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1990 or June 30, 1991, respectively.

SUMMARY BY FUND

	1990	1991	TOTAL
General	\$35,087,000	\$27,202,000	\$62,289,000

APPROPRIATIONS
Available for the Year
Ending June 30,
1990 1991

Sec. 3. COMMISSIONER OF CORRECTIONS

Subdivision 1. Appropriation by Fund

General Fund	\$24,451,000	\$26,910,000
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The amounts that may be spent from the appropriations for each program and activity are more specifically described in the following subdivisions.

	1990	1991
	\$	\$
Subd. 2. Correctional Institutions	15,580,000	17,682,000

Of this amount \$6,213,000 in fiscal year 1990 and \$9,837,000 in fiscal year 1991 are to pay operating costs of the facility at Faribault. The department's complement is increased by up to 245 positions in both years of the biennium.

Of this amount \$1,957,000 is to pay start-up costs associated with conversion of portions of the regional treatment center at Faribault to a medium-security correctional facility.

Of this amount, \$63,000 in fiscal year 1990 and \$332,000 in fiscal year 1991 are to establish and operate two additional sex offender programs within state correctional facilities. The department's complement is increased by one position in 1990 and up to eight positions in 1991.

Of this amount, \$115,000 in each year of the biennium is to pay costs associated with assessing sex offenders for amenability to treatment, monitoring the progress of inmates in sex offender programs, and making court appearances to report on inmates' progress in sex offender programs. The department's complement is increased by up to three positions in both years.

Any unexpended money in the fiscal year 1990 appropriation for conversion and operation of the facility at Faribault is available in fiscal year 1991.

During the biennium ending June 30, 1991, the commissioner shall give preference in recruiting, training and hiring to employees of the department of human services whose positions are eliminated by implementation of the regional treatment center restructuring plan when filling correctional facil-

1990

1991

\$

\$

ity positions located on regional treatment center campuses.

Agreements between the commissioner of corrections and the commissioner of human services concerning operation of a correctional facility on a campus of a regional treatment center shall include provisions for operation of the kitchen and laundry facilities by the commissioner of human services. The department of human services shall operate such kitchen and laundry facilities until the department of human services has completed its restructuring plan at the regional treatment center.

Employees of the St. Paul-Ramsey medical center who perform the functions of psychologist and director of the mental health unit at the Minnesota correctional facility-Oak Park Heights and psychiatric social worker at Minnesota correctional facility-Stillwater shall be transferred to the classified service without competitive or qualifying examination and shall be placed by the commissioner of employee relations, with no loss in salary, in the proper classifications. These employees shall begin on the date of transfer to serve a probationary period appropriate to the classification to which each is assigned, according to a collective bargaining agreement or plans pursuant to Minnesota Statutes 1988, section 43A.16.

The commissioner may enter into agreements with the appropriate officials of any state, political subdivision, or the United States, for housing prisoners in Minnesota correctional facilities. Money received under the agreement is appropriated to the commissioner for correctional purposes.

Subd. 3. Community Services

8,285,000

8,360,000

1990 1991

\$

\$

Of this amount, \$75,000 in each year is to be used as a grant to an existing statewide coalition of sexual assault programs, providers and agencies. Grant money may be used to promote the availability of services to all sexual assault victims throughout the state; to educate the general public and professionals in related fields about victimization issues through programs, publications and the media; to provide training on issues of common concern to sexual assault service programs through conferences, workshops and forums; and to offer an opportunity for providers, programs and agencies to share expertise, experience and knowledge about sexual assault issues.

Of this amount, \$100,000 in 1990 is a one-time appropriation to the St. Louis County Task Force on Children and Youth to conduct a study with the following objectives: to examine and identify causes of problems faced by children and youth in St. Louis County; to identify resources and gaps in services in the existing service system for children and youth; to make recommendations regarding possible prevention and early intervention initiatives; to improve coordination efforts among agencies, organizations and systems serving youth in St. Louis County; and to contribute to greater public awareness and recognition of the needs, problems and concerns of children and youth.

The commissioner may transfer unencumbered grant money to fund the department's fiscal year 1989 general fund shortage.

Base level funding in the probation and supervised release activity for services to Dakota and Rice counties shall be transferred to the community correc-

	1990	1991
	\$	\$
tions act appropriation upon their entry into the act.		

The commissioner is encouraged to direct a portion of the increase in funding to battered women's programs toward pay increases for employees of the programs.

Subd. 4. Management Services	586,000	868,000
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Of this amount, \$50,000 in each year is to pay planning costs associated with developing a statewide system to collect data on felony sex offenders.

Sec. 4. SENTENCING GUIDELINES COMMISSION	0	38,000
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This is a one-time appropriation to study the mandatory minimum sentencing law. The commission shall submit a report to the legislature by February 1, 1991, summarizing its findings and recommending any changes necessary to improve the mandatory minimum sentencing law.

Sec. 5. DRUG ABUSE PREVENTION RESOURCE COUNCIL	100,000	100,000
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This appropriation is to foster the coordination and development of a statewide drug abuse prevention policy. The staff complement of the council is not more than five positions.

Sec. 6. COMMISSIONER OF STATE PLANNING	8,821,000	100,000
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Of this amount, \$100,000 in each year is to be used for grants to establish community crime reduction pilot projects.

Of this amount, \$10,000,000 in the first year is for the community resources program. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

	1990	1991
	\$	\$
Sec. 7. COMMISSIONER OF PUBLIC SAFETY	1,710,000	54,000

This amount is appropriated to the bureau of criminal apprehension to establish a statewide system to collect data on felony sex offenders who are juveniles.

Sec. 8. LEGISLATIVE COORDINATING COMMISSION	5,000	0
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This is a one-time appropriation to conduct a study of the child protection system at the state and county levels and ways in which it can be improved.

ARTICLE 2

CONTROLLED SUBSTANCES PROVISIONS

Section 1. [116K.14] [COMMUNITY CRIME REDUCTION PROGRAMS; GRANTS.]

Subdivision 1. [PROGRAMS.] The commissioner shall administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;

(2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;

(3) neighborhood block clubs and innovative community-based crime watch programs; and

(4) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Subd. 2. [GRANT PROCEDURE.] A local unit of government may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

- (1) a description of each program for which funding is sought;
- (2) the amount of funding to be provided to the program;
- (3) the geographical area to be served by the program; and

(4) statistical information as to the number of arrests in the geographical area for violent crimes and for crimes involving schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; and any provision of chapter 152 that is punishable by a maximum term of imprisonment greater than ten years.

The commissioner shall give priority to funding programs in the geographical areas that have the highest crime rates, as measured by the data supplied under clause (4), and that demonstrate substantial involvement by members of the community served by the program. The maximum amount that may be awarded to an applicant is \$25,000.

Subd. 3. [REPORT.] An applicant that receives a grant under this section shall provide the commissioner with a summary of how the grant funds were spent and the extent to which the objectives of the program were achieved. The commissioner shall submit a written report with the legislature based on the information provided by applicants under this subdivision.

Sec. 2. [121.162] [COOPERATION WITH DRUG ABUSE PREVENTION RESOURCE COUNCIL.]

The commissioner shall cooperate with and assist the drug abuse prevention resource council in fulfilling its responsibilities under sections 27 and 28.

Sec. 3. [121.883] [PROGRAM FOR PUBLIC EDUCATION REGARDING THE EFFECTS OF CONTROLLED SUBSTANCE AND ALCOHOL USE DURING PREGNANCY.]

Subdivision 1. [PUBLIC EDUCATION REGARDING THE EFFECTS OF CONTROLLED SUBSTANCE AND ALCOHOL USE DURING PREGNANCY.] The commissioner of education, in consultation with the commissioner of health, shall assist school districts in developing and implementing programs to prevent and reduce the risk of harm to unborn children exposed to controlled substance

and alcohol use by their mother during pregnancy. Each district program must, at a minimum:

(1) use planning materials, guidelines, and other technically accurate and updated information;

(2) maintain a comprehensive, technically accurate, and updated curriculum;

(3) be directed at adolescents, especially those who may be at high risk of pregnancy coupled with controlled substance or alcohol use;

(4) provide in-service training for appropriate district staff; and

(5) collaborate with appropriate state and local agencies and organizations.

Subd. 2. [FUNDING SOURCES.] Districts may accept funds for the program from public and private sources.

Sec. 4. [144.066] [COOPERATION WITH DRUG ABUSE PREVENTION RESOURCE COUNCIL.]

The commissioner shall cooperate with and assist the drug abuse prevention resource council in fulfilling its responsibilities under sections 27 and 28.

Sec. 5. Minnesota Statutes 1988, section 152.01, subdivision 7, is amended to read:

Subd. 7. [~~MANUFACTURING~~ MANUFACTURE.] "~~Manufacturing~~ Manufacture", in places other than a pharmacy, means and includes the production, cultivation, quality control, and standardization by mechanical, physical, chemical, or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of drugs.

Sec. 6. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 19. [SELL.] "Sell" means to sell, give away, barter, deliver, exchange, distribute or dispose of to another; or to offer or agree to do the same; or to manufacture.

Sec. 7. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 20. [MIXTURE.] "Mixture" means a preparation, compound, mixture, or substance containing a controlled substance, regardless of purity.

Sec. 8. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 21. [PERSON.] "Person" means a person, firm, or corporation.

Sec. 9. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 22. [PREVIOUS CONTROLLED SUBSTANCE CONVICTION.] "Previous controlled substance conviction" means a conviction in Minnesota of a felony violation of this chapter or a felony-level attempt or conspiracy to violate this chapter, or a conviction elsewhere for conduct that would have been a felony under this chapter if committed in Minnesota. The term includes any conviction that occurred before the present offense of conviction. The term does not include a conviction if ten years have elapsed since the person was restored to civil rights, or the sentence has expired, whichever occurs first.

Sec. 10. Minnesota Statutes 1988, section 152.01, is amended by adding a subdivision to read:

Subd. 23. [HALLUCINOGEN.] For purposes of sections 11 to 14, "hallucinogen" means any hallucinogen listed in section 152.02, subdivision 2, clause (3), or Minnesota Rules, part 6800.4210, item C, except marijuana or tetrahydrocannabinols.

Sec. 11. [152.021] [CONTROLLED SUBSTANCE CRIME IN THE FIRST DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the first degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures containing ten grams or more of cocaine base;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing a narcotic drug;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 200 or more dosage units; or

(4) on one or more occasions within a 90-day period the person

unlawfully sells one or more mixtures of a total weight of 100 kilograms or more containing marijuana or tetrahydrocannabinols.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures containing 25 grams or more of cocaine base;

(2) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures of a total weight of 500 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 100 kilograms or more containing marijuana or tetrahydrocannabinols.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both.

(b) A person convicted under subdivision 1 or 2 who has a previous controlled substance conviction shall be sentenced to imprisonment for not less than four years nor more than 40 years or to a fine of not more than \$1,000,000, or both.

Sec. 12. [152.022] [CONTROLLED SUBSTANCE CRIME IN THE SECOND DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the second degree if:

(1) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures containing three grams or more of cocaine base;

(2) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing a narcotic drug;

(3) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of ten grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 50 kilograms or more containing marijuana or tetrahydrocannabinols;

(5) the person unlawfully sells one or more mixtures containing a narcotic drug to a person under the age of 18; or

(6) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing a narcotic drug.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures containing six grams or more of cocaine base;

(2) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing methamphetamine, amphetamine, phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or tetrahydrocannabinols.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$500,000, or both.

(b) A person convicted under subdivision 1 or 2 who has a previous controlled substance conviction shall be sentenced to imprisonment for not less than three years nor more than 40 years or to a fine of not more than \$500,000, or both.

Sec. 13. [152.023] [CONTROLLED SUBSTANCE CRIME IN THE THIRD DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully sells one or more mixtures containing a narcotic drug;

(2) the person unlawfully sells one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units;

(3) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule I, II, or III, except marijuana or tetrahydrocannabinols, to a person under the age of 18; or

(4) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing a controlled substance listed in schedule I, II, or III, except marijuana or tetrahydrocannabinols.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the third degree if:

(1) the person unlawfully possesses one or more mixtures containing three grams or more of cocaine base;

(2) the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug;

(3) the person unlawfully possesses one or more mixtures containing a narcotic drug, phencyclidine, or hallucinogen with the intent to sell it; or

(4) the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 20 years or to a payment of a fine of not more than \$250,000, or both.

(b) A person convicted under subdivision 1 or 2 who has a previous controlled substance conviction shall be sentenced to imprisonment for not less than two years nor more than 30 years or to a fine of not more than \$250,000, or both.

Sec. 14. [152.024] [CONTROLLED SUBSTANCE CRIME IN THE FOURTH DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule I, II, or III, except marijuana or tetrahydrocannabinols;

(2) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols to a person under the age of 18;

(3) the person conspires with or employs a person under the age of 18 to unlawfully sell one or more mixtures containing marijuana or tetrahydrocannabinols;

(4) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV or V to a person under the age of 18; or

(5) the person conspires with or employs a person under the age of 18 to unlawfully sell a controlled substance classified in schedule IV or V.

Subd. 2. [POSSESSION CRIMES.] A person is guilty of controlled substance crime in the fourth degree if:

(1) the person unlawfully possesses one or more mixtures containing phencyclidine or hallucinogen, it is packaged in dosage units, and equals ten or more dosage units; or

(2) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, or III, except marijuana or tetrahydrocannabinols, with the intent to sell it.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$100,000, or both.

(b) A person convicted under subdivision 1 or 2 who has a previous controlled substance conviction shall be sentenced to imprisonment for not less than one year nor more than 30 years or to a fine of not more than \$100,000, or both.

Sec. 15. [152.025] [CONTROLLED SUBSTANCE CRIME IN THE FIFTH DEGREE.]

Subdivision 1. [SALE CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV.

Subd. 2. [POSSESSION AND OTHER CRIMES.] A person is guilty of controlled substance crime in the fifth degree if:

(1) the person unlawfully possesses one or more mixtures contain-

ing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

Subd. 3. [PENALTY.] (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) A person convicted under subdivision 1 or 2 who has a previous controlled substance conviction shall be sentenced to imprisonment for not less than six months nor more than ten years or to payment of a fine of not more than \$20,000, or both.

Sec. 16. [152.026] [MANDATORY MINIMUM SENTENCES.]

A defendant convicted and sentenced to a mandatory minimum sentence under sections 11 to 15 is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by law, notwithstanding sections 242.19, 243.05, 244.04, 609.12, and 609.135.

Sec. 17. [152.027] [OTHER CONTROLLED SUBSTANCE OFFENSES.]

Subdivision 1. [SALE OF SCHEDULE V CONTROLLED SUBSTANCE.] A person who unlawfully sells one or more mixtures containing a controlled substance classified in schedule V may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 2. [POSSESSION OF SCHEDULE V CONTROLLED SUBSTANCE.] A person who unlawfully possesses one or more mixtures containing a controlled substance classified in schedule V may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. The court may order that a person who is convicted under this subdivision and placed on

probation be required to take part in a drug education program as specified by the court.

Subd. 3. [POSSESSION OF LARGER AMOUNTS OF MARIJUANA IN A MOTOR VEHICLE.] A person is guilty of a misdemeanor if the person is the owner of a private motor vehicle, or is the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana. This area of the vehicle does not include the trunk of the motor vehicle if the vehicle is equipped with a trunk, or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment is deemed to be within the area occupied by the driver and passengers.

Subd. 4. [POSSESSION OR SALE OF SMALL AMOUNTS OF MARIJUANA.] (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to \$200 and participation in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

Sec. 18. [152.028] [PERMISSIVE INFERENCE OF KNOWING POSSESSION; RESIDENCES.] The presence of a controlled substance in open view in a room, other than a public place, under circumstances evincing an intent by one or more of the persons present to unlawfully mix, compound, package, or otherwise prepare for sale the controlled substance permits the factfinder to infer knowing possession of the controlled substance by each person in close proximity to the controlled substance when the controlled substance was found. The permissive inference does not apply to any person if:

(1) one of them legally possesses the controlled substance; or

(2) the controlled substance is on the person of one of the occupants.

Sec. 19. Minnesota Statutes 1988, section 152.096, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS; PENALTIES.] Any person who conspires to commit any act prohibited by ~~section 152.09~~ this chapter, except possession or distribution for no remuneration of a small amount of marijuana as defined in section 152.01, subdivision 16, is guilty of a felony and upon conviction may be imprisoned, fined, or both, up to the maximum amount authorized by law for the act the person conspired to commit.

Sec. 20. Minnesota Statutes 1988, section 152.097, is amended by adding a subdivision to read:

Subd. 4. [PENALTY.] A person who violates this section may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$20,000, or both. Sentencing for a conviction for attempting to sell, transfer, or deliver a noncontrolled substance in violation of this section is governed by section 609.17, subdivision 4.

Sec. 21. Minnesota Statutes 1988, section 152.15, subdivision 4a, is amended to read:

Subd. 4a. Any A person 18 years of age or over who violates section 152.09, subdivision 1, clause (2), this chapter by possessing on school premises a controlled substance listed on Schedules I or II which is a narcotic drug is punishable by a fine of up to twice that authorized by subdivision 2, clause (4) this chapter, by a term of imprisonment up to twice that authorized by subdivision 2, clause (4) this chapter, or both. Any person 18 years of age or over who violates section 152.09, subdivision 1, clause (2), this chapter by possessing on school premises any other controlled substance listed on schedule I, II, III, IV or V, except a small amount of marijuana, is punishable by a fine of up to twice that authorized by subdivision 2, clause (2), (3), or (4) this chapter, by a term of imprisonment up to twice that authorized by subdivision 2, clause (2), (3), or (4) this chapter, or both.

For the purposes of this subdivision, "school premises" means any property owned, leased or controlled by a school district or an organization operating a nonpublic school, as defined in section 123.932, subdivision 3, where an elementary, middle, secondary school, secondary vocational center or other school providing educational services in grade 1 through grade 12 is located, or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided.

Sec. 22. Minnesota Statutes 1988, section 152.151, is amended to read:

152.151 [REPORT TO LEGISLATURE.]

The state alcohol and drug authority shall ~~build into~~ evaluate the drug education program required by section ~~152.15, subdivision 2, proper evaluation 17~~ and report directly each legislative session to the legislative standing committees having jurisdiction over the subject matter.

Sec. 23. Minnesota Statutes 1988, section 152.18, subdivision 1, is amended to read:

Subdivision 1. If any person is found guilty of a violation of section ~~152.09, subdivision 1, clause (2) unlawful possession of a controlled substance under section 14, 15, or 17, after trial or upon a plea of guilty~~, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum term of imprisonment provided for such violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge the person from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against that person. Discharge and dismissal hereunder shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the department of public safety solely for the purpose of use by the courts in determining the merits of subsequent proceedings against such person. The court shall forward a record of any discharge and dismissal hereunder to the department of public safety who shall make and maintain the nonpublic record thereof as hereinbefore provided. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

Sec. 24. [152.152] [CONTROLLED SUBSTANCE TRANSACTIONS IN PUBLIC PARKS AND DRUG FREE SCHOOL ZONES; DISSEMINATION OF INFORMATION.]

Subdivision 1. [DEFINITIONS.] As used in this section:

(1) "Drug free school zone" includes the following locations: (a)

school premises, as defined in clause (3); (b) the area within a school bus; and (c) property within 300 feet or one city block, whichever distance is greater, of a designated school bus stop when one or more students are awaiting the bus, or after one or more students have exited the bus if the bus is still within 300 feet or one city block, whichever distance is greater, of the designated school bus stop.

(2) “Public park” means an area designated as a public park by the federal government, the state, a local unit of government, a park district board, or a park and recreation board in a city of the first class. “Public park” includes the area within 300 feet or one city block, whichever distance is greater, of the park boundary.

(3) “School premises” means any property owned, leased, or controlled by a school district or an organization operating a nonpublic school, as defined in section 123.932, subdivision 3, and the area within 300 feet or one city block, whichever distance is greater, of the property, where an elementary, middle, secondary school, secondary vocational center, or other school providing educational services in grade 1 through grade 12 is located, or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided.

Subd. 2. [ATTORNEY GENERAL DUTIES.] The attorney general shall disseminate information relating to the provisions of sections 30 and 32 to the public. In conjunction with the informational promotion of sections 30 and 32, the attorney general shall draft a plain language version of sections 30 and 32 that describes in a clear and coherent manner using words with common and everyday meanings the contents of these sections. The attorney general shall publicize and disseminate the plain language version as widely as practicable, including distributing the version to school boards and local governments.

Subd. 3. [SCHOOL BOARDS, LOCAL GOVERNMENTS, AND PARK AGENCIES.] Every school board shall post the plain language version of sections 30 and 32 in conspicuous locations in school buildings and school buses. Every local government shall post the plain language version of sections 30 and 32 conspicuously at appropriate locations in public buildings. Every government agency responsible for administration of a public park shall post the plain language version of sections 30 and 32 conspicuously at appropriate locations within the park.

Subd. 4. [DRUG FREE SCHOOL ZONES.] Every school board is strongly encouraged to post signs at conspicuous locations on and near school premises stating that the school premises, the area within 300 feet or one city block, whichever distance is greater, of the school property, school buses, and designated school bus stops are within a drug free school zone. Local governments are strongly encouraged to cooperate with school boards in placing the signs.

Subd. 5. [DRUG FREE PARK ZONES.] The government agency responsible for administration of a public park is strongly encouraged to post signs at conspicuous locations in the park stating that the park and the area within 300 feet or one city block, whichever distance is greater, of the park boundary are within a drug free park zone.

Sec. 25. Minnesota Statutes 1988, section 152.20, is amended to read:

152.20 [PENALTIES UNDER OTHER LAWS.]

Any penalty imposed for violation of Laws 1971, chapter 937 ~~this chapter~~ is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

Sec. 26. Minnesota Statutes 1988, section 152.21, subdivision 6, is amended to read:

Subd. 6. [EXEMPTION FROM CRIMINAL SANCTIONS.] For the purposes of this section, the following are not violations listed in ~~section 152.09 or 152.15~~ under this chapter:

(1) use or possession of THC, or both, by a patient in the research program;

(2) possession, prescribing use of, administering, or dispensing THC, or any combination of these actions, by the principal investigator or by any clinical investigator; and

(3) possession or distribution of THC, or both, by a pharmacy registered to handle schedule I substances which stores THC on behalf of the principal investigator or a clinical investigator.

THC obtained and distributed pursuant to this section is not subject to forfeiture under sections 609.531 to 609.5316.

For the purposes of this section, THC is removed from schedule I contained in section 152.02, subdivision 2, and inserted in schedule II contained in section 152.02, subdivision 3.

Sec. 27. [152.30] [DRUG ABUSE PREVENTION RESOURCE COUNCIL; ESTABLISHMENT; MEMBERSHIP.]

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] A drug abuse prevention resource council consisting of 16 members is established. The council shall expire on June 30, 1993. The commissioners of education, health, human services, and the state planning agency shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee

on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall demonstrate knowledge in the area of drug abuse prevention, shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following groups: parents, educators, clergy, local government, racial and ethnic minority communities, professional providers of drug abuse prevention services, volunteers in private, nonprofit drug prevention programs, and the business community. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059. The members shall serve until June 30, 1993.

Subd. 2. [EXECUTIVE DIRECTOR.] The council shall select and employ an executive director and other staff who shall serve in the unclassified service at the pleasure of the council and shall assist the council in performing its duties under section 28.

Subd. 3. [ADDITIONAL STAFF; ADMINISTRATIVE SUPPORT.] The appointing commissioners may, at the request of the council, provide the council with necessary office space, equipment, supplies, and administrative staff. The council shall reimburse the donating agencies for these services from the amount appropriated to the council.

Subd. 4. [CONTRACTING AUTHORITY.] The council has the authority to contract for the purchase of necessary goods and services.

Subd. 5. [ACCEPTANCE OF FUNDS AND DONATIONS.] The council may accept federal money, gifts, donations, and bequests for the purpose of performing the duties set forth in this section and section 28. The council shall use its best efforts to solicit funds from private individuals and organizations to match state appropriations.

Sec. 28. [152.31] [RESPONSIBILITIES OF THE COUNCIL.]

Subdivision 1. [PURPOSE OF THE COUNCIL.] The general purpose of the council is to foster the coordination and development of a statewide drug abuse prevention policy.

Subd. 2. [SPECIFIC DUTIES AND RESPONSIBILITIES.] In furtherance of the general purpose specified in subdivision 1, the council has the duties and responsibilities in clauses (1) to (7):

(1) it shall develop a coordinated, statewide drug abuse prevention policy;

(2) it shall develop a mission statement that defines the roles and

relationships of agencies operating within the continuum of chemical health care;

(3) it shall develop guidelines for drug abuse prevention program development and operation based on its research and program evaluation activities;

(4) it shall assist local governments and groups in planning, organizing, and establishing comprehensive, community-based drug abuse prevention programs and services;

(5) it shall coordinate and provide technical assistance to organizations and individuals seeking public or private funding for drug abuse prevention programs, and to government and private agencies seeking to grant funds for these purposes;

(6) it shall assist providers of drug abuse prevention services in implementing, monitoring, and evaluating new and existing programs and services;

(7) it shall provide information on and analysis of the relative public and private costs of drug abuse prevention, enforcement, intervention, and treatment efforts.

Subd. 3. [ANNUAL REPORT.] On or before February 1, 1991, and each year thereafter, the council shall submit a written report to the legislature describing its activities during the preceding year, describing efforts that have been made to enhance and improve utilization of existing resources and to identify deficits in prevention efforts, and recommending appropriate changes, including any legislative changes that it considers necessary or advisable in the area of drug abuse prevention policy, programs, or services.

Sec. 29. Minnesota Statutes 1988, section 244.09, subdivision 5, is amended to read:

Subd. 5. The commission shall, on or before January 1, 1980, promulgate sentencing guidelines for the district court. The guidelines shall be based on reasonable offense and offender characteristics. The guidelines promulgated by the commission shall be advisory to the district court and shall establish:

(1) The circumstances under which imprisonment of an offender is proper; and

(2) A presumptive, fixed sentence for offenders for whom imprisonment is proper, based on each appropriate combination of reasonable offense and offender characteristics. The guidelines may provide for an increase or decrease of up to 15 percent in the presumptive, fixed sentence.

The sentencing guidelines promulgated by the commission may also establish appropriate sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated by the commission establishing sanctions for offenders for whom imprisonment is not proper shall make specific reference to noninstitutional sanctions, including but not limited to the following: payment of fines, day fines, restitution, community work orders, work release programs in local facilities, community based residential and nonresidential programs, incarceration in a local correctional facility, and probation and the conditions thereof.

In establishing and modifying the sentencing guidelines, the commission shall take into substantial consideration public safety, current sentencing and release practices, and correctional resources, including but not limited to the capacities of local and state correctional facilities.

The provisions of sections 14.01 to 14.69 do not apply to the promulgation of the sentencing guidelines, and the sentencing guidelines, including severity levels and criminal history scores, are not subject to review by the legislative commission to review administrative rules. However, on or before January 1, 1986, the commission shall adopt rules pursuant to sections 14.01 to 14.69 which establish procedures for the promulgation of the sentencing guidelines, including procedures for the promulgation of severity levels and criminal history scores, and these rules shall be subject to review by the legislative commission to review administrative rules.

Sec. 30. [244.095] [SENTENCING GUIDELINES MODIFICATION; UPWARD DEPARTURE FOR CERTAIN DRUG OFFENSES.]

Subdivision 1. [DEFINITIONS.] As used in this section, "public park" and "drug free school zone" have the meanings given them in section 24, subdivision 1.

Subd. 2. [AGGRAVATING FACTOR FOR DRUG OFFENSES COMMITTED IN PUBLIC PARKS AND IN DRUG FREE SCHOOL ZONES.] The commission shall modify the list of aggravating factors contained in the sentencing guidelines so as to authorize the sentencing judge to depart from the presumptive sentence with respect to either disposition or duration when the following circumstances are present:

(1) the defendant was convicted of unlawfully selling or possessing controlled substances in violation of chapter 152; and

(2) the crime was committed in a public park or in a drug free school zone.

This aggravating factor shall not apply to a person convicted of unlawfully possessing controlled substances in a private residence located within a drug free school zone or located within 300 feet or one city block, whichever distance is greater, of a public park boundary if no person under the age of 18 was present in the residence when the offense was committed.

Subd. 3. [REPORT TO LEGISLATURE.] The commission shall collect data on the number and types of cases involving a sentencing departure based on the aggravating factor created in subdivision 2, and shall report its findings to the legislature on or before February 1, 1991.

Sec. 31. Minnesota Statutes 1988, section 256.01, is amended by adding a subdivision to read:

Subd. 9a. [COOPERATION WITH DRUG ABUSE PREVENTION RESOURCE COUNCIL.] The commissioner shall cooperate with and assist the drug abuse prevention resource council in fulfilling its responsibilities under sections 27 and 28.

Sec. 32. Minnesota Statutes 1988, section 260.125, subdivision 3, is amended to read:

Subd. 3. A prima facie case that the public safety is not served or that the child is not suitable for treatment shall have been established if the child was at least 16 years of age at the time of the alleged offense and:

(1) Is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or

(2) Is alleged by delinquency petition to have committed murder in the first degree; or

(3) Is alleged by delinquency petition (a) to have committed the delinquent act of escape from confinement to a state juvenile correctional facility and (b) to have committed an offense as part of, or subsequent to, escape from custody that would be a felony listed in section 609.11, subdivision 9, if committed by an adult; or

(4) Has been found by the court, pursuant to an admission in court or after trial, to have committed an offense within the preceding 24 months which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

(5) Has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or

(6) Has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months, one or both of which would be the felony of burglary of a dwelling if committed by an adult, and the child is alleged by the delinquency petition to have committed another burglary of a dwelling. For purposes of this subdivision, "dwelling" means a building which is, in whole or in part, usually occupied by one or more persons living there at night; or

(7) Has previously been found by the court, pursuant to an admission in court or after trial, to have committed three offenses, none in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clause (2), (4), or (5); or

(8) Is alleged by delinquency petition to have committed an aggravated felony against the person, other than a violation of section 609.713, in furtherance of criminal activity by an organized gang; or

(9) Has previously been found by the court, pursuant to an admission in court or after trial, to have committed an offense which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed a felony-level violation of chapter 152 involving the unlawful sale or possession of a schedule I or II controlled substance, while in a public park or a drug free school zone as defined in section 24, subdivision 1. This clause does not apply to a juvenile alleged to have unlawfully possessed a controlled substance in a private residence located within the drug free school zone or located within 300 feet or one city block, whichever distance is greater, of a public park boundary.

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: section 609.185; 609.19; 609.195; 609.20, subdivision 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, subdivision 1, clause (c) or (d); 609.345, subdivision 1, clause (c) or (d); 609.561; 609.582, subdivision 1, clause (b) or (c); or 609.713.

For the purposes of this subdivision, an "organized gang" means

an association of five or more persons, with an established hierarchy, formed to encourage members of the association to perpetrate crimes or to provide support to members of the association who do commit crimes.

Sec. 33. Minnesota Statutes 1988, section 609.11, subdivision 9, is amended to read:

Subd. 9. [APPLICABLE OFFENSES.] The crimes for which mandatory minimum sentences shall be served before eligibility for probation, parole, or supervised release as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 34. Minnesota Statutes 1988, section 609.5311, subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS ON FORFEITURE OF CERTAIN PROPERTY ASSOCIATED WITH CONTROLLED SUBSTANCES.] (a) A conveyance device is subject to forfeiture under this section only if the retail value of the controlled substance is \$500 or more the conveyance device is associated with a felony-level controlled substance crime.

(b) Real property is subject to forfeiture under this section only if the retail value of the controlled substance is ~~\$5,000~~ \$1,000 or more.

(c) Property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section only if the owner of the property is a consenting party to, or is privy to, the use or intended use of the property as described in subdivision 2.

(d) Property is subject to forfeiture under this section only if its owner was privy to the use or intended use described in subdivision 2, or the unlawful use or intended use of the property otherwise occurred with the owner's knowledge or consent.

(e) Forfeiture under this section of a conveyance device or real property encumbered by a bona fide security interest is subject to the interest of the secured party unless the secured party had knowledge of or consented to the act or omission upon which the forfeiture is

based. A person claiming a security interest bears the burden of establishing that interest by clear and convincing evidence.

(f) Notwithstanding paragraphs (d) and (e), property is not subject to forfeiture based solely on the owner's or secured party's knowledge of the unlawful use or intended use of the property if the owner or secured party took reasonable steps to terminate use of the property by the offender.

Sec. 35. Minnesota Statutes 1988, section 609.5314, subdivision 1, is amended to read:

Subdivision 1. [PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE; PRESUMPTION.] (a) The following are presumed to be subject to administrative forfeiture under this section:

(1) all money, precious metals, and precious stones found in proximity to:

(i) controlled substances;

(ii) forfeitable drug manufacturing or distributing equipment or devices; or

(iii) forfeitable records of manufacture or distribution of controlled substances; and

(2) all conveyance devices containing an amount of controlled substances with a retail value of \$500 or more substance the possession or sale of which would be a felony under chapter 152.

(b) A claimant of the property bears the burden to rebut this presumption.

Sec. 36. Minnesota Statutes 1988, section 609.5315, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION.] If the court finds under section 609.5313 or 609.5314 that the property is subject to forfeiture, it may shall order the appropriate agency to:

(1) sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5;

(2) take custody of the property and remove it for disposition in accordance with law;

(3) forward the property to the federal drug enforcement administration;

(4) disburse money as provided under subdivision 5; or

(5) keep property other than money for official use by the agency and the prosecuting agency.

Sec. 37. Minnesota Statutes 1988, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to (1) mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, or (2) impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, or medical care, a duty to provide that care. "Neglect" includes prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the child at birth, or medical effects or developmental delays during the child's first month of life that medically indicate prenatal exposure to a controlled substance. Neglect also means "medical neglect" as defined in section 260.015, subdivision 10 2a, clause (e) (5).

(d) "Physical abuse" means any physical injury inflicted by a

person responsible for the child's care on a child other than by accidental means, or any physical injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

(e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245A.02.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

Sec. 38. [626.5561] [TOXICOLOGY TESTS REQUIRED.]

Subdivision 1. [NEWBORNS.] A physician shall administer to each newborn infant born under the physician's care a toxicology test to determine whether there is evidence of prenatal exposure to a controlled substance, if the physician has reason to believe based on a medical assessment of the mother or the infant that the mother used a controlled substance for a nonmedical purpose prior to the birth. If the test results are positive, the physician shall report the results as neglect under section 626.556. A negative test result does not eliminate the obligation to report under section 626.556 if other medical evidence of prenatal exposure to a controlled substance is present.

Subd. 2. [DURING PRENATAL VISITS.] During the time between 24 weeks after conception and delivery of the infant, a physician shall administer a toxicology test to a pregnant woman under the physician's care to determine whether there is evidence that she has ingested a controlled substance, if the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose.

Subd. 3. [REPORT TO DEPARTMENT OF HEALTH.] Physicians shall report to the department of health the results of tests performed under this section. A report shall be made on February 1 and August 1 of each year, beginning February 1, 1990. The reports are medical data under section 13.42.

Subd. 4. [IMMUNITY FROM LIABILITY.] Any physician or other medical personnel administering a toxicology test to determine the presence of a controlled substance in a pregnant woman or in a child at birth or during the first month of life is immune from civil or criminal liability, if the physician ordering the test believes in good faith that the test is required under this section and the test is administered in accordance with an established protocol and reasonable medical practice.

Sec. 39. [REPEALER.]

Minnesota Statutes 1988, sections 152.09; and 152.15, subdivisions 1, 2, 2a, 2b, 3, and 5, are repealed. Sections 2, 4, 27, 28, and 31 are repealed effective June 30, 1993.

Sec. 40. [EFFECTIVE DATE.]

Sections 5 to 23, 25, 26, 30, 32 to 36, and 39 are effective August 1, 1989, and apply to crimes and violations occurring on or after that date. Sections 3, 24, 29, 37, and 38 are effective August 1, 1989.

ARTICLE 3

OTHER SENTENCING PROVISIONS

Section 1. Minnesota Statutes 1988, section 169.09, subdivision 14, is amended to read:

Subd. 14. [PENALTIES.] (a) The driver of any vehicle who violates subdivision 1 or 6 and who caused the accident is punishable as follows:

(1) if the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both;

(2) if the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$10,000, or both; or

(3) if the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver is guilty of a

felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both.

(b) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

(1) if the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both;

(2) if the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than one year and one day two years, or to payment of a fine of not more than ~~\$3,000~~ \$4,000, or both; or

(3) if the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(c) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(d) Any person who violates subdivision 3, clause (b) is guilty of a petty misdemeanor.

(e) Any person who violates subdivision 2, 3, clause (a), 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

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

Sec. 2. [241.75] [SEX OFFENDER TREATMENT; PROGRAMS; STANDARDS; DATA.]

Subdivision 1. [PRISON TREATMENT PROGRAMS.] The commissioner shall establish and operate an intensive sex offender treatment program for eligible inmates who desire to participate voluntarily in the program. This section does not require the commissioner to accept or retain an offender in a treatment program.

Subd. 2. [TREATMENT PROGRAMS; STANDARDS.] On or before January 1, 1991, the commissioner shall adopt rules establish-

ing standards for sex offender treatment programs operated in adult and juvenile correctional facilities. In developing these standards the commissioner shall consult with the commissioner of human services and with representatives of the following groups: psychiatrists, social workers, psychologists, chemical dependency counselors, probation officers, correctional agents, sex offenders, families of sex offenders, law enforcement officers, and judges. The standards shall require that sex offender treatment programs be at least four months in duration and shall also address (1) program content, (2) professional staff qualifications, (3) admission, participation, and completion criteria, and (4) criteria for discharging program participants who fail to meet participation requirements. No correctional facility may operate a sex offender treatment program after January 1, 1991, unless the program meets the standards established under this subdivision. As used in this subdivision, "correctional facility" has the meaning given it in section 241.021, subdivision 1, clause (5).

Subd. 3. [SPECIALIZED CORRECTIONS AGENTS AND PROBATION OFFICERS; SEX OFFENDER SUPERVISION.] By January 1, 1990, the commissioner of corrections shall develop in-service training for state and local corrections agents and probation officers who supervise adult and juvenile sex offenders on probation or supervised release. The commissioner shall make the training available to all current and future corrections agents and probation officers who supervise or will supervise sex offenders on probation or supervised release.

After January 1, 1991, a state or local corrections agent or probation officer may not supervise adult or juvenile sex offenders on probation or supervised release unless the agent or officer has completed the in-service sex offender supervision training. The commissioner may waive this requirement if the corrections agent or probation officer has completed equivalent training as part of a post-secondary educational curriculum.

After January 1, 1991, when an adult sex offender is placed on supervised release or is sentenced to probationary supervision, and when a juvenile offender is found delinquent by the juvenile court for a sex offense and placed on probation or is paroled from a juvenile correctional facility, a corrections agent or probation officer may not be assigned to the offender unless the agent or officer has completed the in-service sex offender supervision training.

Subd. 4. [COLLECTION OF DATA ON CONVICTED SEX OFFENDERS.] The commissioner shall collect and maintain the following data on offenders convicted of felony sex offenses and committed to the custody of the commissioner:

- (1) the type of sex offense committed by the offender;

- (2) the sentence received by the offender;
- (3) whether the offender was assessed as amenable to sex offender treatment;
- (4) whether the offender was admitted to a sex offender treatment program, and if so, what program;
- (5) whether the offender successfully completed the treatment program; and
- (6) whether the offender committed a subsequent sex offense while on supervised release or within ten years after release from prison.

The commissioner shall, every odd-numbered year or at the request of the legislature, publish summary data on the treatment experience and recidivism rates of sex offenders based on the information collected under this subdivision.

Sec. 3. [242.205] [JUVENILE SEX OFFENDER TREATMENT.]

The commissioner shall provide an intensive sex offender treatment program for adjudicated juvenile sex offenders within a juvenile correctional facility.

Sec. 4. Minnesota Statutes 1988, section 243.05, subdivision 1, is amended to read:

Subdivision 1. [CONDITIONAL RELEASE.] The commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(a) no inmate serving a life sentence for committing murder before May 1, 1980, other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled without having served 20 years, less the diminution that would have been allowed for good conduct had the sentence been for 20 years;

(b) no inmate serving a life sentence for committing murder before May 1, 1980, who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled without having served 25 years, less the diminution which would have been allowed for good conduct had the sentence been for 25 years;

(c) any inmate sentenced prior to September 1, 1963 who would be eligible for parole had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

(d) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change. Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner. The written order of the commissioner of corrections, is sufficient authority for any peace officer or state parole and probation agent to retake and place in actual custody any person on parole or supervised release, but any state parole and probation agent may, without order of warrant, when it appears necessary in order to prevent escape or enforce discipline, take and detain a parolee or person on supervised release or work release to the commissioner for action. The written order of the commissioner of corrections is sufficient authority for any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135; but any state parole and probation agent may, without an order, when it appears necessary in order to prevent escape or enforce discipline, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14. Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

In considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the department of corrections in favor of or against the parole or release of any inmates, but the commissioner may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of the inmate, and to that end shall have authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

Sec. 5. Minnesota Statutes 1988, section 244.05, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISED RELEASE REQUIRED.] Except as provided in subdivisions 4 and 5, every inmate shall serve a supervised release term upon completion of the inmate's term of imprisonment as reduced by any good time earned by the inmate or extended by confinement in punitive segregation pursuant to section 244.04, subdivision 2. Except as otherwise provided in section 6, the supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.

Sec. 6. Minnesota Statutes 1988, section 244.05, is amended by adding a subdivision to read:

Subd. 1a. [CERTAIN INMATES TO BE CREDITED TIME.] Any inmate convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345 who enters into and completes a sex offender treatment program of at least 12 months' duration is eligible to receive an adjustment to the supervised release date. Inmates may be credited three days per month of their sentence up to a maximum of six months if the treatment program has been approved by the commissioner and if the inmate successfully completes the program.

Sec. 7. Minnesota Statutes 1988, section 244.05, subdivision 4, is amended to read:

Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate serving a mandatory life sentence under section 38 for a third conviction of criminal sexual conduct must not be given supervised release under this section. An inmate serving a mandatory life sentence for conviction of murder in the first degree under section 609.185 must not be given supervised release under this section unless otherwise authorized by the board of pardons under section 57. An inmate serving a mandatory life sentence shall under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

Sec. 8. Minnesota Statutes 1988, section 244.05, subdivision 5, is amended to read:

Subd. 5. [SUPERVISED RELEASE, LIFE SENTENCE.] The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.385 after the inmate has served the minimum term of imprisonment specified in subdivision 4. The commissioner may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence for conviction of murder in the first degree under section 609.185 if the board of pardons authorizes the granting of supervised release under section 57.

Sec. 9. Minnesota Statutes 1988, section 260.161, subdivision 1, is amended to read:

Subdivision 1. The juvenile court judge shall keep such minutes and in such manner as the court deems necessary and proper. The court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 years and shall release the records on an individual to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. The legal records maintained in this file shall be open at all reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

In addition, the juvenile court shall forward to the bureau of criminal apprehension the following information pertaining to juveniles adjudicated delinquent for having violated section 609.342, 609.343, 609.344, or 609.345:

- (1) the name and birthdate of the juvenile;
- (2) the type of act for which the juvenile was adjudicated delinquent; and
- (3) the date of the adjudication.

The juvenile court shall also notify the bureau whenever it destroys juvenile court records of these juveniles.

Sec. 10. Minnesota Statutes 1988, section 260.185, subdivision 1, is amended to read:

Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or the parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court including reasonable rules for conduct and the conduct of the child's parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245.781 to 245.812; or

(4) ~~Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (e) and (d),~~ A county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) A county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) ~~Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (e) and (d),~~ Transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) Require the child to pay a fine of up to \$700; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) If the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize.

If the child is petitioned and proved to be delinquent for having violated section 609.342, 609.343, 609.344, or 609.345, the court shall order an independent professional assessment of the child's need for sex offender treatment. If the evaluation indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.

Sec. 11. Minnesota Statutes 1988, section 297D.09, subdivision 1a, is amended to read:

Subd. 1a. [CRIMINAL PENALTY; SALE WITHOUT AFFIXED STAMPS.] In addition to the tax penalty imposed, a dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than ~~five~~ seven years or to payment of a fine of not more than ~~\$10,000~~ \$14,000, or both.

Sec. 12. [299A.29] [SOFT BODY ARMOR REIMBURSEMENT.]

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) "Commissioner" means the commissioner of public safety.

(b) "Peace officer" means a person who is licensed under section 626.84, subdivision 1, paragraph (c).

(c) "Vest" means bullet-resistant soft body armor that is flexible, concealable, and custom fitted to the peace officer to provide ballistic and trauma protection.

Subd. 2. [STATE AND LOCAL REIMBURSEMENT.] Peace officers and heads of local law enforcement agencies who buy vests for the use of peace officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-third of the vest's purchase price or \$165. The political subdivision that employs the peace officer shall pay at least the lesser of one-third of the vest's purchase price or \$165.

Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that either meet or exceed the requirements of standards of the National Institute of Justice in effect on December 30, 1986, or that meet or exceed the requirements of those standards, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least six years old.

Subd. 4. [RULES.] The commissioner may adopt rules under chapter 14 to administer this section.

Subd. 5. [LIMITATION OF LIABILITY.] A state agency, political subdivision of the state, or state or local government employee is not liable to a peace officer or the peace officer's heirs for the death of or injury to the peace officer resulting from a defect or deficiency in a vest for which reimbursement has been made under this section.

Subd. 6. [RIGHT TO BENEFITS UNAFFECTED.] A peace officer who suffers injury or death because that officer failed to wear a vest for which reimbursement was made under this section may not lose or be denied a benefit or right to which the officer, or the officer's heirs, is otherwise entitled.

Sec. 13. [299C.095] [CENTRALIZED SYSTEM FOR IDENTIFICATION OF ADJUDICATED JUVENILE SEX OFFENDERS.]

The bureau shall establish a centralized system for recording the names, birthdates, and offenses of all juveniles adjudicated delinquent in this state for having violated section 609.342, 609.343, 609.344, or 609.345. All information pertaining to adjudicated

juveniles received from the juvenile courts under section 260.161, subdivision 1, must be maintained in the records system and must be made available, on request, to the individual subject of the record and to any law enforcement agency or prosecuting authority. Upon receiving a notice from a juvenile court that the court has destroyed a person's juvenile court records, the bureau shall remove from the system all records about the person and destroy them.

Sec. 14. [299C.155] [STANDARDIZED EVIDENCE COLLECTION; DNA ANALYSIS, DATA, AND RECORDS.]

Subdivision 1. [DEFINITION.] As used in this section, "DNA analysis" means the process through which deoxyribonucleic acid (DNA) in a human biological specimen is analyzed and compared with DNA from another human biological specimen for identification purposes.

Subd. 2. [UNIFORM EVIDENCE COLLECTION.] The bureau shall develop uniform procedures and protocols for collecting evidence in cases of alleged or suspected criminal sexual conduct, including procedures and protocols for the collection and preservation of human biological specimens for DNA analysis. The bureau shall encourage law enforcement agencies and medical personnel who conduct evidentiary exams to use the uniform procedures and protocols in their investigation of criminal sexual conduct offenses.

Subd. 3. [DNA ANALYSIS AND DATA BANK.] The bureau shall adopt uniform procedures and protocols to maintain, preserve, and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from DNA analysis.

Subd. 4. [RECORDS.] The bureau shall perform DNA analysis and make the data obtained available to law enforcement officials in connection with criminal investigations in which human biological specimens have been recovered. Upon request, the bureau shall also make the data available to the prosecutor and the subject of the data in any subsequent criminal prosecution of the subject.

Sec. 15. Minnesota Statutes 1988, section 299F.80, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 2, whoever possesses explosives without a valid license or permit may be sentenced to imprisonment for not more than ~~three~~ five years.

Sec. 16. Minnesota Statutes 1988, section 325D.56, subdivision 2, is amended to read:

Subd. 2. Any person who is found to have willfully committed any

of the acts enumerated in section 325D.53 shall be guilty of a felony and subject to a fine of not more than \$50,000 or imprisonment in the state penitentiary for not more than five seven years, or both.

Sec. 17. Minnesota Statutes 1988, section 340A.701, is amended to read:

340A.701 [FELONIES.]

Subdivision 1. [UNLAWFUL ACTS.] It is a felony:

- (1) to manufacture alcoholic beverages in violation of this chapter;
- (2) to transport or import alcoholic beverages into the state in violation of this chapter for purposes of resale; or
- (3) to sell or give away for beverage purposes poisonous alcohol, methyl alcohol, denatured alcohol, denaturing material, or any other alcoholic substance capable of causing serious physical or mental injuries to a person consuming it; or
- (4) for a person other than a licensed retailer of alcoholic beverages, a bottle club permit holder, a municipal liquor store, or an employee or agent of any of these who is acting within the scope of employment, to violate the provisions of section 340A.503, subdivision 2, clause (1), if the underage recipient of the alcoholic beverage becomes intoxicated and causes or suffers death or great bodily harm as a result of the intoxication.

Subd. 2. [PRESUMPTIVE SENTENCE.] In determining an appropriate disposition for a violation of subdivision 1, clause (4), the court shall presume that a stay of execution with a 90-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the sentencing guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the sentencing guidelines under section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it.

Sec. 18. Minnesota Statutes 1988, 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.313;

(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.

Sec. 19. Minnesota Statutes 1988, section 526.10, is amended to read:

526.10 [LAWS RELATING TO MENTALLY ILL PERSONS DANGEROUS TO THE PUBLIC TO APPLY TO PSYCHOPATHIC PERSONALITIES; TRANSFER TO CORRECTIONS.]

Subdivision 1. [PROCEDURE.] Except as otherwise provided ~~herein in this section~~ or in chapter 253B, the provisions of chapter 253B, pertaining to persons mentally ill and dangerous to the public shall apply with like force and effect to persons having a psychopathic personality, to persons alleged to have such personality, and to persons found to have such personality, respectively. Before such proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists therefor, shall prepare the petition to be executed by a person having

knowledge of the facts and file the same with the judge of the probate court of the county in which the "patient," as defined in such statutes, has a settlement or is present. The judge of probate shall thereupon follow the same procedures set forth in chapter 253B, for judicial commitment. The judge may exclude the general public from attendance at such hearing. If, upon completion of the hearing and consideration of the record, the court finds the proposed patient has a psychopathic personality, the court shall commit such person to a public hospital or a private hospital consenting to receive the person, subject to a mandatory review by the head of the hospital within 60 days from the date of the order as provided for in chapter 253B for persons found to be mentally ill and dangerous to the public. The patient shall thereupon be entitled to all of the rights provided for in chapter 253B, for persons found to be mentally ill and dangerous to the public, and all of the procedures provided for in chapter 253B, for persons found to be mentally ill and dangerous to the public shall apply to such patient except as otherwise provided in subdivision 2.

Subd. 2. [TRANSFER TO CORRECTIONAL FACILITY.] If a person has been committed under this section and also has been committed to the custody of the commissioner of corrections, the person may be transferred from a hospital to another facility designated by the commissioner of corrections as provided in section 253B.18; except that the special review board and the commissioner of human services may consider the following factors in lieu of the factors listed in section 253B.18, subdivision 6, to determine whether a transfer to the commissioner of corrections is appropriate:

- (1) the person's unamenability to treatment;
- (2) the person's unwillingness or failure to follow treatment recommendations;
- (3) the person's lack of progress in treatment at the public or private hospital;
- (4) the danger posed by the person to other patients or staff at the public or private hospital; and
- (5) the degree of security necessary to protect the public.

Sec. 20. Minnesota Statutes 1988, section 609.11, subdivision 7, is amended to read:

Subd. 7. [PROSECUTOR SHALL ESTABLISH.] Whenever reasonable grounds exist to believe that the defendant or an accomplice used a firearm or other dangerous weapon or had in possession a firearm, at the time of commission of an offense listed in subdivision 9, the prosecutor shall, at the time of trial or at the plea of guilty,

present on the record all evidence tending to establish that fact unless it is otherwise admitted on the record. The question of whether the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm shall be determined by the court on the record at the time of a verdict or finding of guilt at trial or the entry of a plea of guilty based upon the record of the trial or the plea of guilty. The court shall determine on the record at the time of sentencing whether the defendant has been convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm.

Sec. 21. [609.1351] [DANGEROUS SEX OFFENDERS; SPECIAL SENTENCING PROVISION.]

Subdivision 1. [SENTENCING AUTHORITY.] Except as otherwise required by section 38, a court may sentence a person to a term of imprisonment of not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, to a term of imprisonment equal to the statutory maximum, if:

(1) the court is imposing an executed sentence on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, or 609.345, or on a person convicted of committing or attempting to commit any other felony listed in section 611A.031 if it reasonably appears to the court that the felony was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal;

(2) the court finds that the offender is a danger to public safety; and

(3) the court finds that the offender needs long-term treatment or supervision beyond the presumptive term of imprisonment and supervised release. This finding shall be based on a professional assessment by an examiner experienced in evaluating sex offenders which concludes that the offender is a patterned sex offender. The assessment must contain the facts upon which the conclusion is based, with reference to the social history, the offense history of the offender or the aggravated characteristics of the offender's current crime, and the results of an examination of the offender's mental status. The conclusion may not be based on testing alone. A patterned sex offender is one whose criminal sexual behavior is so ingrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term controls.

Subd. 2. [DANGER TO PUBLIC SAFETY.] The court shall base its finding that the offender is a danger to public safety on either of the following factors:

(1) the crime involved an aggravating factor that would justify a departure from the presumptive sentence under the sentencing guidelines; or

(2) the offender had previously committed or attempted to commit a felony offense listed in section 611A.031, including an offense committed as a juvenile that would have been a listed felony if committed by an adult.

Subd. 3. [DEPARTURE FROM GUIDELINES.] A sentence imposed under subdivision 1 is a departure from the sentencing guidelines.

Subd. 4. [EARLY PROBATIONARY RELEASE.] At the time of sentencing under subdivision 1, the court may provide that after the offender has completed one-half of the sentence imposed, excluding good time, the balance of the sentence may be stayed and the offender placed on supervised probation under the probation officer of the court for the remainder of the statutory maximum period or for ten years, whichever is longer, if the commissioner of corrections certifies to the sentencing court and the prosecution that:

(1) the offender is amenable to treatment and has made sufficient progress in a sex offender treatment program available in prison to be released to the intensive treatment program for sexual aggressives or a community sex offender treatment and reentry program; and

(2) the offender has been accepted in a program approved by the commissioner that provides treatment, aftercare, and phased reentry into the community.

The court shall impose conditions of probation which must include successful completion of treatment and aftercare in a program approved by the commissioner and any other conditions the court considered appropriate. Probation may be revoked and the stayed sentence executed in its entirety less good time if the offender fails to meet any condition of probation. The court must not dismiss the offender from probation before the sentence expires unless the court finds that the offender no longer represents a danger to public safety. The probationary portion of the sentence shall commence at the time of the commissioner's certification unless the court finds the commissioner's program for the offender provides for insufficient treatment, aftercare, or supervision upon the offender's release. The commissioner's certification must include a detailed report of the offender's course of treatment in prison and of the proposed plan for the offender's release.

Subd. 5. [COMMISSIONER OF CORRECTIONS.] The commissioner shall pay the cost of treatment and supervision of a person released under subdivision 4. This section does not require the commissioner to accept or retain an offender in a treatment program.

Sec. 22. Minnesota Statutes 1988, section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody, or any violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer or a guard employed at a Minnesota state correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties; or

(5) causes the death of a minor under circumstances other than those described in clause (1) or (2) while committing or attempting to commit child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life.

For purposes of clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.342, 609.343, 609.344, 609.345, 609.377, or 609.378.

Sec. 23. Minnesota Statutes 1988, section 609.19, is amended to read:

609.19 [MURDER IN THE SECOND DEGREE.]

Whoever does either of the following is guilty of murder in the second degree and may be sentenced to imprisonment for, upon conviction, shall be committed to the commissioner of corrections for a term of imprisonment of at least 20 years but not more than 40 years, notwithstanding sections 242.19, 243.05, 244.04, 609.11, 609.12, and 609.135:

(1) Causes the death of a human being with intent to effect the death of that person or another, but without premeditation, or

(2) Causes the death of a human being, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence.

Sec. 24. Minnesota Statutes 1988, section 609.195, is amended to read:

609.195 [MURDER IN THE THIRD DEGREE.]

(a) Whoever, without intent to effect the death of any person, causes the death of another by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human life, is guilty of murder in the third degree and may be sentenced to imprisonment for, upon conviction, shall be committed to the commissioner of corrections for a term of imprisonment of at least ten years but not more than 25 years, notwithstanding sections 242.19, 243.05, 244.04, 609.11, 609.12, and 609.135.

(b) Whoever, without intent to cause death, proximately causes the death of a human being by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in schedule I or II, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years and to payment of a fine of not more than \$40,000, or both.

Sec. 25. Minnesota Statutes 1988, section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.]

A person who causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than seven ten years or to payment of a fine of not more than ~~\$14,000~~ \$20,000, or both:

(1) by the person's culpable negligence whereby the person creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) by shooting another with a firearm or other dangerous weapon as a result of negligently believing the other to be a deer or other animal; or

(3) by setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined.

If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the victim provoked the animal to cause the victim's death.

Sec. 26. Minnesota Statutes 1988, section 609.221, is amended to read:

609.221 [ASSAULT IN THE FIRST DEGREE.]

Whoever assaults another and inflicts great bodily harm may be sentenced to imprisonment for not more than ~~ten~~ 20 years or to payment of a fine of not more than ~~\$20,000~~ \$30,000, or both.

Sec. 27. Minnesota Statutes 1988, section 609.222, is amended to read:

609.222 [ASSAULT IN THE SECOND DEGREE.]

Whoever assaults another with a dangerous weapon may be sentenced to imprisonment for not more than ~~five~~ seven years or to payment of a fine of not more than ~~\$10,000~~ \$14,000, or both.

Sec. 28. Minnesota Statutes 1988, section 609.223, is amended to read:

609.223 [ASSAULT IN THE THIRD DEGREE.]

Whoever assaults another and inflicts substantial bodily harm may be sentenced to imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 29. Minnesota Statutes 1988, section 609.2231, subdivision 1, is amended to read:

Subdivision 1. [PEACE OFFICERS.] Whoever assaults a peace officer licensed under section 626.845, subdivision 1, when that officer is effecting a lawful arrest or executing any other duty

imposed by law and inflicts demonstrable bodily harm is guilty of a felony and may be sentenced to imprisonment for not more than ~~one year~~ and a day two years or to payment of a fine of not more than ~~\$3,000~~ \$4,000, or both.

Sec. 30. Minnesota Statutes 1988, section 609.255, subdivision 3, is amended to read:

Subd. 3. [UNREASONABLE RESTRAINT OF CHILDREN.] A parent, legal guardian, or caretaker who intentionally subjects a child under the age of 18 years to unreasonable physical confinement or restraint by means including but not limited to, tying, locking, caging, or chaining for a prolonged period of time and in a cruel manner which is excessive under the circumstances, is guilty of unreasonable restraint of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the confinement or restraint results in substantial bodily harm, that person may be sentenced to imprisonment for not more than ~~three~~ five years or to payment of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 31. Minnesota Statutes 1988, section 609.2665, is amended to read:

609.2665 [MANSLAUGHTER OF AN UNBORN CHILD IN THE SECOND DEGREE.]

A person who causes the death of an unborn child by any of the following means is guilty of manslaughter of an unborn child in the second degree and may be sentenced to imprisonment for not more than ~~seven~~ ten years or to payment of a fine of not more than ~~\$14,000~~ \$20,000, or both:

(1) by the actor's culpable negligence whereby the actor creates an unreasonable risk and consciously takes chances of causing death or great bodily harm to an unborn child or a person;

(2) by shooting the mother of the unborn child with a firearm or other dangerous weapon as a result of negligently believing her to be a deer or other animal;

(3) by setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined.

If proven by a preponderance of the evidence, it shall be an

affirmative defense to criminal liability under clause (4) that the mother of the unborn child provoked the animal to cause the unborn child's death.

Sec. 32. Minnesota Statutes 1988, section 609.267, is amended to read:

609.267 [ASSAULT OF AN UNBORN CHILD IN THE FIRST DEGREE.]

Whoever assaults a pregnant woman and inflicts great bodily harm on an unborn child who is subsequently born alive may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than ~~\$20,000~~ \$30,000, or both.

Sec. 33. Minnesota Statutes 1988, section 609.323, subdivision 1, is amended to read:

Subdivision 1. Whoever, while acting other than as a prostitute or patron, intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 13 years, may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than ~~\$20,000~~ \$30,000, or both.

Sec. 34. Minnesota Statutes 1988, section 609.342, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] Except as otherwise provided in section 38, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~20~~ 25 years or to a payment of a fine of not more than ~~\$35,000~~ \$40,000, or both.

Sec. 35. Minnesota Statutes 1988, section 609.343, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] Except as otherwise provided in section 38, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~15~~ 20 years or to a payment of a fine of not more than ~~\$30,000~~ \$35,000, or both.

Sec. 36. Minnesota Statutes 1988, section 609.344, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] Except as otherwise provided in section 38, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to a payment of a fine of not more than ~~\$20,000~~ \$30,000, or both.

Sec. 37. Minnesota Statutes 1988, section 609.345, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than five ten years or to a payment of a fine of not more than \$10,000 \$20,000, or both.

Sec. 38. Minnesota Statutes 1988, section 609.346, is amended to read:

609.346 [SUBSEQUENT OFFENSES.]

Subdivision 1. [DEFINITION; CONVICTION OF OFFENSE.] For purposes of this section, the term "offense" means a completed offense or an attempt to commit an offense.

Subd. 2. [SUBSEQUENT OFFENSE; PENALTY.] Except as otherwise provided in subdivision 3a, if a person is convicted of a second or subsequent offense under sections 609.342 to 609.345 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135. The court may stay the execution of the sentence imposed under this section subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; and (2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

Subd. 3. [PRIOR CONVICTIONS UNDER SIMILAR STATUTES.] For the purposes of this section subdivision 2, an offense is considered a second or subsequent offense if conviction of the actor for the offense follows or coincides with a conviction of the actor under sections 609.342 to 609.345 or under any similar statute of the United States, or this or any other state.

Subd. 3a. [THIRD CONVICTION; MANDATORY LIFE SENTENCE.] A person who is convicted of violating section 609.342, 609.343, or 609.344 shall be sentenced to imprisonment for life if:

(1) the person has two prior convictions under section 609.342, 609.343, or 609.344 or under any similar statute of the United States, or this or any other state;

(2) the person committed the second criminal sexual conduct offense after having been convicted of and sentenced for the first criminal sexual conduct offense; and

(3) the person committed the current criminal sexual conduct offense after having been convicted of and sentenced for the second criminal sexual conduct offense.

Sec. 39. [609.3461] [DNA ANALYSIS OF SEX OFFENDERS REQUIRED.]

When a court sentences a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, it shall order the person to provide a biological specimen for the purpose of DNA analysis as defined in section 14. The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 14.

Sec. 40. Minnesota Statutes 1988, section 609.377, is amended to read:

609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than ~~three~~ five years or to payment of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 41. Minnesota Statutes 1988, section 609.445, is amended to read:

609.445 [FAILURE TO PAY OVER STATE FUNDS.]

Whoever receives money on behalf of or for the account of the state or any of its agencies or subdivisions and intentionally refuses or omits to pay the same to the state or its agency or subdivision entitled thereto, or to an officer or agent authorized to receive the same, may be sentenced to imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 42. Minnesota Statutes 1988, section 609.48, subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section may be sentenced as follows:

(1) If the false statement was made upon the trial of a felony charge, or upon an application for an explosives license or use permit, to imprisonment for not more than five seven years or to payment of a fine of not more than ~~\$10,000~~ \$14,000, or both; or

(2) In all other cases, to imprisonment for not more than three five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 43. Minnesota Statutes 1988, section 609.487, subdivision 4, is amended to read:

Subd. 4. [FLEEING AN OFFICER; DEATH; BODILY INJURY.] Whoever flees or attempts to flee by means of a motor vehicle a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, and who in the course of fleeing causes the death of a human being not constituting murder or manslaughter or any bodily injury to any person other than the perpetrator may be sentenced to imprisonment as follows:

(a) If the course of fleeing results in death, to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both; or

(b) If the course of fleeing results in great bodily harm, to imprisonment for not more than five seven years or to payment of a fine of not more than ~~\$10,000~~ \$14,000, or both; or

(c) If the course of fleeing results in substantial bodily harm, to imprisonment for not more than three five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

Sec. 44. Minnesota Statutes 1988, section 609.52, is amended to read:

609.52 [THEFT.]

Subdivision 1. [DEFINITIONS.] In this section:

(1) "Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility companies and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra

Session Laws 1967, chapter 15 to include any trade secret represented by the article.

(2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to or found in land.

(3) "Value" means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft, or in the case of a theft or the making of a copy of an article representing a trade secret, where the retail market value or replacement cost cannot be ascertained, any reasonable value representing the damage to the owner which the owner has suffered by reason of losing an advantage over those who do not know of or use the trade secret. For a theft committed within the meaning of subdivision 2, clause (5), (a) and (b), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein.

(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, microorganism, blueprint or map, or any copy of any of the foregoing.

(5) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(6) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(7) "Copy" means any facsimile, replica, photograph or other reproduction of an article, and any note, drawing, or sketch made of or from an article while in the presence of the article.

(8) "Property of another" includes property in which the actor is coowner or has a lien, pledge, bailment, or lease or other subordinate interest, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It

does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, setoff, or counterclaim.

(9) "Services" include but are not limited to labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment services, advertising services, telecommunication services, and the supplying of equipment for use.

(10) "Motor vehicle" means a self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air.

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property; or

(2) having a legal interest in movable property, intentionally and without consent, takes the property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) obtains for the actor or another the possession, custody or title to property of or performance of services by a third person by intentionally deceiving the third person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) the issuance of a check, draft, or order for the payment of money, except a forged check as defined in section 609.631, or the delivery of property knowing that the actor is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) a promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) the preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assis-

tance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(4) by swindling, whether by artifice, trick, device, or any other means, obtains property or services from another person; or

(5) intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) the control exercised manifests an indifference to the rights of the owner or the restoration of the property to the owner; or

(b) the actor pledges or otherwise attempts to subject the property to an adverse claim; or

(c) the actor intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to the finder's own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to the owner; or

(7) intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to the actor's own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to the actor's own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to the defendant from a source other than the owner of the trade secret; or

(9) leases or rents personal property under a written instrument and who with intent to place the property beyond the control of the lessor conceals or aids or abets the concealment of the property or any part thereof, or any lessee of the property who sells, conveys, or encumbers the property or any part thereof without the written consent of the lessor, without informing the person to whom the lessee sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining the property or fails or refuses to return the property to

lessor within five days after written demand for the return has been served personally in the manner provided for service of process of a civil action or sent by certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to the person at the address for the person set forth in the lease or rental agreement, or, in the absence of the address, to the person's last known place of residence; or

(10) alters, removes, or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes, or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal, or obliteration; or

(11) with the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property with knowledge that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered; or

(12) intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive, or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video rerecording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law Number 94-553, section 107; or

(13) except as provided in paragraphs (12) and (14), obtains the services of another with the intention of receiving those services without making the agreed or reasonably expected payment of money or other consideration; or

(14) intentionally deprives another of a lawful charge for telecommunications service by:

(i) making, using, or attempting to make or use an unauthorized

connection whether physical, electrical, by wire, microwave, radio or other means to a component of a local telecommunication system as provided in chapter 237; or

(ii) attaching an unauthorized device to a cable, wire, microwave, radio, or other component of a local telecommunication system as provided in chapter 237.

The existence of an unauthorized connection is prima facie evidence that the occupier of the premises:

(i) made or was aware of the connection; and

(ii) was aware that the connection was unauthorized; or

(15) with intent to defraud, diverts corporate property other than in accordance with general business purposes or for purposes other than those specified in the corporation's articles of incorporation; or

(16) with intent to defraud, authorizes or causes a corporation to make a distribution in violation of section 302A.551, or any other state law in conformity with it; or

(17) intentionally takes or drives a motor vehicle without the consent of the owner or an authorized agent of the owner.

Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the value of the property or services stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), or (16); or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the property or services stolen exceeds \$2,500, or if the property stolen was an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in schedule 1 or 2 pursuant to section 152.02 with the exception of marijuana; or

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(a) the value of the property or services stolen is more than \$500 but not more than \$2,500; or

(b) the property stolen was a controlled substance listed in schedule 3, 4, or 5 pursuant to section 152.02; or

(c) the value of the property or services stolen is more than \$200 but not more than \$500 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.18, subdivision 3; 609.24; 609.245; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

(4) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, notwithstanding

(d) the value of the property or services stolen is not more than \$200, if \$500, and any of the following circumstances exist:

(a) (i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) (ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) (iii) the property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) (iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(e) (v) the property is a firearm; or

(f) (vi) the property stolen was is a motor vehicle as defined in section 609.55; or

(5) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(6) (4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property or services stolen is more than \$200 but not more than \$500; or

(7) (5) in all other cases where the value of the property or services stolen is \$200 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), and (13), the value of the money or property or services received

by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 45. [609.526] [PRECIOUS METAL DEALERS; RECEIVING STOLEN PROPERTY.]

Any precious metal dealer as defined in section 325F.731, subdivision 2, or any person employed by a precious metal dealer as defined in section 325F.731, subdivision 2, who receives, possesses, transfers, buys, or conceals any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery, may be sentenced as follows:

(1) if the value of the property received, bought, or concealed is \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$50,000, or both;

(2) if the value of the property received, bought, or concealed is less than \$1,000 but more than \$300, to imprisonment for not more than five years or to payment of a fine of not more than \$40,000, or both;

(3) if the value of the property received, bought, or concealed is \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Any person convicted of violating this section a second or subsequent time within a period of one year may be sentenced as provided in clause (1).

Sec. 46. Minnesota Statutes 1988, section 609.53, subdivision 1, is amended to read:

Subdivision 1. [CRIMINAL PENALTY.] (a) Except as otherwise provided in section 45, any person who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery, may be sentenced as follows:

(1) if the value of the property is \$1,000 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both;

(2) if the value of the property is less than \$1,000, but more than

\$300, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(3) if the value of the property is \$300 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both;

(4) notwithstanding the value of the property, if the property is a firearm, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, in accordance with the provisions of section 609.52, subdivision 3.

(b) In a prosecution under this subdivision, the value of property received by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this subdivision. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 47. Minnesota Statutes 1988, section 609.53, subdivision 4, is amended to read:

Subd. 4. [CIVIL ACTION; TREBLE DAMAGES.] Any person who has been injured by a violation of subdivisions subdivision 1 or 3 section 45 may bring an action for three times the amount of actual damages, sustained by the plaintiff or \$1,500, whichever is greater, and the costs of suit and reasonable attorney's fees.

Sec. 48. Minnesota Statutes 1988, section 609.576, is amended to read:

609.576 [NEGLIGENT FIRES.]

Whoever is culpably negligent in causing a fire to burn or get out of control thereby causing damage or injury to another, and as a result thereof:

(a) a human being is injured and great bodily harm incurred, is guilty of a crime and may be sentenced to imprisonment of not more than ~~three~~ five years or to a fine of not more than ~~\$5,000~~ \$10,000, or both; or

(b) property of another is injured, thereby, is guilty of a crime and may be sentenced as follows:

(1) to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, if the value of the property damage is under \$300;

(2) to imprisonment for not more than one year, or to a fine of \$3,000 or both, if the value of the property damaged is at least \$300 but is less than \$10,000;

(3) to imprisonment for not less than 90 days nor more than three years, or to a fine of not more than \$5,000, or both, if the value of the property damaged is \$10,000 or more.

Sec. 49. Minnesota Statutes 1988, section 609.62, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever, with intent to defraud, does any of the following may be sentenced to imprisonment for not more than ~~two~~ three years or to payment of a fine of not more than ~~\$4,000~~ \$6,000, or both:

(1) Conceals, removes, or transfers any personal property in which the actor knows that another has a security interest; or

(2) Being an obligor and knowing the location of the property refuses to disclose the same to an obligee entitled to possession thereof.

Sec. 50. Minnesota Statutes 1988, section 609.631, subdivision 2, is amended to read:

Subd. 2. [CHECK FORGERY; ELEMENTS.] A person who is guilty of check forgery, and may be sentenced under subdivision 4 if the person, with intent to defraud, does any of the following:

(1) falsely makes or alters a check so that it purports to have been made by another or by the maker under an assumed or fictitious name, or at another time, or with different provisions, or by the authority of one who did not give authority; or

(2) falsely endorses or alters a check so that it purports to have been endorsed by another.

Sec. 51. Minnesota Statutes 1988, section 609.86, subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits commercial bribery may be sentenced as follows:

(1) To imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both, if the value of the benefit, consideration, compensation or reward is greater than \$500;

(2) In all other cases where the value of the benefit, consideration, compensation or reward is \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700; provided, however, in any prosecution of the value of the benefit, consideration, compensation or reward received by the defendant within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed, or all of the offenses aggregated under this clause.

Sec. 52. Minnesota Statutes 1988, section 611A.038, is amended to read:

611A.038 [RIGHT TO SUBMIT STATEMENT AT SENTENCING.]

~~Subdivision 1. [IMPACT STATEMENT.]~~ A victim has the right to submit an impact statement, ~~either orally or in writing,~~ to the court at the time of sentencing or disposition hearing. The impact statement may be presented to the court orally or in writing, at the victim's option. If the victim requests, the prosecutor must orally present the statement to the court.

Statements may include the following, subject to reasonable limitations as to time and length:

- (1) a summary of the harm or trauma suffered by the victim as a result of the crime;
- (2) a summary of the economic loss or damage suffered by the victim as a result of the crime; and
- (3) a victim's reaction to the proposed sentence or disposition.

Sec. 53. Minnesota Statutes 1988, section 624.701, is amended to read:

624.701 [LIQUORS IN CERTAIN BUILDINGS OR GROUNDS.]

Subdivision 1. Except as otherwise provided in subdivision 1a, any person who shall introduce upon, or have in possession upon, or in, introduces or possesses an alcoholic beverage, as defined in section 340A.101, on any school ground, or in any schoolhouse or school building, any alcoholic beverage as defined in section 340A.101, except for is guilty of a misdemeanor.

Subd. 1a. [EXCEPTIONS.] Subdivision 1 does not apply to the following:

(1) experiments in laboratories and except for;

(2) those organizations who have been issued temporary licenses to sell nonintoxicating malt liquor pursuant to section 340A.403, subdivision 2, and;

(3) any person possessing nonintoxicating malt liquor as a result of a purchase from those organizations holding temporary licenses pursuant to section 340A.403, subdivision 2, shall be guilty of a misdemeanor; or

(4) the possession or use of alcoholic beverages in an alcohol use awareness program that is held at a post-secondary school, sponsored or approved by the school, and limited to persons 21 years old or older.

Subd. 2. Any person who except by prescription of a licensed physician or permission of the hospital administrator shall introduce upon, or have in possession upon, or in, any state hospital or grounds thereof under the responsibility of the commissioner of human services any alcoholic beverage as defined in section 340A.101, shall be guilty of a misdemeanor.

Sec. 54. Minnesota Statutes 1988, section 624.712, subdivision 5, is amended to read:

Subd. 5. "Crime of violence" includes murder in the first, second, and third degrees, manslaughter in the first and second degrees, aiding suicide, aiding attempted suicide, felony violations of assault in the first, second, third, and fourth degrees, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, criminal sexual conduct in the first, second, third, and fourth degrees, felonious theft, arson in the first and second degrees, riot, burglary in the first, second, third, and fourth degrees, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in chapter 609. "Crime of violence" also includes felony violations of chapter 152.

Sec. 55. [634.25] [ADMISSIBILITY OF RESULTS OF DNA ANALYSIS.]

In a civil or criminal trial or hearing, the results of DNA analysis, as defined in section 14, are admissible in evidence without antecedent expert testimony that DNA analysis provides a trustworthy and reliable method of identifying characteristics in an individual's genetic material upon a showing that the offered testimony meets the standards for admissibility set forth in the Rules of Evidence.

Sec. 56. [634.26] [STATISTICAL PROBABILITY EVIDENCE.]

In a civil or criminal trial or hearing, statistical population frequency evidence, based on genetic or blood test results, is admissible to demonstrate the fraction of the population that would have the same combination of genetic markers as was found in a specific human biological specimen. "Genetic marker" means the various blood types or DNA types that an individual may possess.

Sec. 57. [638.025] [COMMUTATION OF LIFE SENTENCE FOR FIRST DEGREE MURDER.]

A person convicted of murder in the first degree and serving a mandatory sentence of life imprisonment without possibility of supervised release may apply to the board of pardons for a commutation of sentence only if the person has served at least 30 years in prison. After considering the person's application under the procedures set forth in this chapter, the board shall either (1) grant the application and commute the person's sentence to a term of years, (2) deny the application, or (3) deny commutation of the person's life imprisonment sentence, but authorize the commissioner of corrections to grant the person supervised release as provided in section 244.05 and the commissioner's rules.

Sec. 58. [SENTENCING GUIDELINES COMMISSION; STUDY OF MANDATORY MINIMUM SENTENCING LAW.]

The sentencing guidelines commission shall study sentencing practices under section 609.11 to determine the following issues:

(1) whether prosecutors are complying with the statute's requirement to place on the record any evidence tending to show that a gun or dangerous weapon was used to commit an offense listed in section 609.11, subdivision 9;

(2) whether courts are complying with the statute's requirement to determine on the record the question of whether a gun or dangerous weapon was used to commit an offense listed in section 609.11, subdivision 9;

(3) the number of cases in which a prosecutor files a motion under section 609.11, subdivision 8, seeking waiver of the mandatory minimum sentence, the reasons given in these cases to support the motion, and the disposition of these motions; and

(4) the number of cases in which the court, on its own motion, sentences a defendant without regard to the mandatory minimum sentence, the reasons given in these cases for the court's departure, and the sentences pronounced by the court.

The commission shall submit a written report to the legislature on or before February 1, 1991, summarizing its findings on this study and recommending any changes necessary to improve the operation of section 609.11.

Sec. 59. [CHILD PROTECTION SYSTEM STUDY COMMISSION.]

Subdivision 1. [MEMBERSHIP.] A child protection system study commission is created consisting of five members of the house of representatives appointed by the speaker of the house and five members of the senate appointed by the senate subcommittee on subcommittees. The commission shall select from its membership a chair or co-chairs and other officers it considers necessary.

Subd. 2. [STUDIES.] The commission shall study:

(1) the current structure and operation of the child protection system at the state and county level;

(2) the current operation of the child abuse reporting act, including whether the reporting act should be expanded to mandate reports of emotional harm and threatened harm, and whether its definitions of physical and sexual abuse should be expanded to include threatened harm;

(3) the ways in which the child protection system can provide more effective intervention and prevention services for sexually aggressive and sexually abused children; and

(4) other ways in which the child protection system and the child abuse reporting act can be improved.

Subd. 3. [REPORT.] The commission shall report to the legislature on its findings and recommendations not later than February 15, 1990, and ceases to function after that date.

Subd. 4. [COMPENSATION.] Members of the commission must be compensated in the same manner as for other legislative meetings.

Sec. 60. [INSTRUCTION TO REVISOR; REFERENCE CHANGE.]

The revisor of statutes shall change the reference to section 609.55, subdivision 1, in section 609.605, subdivision 1, clause (10), to section 609.52, subdivision 1, clause (10).

Sec. 61. [REPEALER.]

Minnesota Statutes 1988, sections 609.53, subdivisions 1a, 3, and 3a; and 609.55, are repealed.

Sec. 62. [EFFECTIVE DATE.]

Sections 20 and 58 are effective June 1, 1989. Sections 2 to 4, 9, 10, 13, 14, 19, 39, 52 to 56, 59, and 60 are effective August 1, 1989. Sections 1, 7, 8, 11, 15 to 18, 22 to 38, 40 to 51, 57 and 61 are effective August 1, 1989, and apply to crimes committed on or after that date. Section 21 is effective August 1, 1989, and applies to crimes committed on or after that date, but a court may consider acts committed before the effective date in determining whether an offender is a danger to public safety under section 21, subdivision 2.

ARTICLE 4

COMMUNITY RESOURCES PROGRAM

Section 1. [466A.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 1 to 6.

Subd. 2. [ASSISTED HOUSING.] "Assisted housing" means any property used for residential housing that is:

(1) either owned or is under the direct management and control of a housing agency, and is used in a manner authorized and contemplated by sections 469.001 to 469.047;

(2) defined as emergency shelter under section 272.02, clause (12);

(3) transitional housing as defined in section 272.02, clause (19);

(4) classified as class 4c property under section 273.13, subdivision 25, paragraph (c), clause (4);

(5) a qualified low income building that (i) receives a low-income housing credit under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1987; or (ii) meets the requirements of that section and construction or rehabilitation of which began prior to May 1, 1988; or

(6) otherwise owned or operated by a governmental unit or nonprofit organization.

Subd. 3. [CITY.] "City" means a city of the first class as defined in section 410.01.

Subd. 4. [CITY COUNCIL.] "City council" means the city council of a city as defined in subdivision 3.

Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of state planning.

Subd. 6. [COMMUNITY.] "Community" means all or part of a targeted neighborhood.

Subd. 7. [COMMUNITY RESOURCE MONEY.] "Community resource money" means the money designated in the community resources program to be used to implement the community resource program.

Subd. 8. [COMMUNITY RESOURCES PROGRAM.] "Community resources program" or "program" means a community resources program adopted according to section 3.

Subd. 9. [COMMUNITY RESOURCES SERVICES.] "Community resources services" means programs, activities, and services intended to meet the objectives stated in section 3, subdivision 2. Programs, activities, and services may include:

- (1) community planning and organizing efforts;
- (2) employment and training services programs defined in section 256.736, subdivision 1a, clause (d);
- (3) services to residents of assisted housing;
- (4) services to stabilize neighborhoods; or
- (5) services to families and individuals intended to stabilize families and individuals or provide assistance for family needs including services to improve the educational achievement and development of minor family members;
- (6) child care services;
- (7) personal and family counseling;
- (8) health services;
- (9) parenting skills;
- (10) chemical dependency, counseling and treatment services;
- (11) crime prevention services;

- (12) services for victims of crime;
- (13) security services for assisted housing;
- (14) independent living services;
- (15) residential safe houses for teenage youth;
- (18) recreational alternatives for youth;
- (17) programs to facilitate cultural identity and cross cultural understanding;
- (18) efforts to facilitate the deconcentration of residential facilities licensed by the departments of health, human services, and corrections;
- (19) education, summer jobs, and training services for teenage youth; and
- (20) school readiness services relating to educational development screening and health services.

Subd. 10. [COUNTY BOARD.] "County board" means the board of county commissioners of a county containing a city.

Subd. 11. [SCHOOL BOARD.] "School board" means the school board of an independent school district or special school district having a student enrollment of 10,500 or more located wholly or partially within a city.

Subd. 12. [TARGETED NEIGHBORHOOD.] "Targeted neighborhood" means an area including one or more census tracts as determined and measured by the Bureau of Census of the United States Department of Commerce that a city council determines by resolution meets the criteria of section 2, subdivision 2, and any additional area designated under section 2.

Sec. 2. [466A.02] [DESIGNATION OF TARGETED NEIGHBORHOODS.]

Subdivision 1. [CITY AUTHORITY.] A city may by resolution designate targeted neighborhoods within its borders after adopting detailed findings that the designated neighborhoods meet the eligibility requirements in subdivision 2 or 3.

Subd. 2. [ELIGIBILITY REQUIREMENTS FOR TARGETED NEIGHBORHOODS.] An area within a city is eligible for designation as a targeted neighborhood if the area meets at least two of the following three criteria:

(a) The area had an unemployment rate that was twice the unemployment rate for the Minneapolis and Saint Paul standard metropolitan statistical area as determined by the 1980 federal decennial census.

(b) The median household income in the area was no more than half the median household income for the Minneapolis and Saint Paul standard metropolitan statistical area as determined by the 1980 federal decennial census.

(c) The area is characterized by residential dwelling units in need of substantial rehabilitation. An area qualifies under this clause if 25 percent or more of the residential dwelling units are in substandard condition as determined by the city or 70 percent or more of the residential dwelling units in the area were built before 1940 as determined by the 1980 federal decennial census.

Subd. 3. [ADDITIONAL AREA ELIGIBLE FOR INCLUSION IN TARGETED NEIGHBORHOOD.] (a) The city may add to the area designated as a targeted neighborhood under subdivision 2 additional area extending up to four contiguous city blocks in all directions from the designated targeted neighborhood. For the purpose of this subdivision, "city block" has the meaning determined by the city.

(b) The city may add to the area designated as a targeted neighborhood under subdivision 2 an additional area in a contiguous census tract to the targeted neighborhood provided that the city council first finds that the additional area meets at least two of the three criteria of subdivision 2.

Sec. 3. [466A.03] [COMMUNITY RESOURCES PROGRAM.]

Subdivision 1. [COMMUNITY RESOURCES PROGRAM; REQUIREMENT.] A city must prepare an annual comprehensive community resources program that is consistent with the recommendations of targeted neighborhood residents and organizations serving or representing these residents. The program must describe the specific community resource services and means by which the community intends to pursue and implement the program objectives outlined in subdivision 2 for each targeted neighborhood served under the program.

Subd. 2. [COMMUNITY RESOURCES PROGRAM OBJECTIVES.] A community resources program must address the following objectives:

(a) Establish means for stabilizing families so family members can become more functional as a family unit and as members of the community. This objective addresses family stabilization by insur-

ing that children attend and adequately participate in schools providing elementary and secondary education, strengthening the family unit through counseling and other services, and increasing the family unit's health through nutrition, parenting skills, health assessment, drug abuse programs, and other services.

(b) Provide opportunities for families and individuals that lead to greater self-sufficiency through improved housing, health, environment, education, job training, employment, and independent living.

(c) Establish the community as a safer environment by finding the means to reduce crime and the fear of crime in the community and other parts of the city.

(d) Establish means to stabilize the neighborhood or community by building the capacity of the community's neighborhood-based organizations and institutions to build cohesiveness through planning and organizing residents, to provide or ensure the provision of necessary services, and to meet the other program objectives.

Subd. 3. [COMMUNITY RESOURCES PROGRAM; CONTENTS.]

(a) The community resources program must include the following information:

(1) the means to identify families and individuals who need community resources services so that the program objectives identified in subdivision 2 can be met;

(2) the specific activities, programs, or means by which the city intends to pursue and implement the objectives in subdivision 2;

(3) a statement of the intended outcomes to be achieved by implementing the community resources program;

(4) the method to measure the outcomes to be achieved by implementing the community resources program, how the outcomes will be measured both qualitatively and quantitatively, and the estimated time over which they will occur;

(5) identification of the targeted neighborhoods, assisted housing, and other parts of the city that will receive community resources services;

(6) a detailed statement of how the community resources services will be coordinated with similar services being offered by the city, county, school district, state, and other providers;

(7) a description of the process used and the staff services provided to ensure the required community or neighborhood participation in the preparation of the program; and

(8) a budget that identifies the financial resources necessary to implement the community resources program. The budget must include the following items: (i) the estimated total cost to implement the community resources program; (ii) the estimated cost to implement each activity in the community resources program identified in clause (2); and (iii) the estimated amount of financial resources that will be available from all sources other than from the state money allocated under section 5 to implement the community resources program, including the amount of private funding to be made available to assist in funding the community resources program.

(b) The information required to be in the program under this subdivision must be specific to a targeted neighborhood to the greatest extent possible. If information is not specific to a targeted neighborhood that is to receive assistance under the program, the program must include a statement explaining the reason.

Subd. 4. [COMMUNITY PARTICIPATION.] (a) Each city must adopt a process to involve the residents in targeted neighborhoods in planning, developing, and implementing the community resources program. As part of the process, the city must ensure that the community-based process has sufficient resources to assist in the development of the program.

(b) Beginning with the program for 1991, each targeted neighborhood or group of targeted neighborhoods must have a strategic planning group whose members include residents of the targeted neighborhood. Each strategic planning group must be the same group designated for providing recommendations for the development of the urban revitalization action plan. The group must, as part of its responsibilities, develop a strategic plan that must include the activities that the planning group recommends as part of the community resource program. The strategic plan must also address how the community resource program activities will be integrated into a comprehensive approach toward meeting the needs of the neighborhood and its residents, including those activities proposed or included in the urban revitalization action program.

(c) The city must ensure that the strategic planning group required under paragraph (b) is established. An existing group or organization which includes neighborhood residents may be designated by the city as the strategic planning group. The city may provide financial and staff resources to ensure the establishment of the strategic planning groups. The city may use community resource money to assist in the establishment of the targeted neighborhood strategic planning groups.

(d) For 1989 and 1990, the process adopted by the city under paragraph (a) shall be used to develop prioritized recommendations for use of community resource program money within each targeted

neighborhood. The prioritized recommendations must include the specific neighborhood programs and services that will help achieve the statutory objectives of the programs. After a public hearing is held in each targeted neighborhood to discuss the prioritized recommendations, the prioritized recommendations shall be forwarded to the city for consideration.

(e) For 1991 and subsequent years, as part of the process for the development of the city's community resources program, each targeted neighborhood strategic planning group must develop its prioritized recommendations for the use of community resource program money. The prioritized recommendations must include the specific neighborhood programs and services that will help achieve the objectives of the programs. After a public hearing is held in each targeted neighborhood to discuss the prioritized recommendations, the prioritized recommendations shall be forwarded to the city for consideration.

Subd. 5. [ADVISORY COMMITTEE.] The governing body of a city requesting state financial assistance under section 5 shall establish an advisory committee to assist the city in developing and implementing the city's community resources program. The advisory committee may include city council members, county commissioners, school board members, community service representatives, business community representatives, legislators, and representatives of targeted neighborhoods. If an advisory committee is established by the city, the representatives of targeted neighborhoods must represent a majority of the membership of the advisory committee and reflect the geographic, cultural, racial, and ethnic diversity of the targeted neighborhoods. The city may determine the size of the advisory committee and may designate an existing entity as the advisory committee if the entity meets the membership requirements outlined in this subdivision.

Subd. 6. [REVIEW BY AFFECTED GOVERNMENTAL UNITS.] The city may develop a process to consult with affected governmental units including the state, county, and school districts. These affected governmental units may provide technical and informational assistance to the city to ensure that the community resources program is coordinated with activities and services provided by other governmental units and does not unnecessarily duplicate any existing services.

Subd. 7. [DEVELOPMENT OF PROGRAMS.] The city must develop and draft a preliminary community resources program. In developing the preliminary program for 1989 and 1990, the city of Minneapolis must give priority to the recommendations made through the process established in subdivision 4, paragraph (a). In developing the program for 1991 and subsequent years, the city of Minneapolis must give priority to the recommendations made by the targeted neighborhood strategic planning groups.

A city may approve the preliminary community resources program only after holding a public hearing. Notice of the hearing must be provided in a newspaper of general circulation in the city and in the targeted neighborhoods not less than ten days nor more than 30 days before the date of the hearing. In addition, to the maximum extent possible, notice shall be published in the most widely circulated community newspaper in the targeted neighborhoods. After the public hearing and after the city has incorporated any changes into the preliminary program as a result of the public hearing, the city may approve the preliminary program and must submit the approved preliminary program to the city review board.

Subd. 8. [CITY REVIEW BOARD.] (a) Each city shall establish a city review board whose purpose is to review and comment on the preliminary community resources program submitted by the city. The city review board appointed under this subdivision must be the same city review board appointed for the review of the urban revitalization action plan. The city review board shall consist of two city council members who represent targeted neighborhoods appointed by the city council, one county board member appointed by the county board, one school board member appointed by the school board, one for profit or nonprofit housing developer appointed by the city council, one business representative appointed by the city's chamber of commerce, and at least seven representatives of the targeted neighborhoods appointed by the city council. The representatives of the targeted neighborhoods must reflect the geographic, cultural, racial, and ethnic diversity of the targeted neighborhoods. The targeted neighborhoods strategic planning groups may recommend a list of names to the city council for appointment to the city review board. Two members of the house of representatives and one member of the senate appointed by the city's legislative delegation shall be nonvoting members of the city review board. Nonvoting legislative members of the city review board must represent one or more targeted neighborhoods.

(b) The city review board may require the city to contract for temporary staff assistance in reviewing and approving the program. Persons who provide staff assistance to the city review board may not be city employees or in any way involved in a formal or informal organization representing residents of a targeted neighborhood. The city may use state money available under section 5 to pay for the costs of staffing the city review board. The city must make all information requested by the city review board relating to the development of the program available to the city review board.

(c) In reviewing the city's preliminary community resources program, the city review board shall ensure that the following review criteria are satisfied:

(1) the city followed the process required under subdivisions 4 to 7 for developing the community resources program;

(2) the activities to be funded by the program are community resource services that meet the objectives under subdivision 2;

(3) the activities to be funded do not result in duplication of existing services;

(4) the community resources program does not result in undue concentration of community resources program money in a single proposed activity or project; and

(5) in 1991 and subsequent years for the city of Minneapolis only, the activities to be funded are compatible with the prioritized recommendations submitted to the city by the neighborhood strategic planning groups. In 1989 and 1990 programs for the city of Minneapolis only, the activities to be funded are compatible with the prioritized recommendations submitted to the city through the process adopted under subdivision 4, paragraph (a).

The city review board may not reject or require modification of the city's preliminary community resources program unless the city's preliminary program, or process used to develop the program, does not satisfy all of the required review criteria. If the city review board rejects a city's preliminary program for failing to satisfy one or more of the required review criteria, the board must notify the city in writing within 45 days after receiving the preliminary program, stating its basis for determining that one or more of the required review criteria were not satisfied. The city must address the written concerns of the review board before it may resubmit a new preliminary program to the board.

(d) In addition to reviewing the city's community resources program to ensure that it meets the review criteria outlined in paragraph (c), the city review board shall review and comment on the overall quality of the city's preliminary program. In reviewing the 1989 and 1990 programs, the city review board shall compare the city's preliminary program to the prioritized recommendations submitted to the city through the process adopted under subdivision 4, paragraph (a). In reviewing the 1991 and subsequent year programs, the city review board shall compare the city's preliminary program to the prioritized recommendations submitted to the city by the targeted neighborhood strategic planning groups. The city review board shall determine if the city gave adequate consideration to the recommendations of the targeted neighborhood strategic planning groups.

The city review board may provide comments and recommendations on the overall quality of the city's preliminary program to the city in writing within 45 days after receiving the preliminary program. Except as provided for under paragraph (c), the city review board may not require the city to modify its preliminary program. If the city review board makes recommendations for modifying the

city's preliminary program and the city decides not to accept those recommendations, the city may specify in writing the reasons for not accepting the city review board's recommendations.

(e) Within 45 days after receiving the city's preliminary community resources program which satisfies all of the required review criteria outlined in paragraph (c), the city review board shall submit the preliminary program, along with any comments or recommendations, to the city for final certification.

Subd. 9. [PROGRAM CERTIFICATION.] The city council may incorporate the recommendations of the city review board into its community resources program. The city council, after public hearing and by formal resolution, must adopt and certify the community resources program.

Copies of the community resources program must be forwarded to the county board and the school board. The community resources program must be forwarded to the state planning agency for funding. The city must certify to the commissioner that:

(1) the community resources program has been reviewed by the city review board; and

(2) the city review board found that the city's program satisfied the required review criteria outlined in subdivision 8, paragraph (c).

Subd. 10. [COMMUNITY RESOURCES PROGRAM MODIFICATION.] The community resources program may be modified at any time by the city council after review by the city review board and a public hearing. Notice of the public hearing must be published in a newspaper of general circulation in the city not less than ten days nor more than 30 days before the date of the hearing. In addition, to the maximum extent possible, notice shall be published in the most widely circulated community newspaper in the targeted neighborhoods. If the city council or city review board determines that the proposed modification is a significant modification to the program originally certified under subdivision 9, it must implement the community resources program approval and certification process of subdivisions 4 to 9 for the proposed modification.

Subd. 11. [STATE EVALUATION OF PROGRAMS.] The state planning agency, in consultation with other appropriate state agencies, shall monitor the planning, development, and implementation of the community resources programs in the cities. The state planning agency shall determine if:

(1) the program development process required by subdivisions 4 to 9 is providing adequate neighborhood participation in the planning, drafting, and implementation of the programs;

(2) the programs are effectively achieving the objective required under subdivision 2 and the objectives outlined in the programs themselves; and

(3) private funding is being used to partially fund the activities established under the programs.

The state planning agency shall provide an interim report to the legislature by January 1, 1990, with a final report of its findings due by January 1, 1991.

Sec. 4. [466A.04] [CITY POWERS.]

Subdivision 1. [GENERAL POWERS.] A city may exercise any of its corporate powers in implementing the community resources program.

Subd. 2. [GRANTS AND LOANS.] In addition to the authority granted by other law, a city, through a request for proposal process, may make grants, loans, and other forms of assistance to, and enter into service contracts with, individuals, for profit and nonprofit corporations, and other organizations to implement a community resources program. The contracts entered into by the city under this subdivision must contain terms concerning use of money, repayment, and other conditions the city deems proper to implement a community resources program.

Subd. 3. [COMMUNITY INITIATIVES PROGRAM.] A city may establish a community initiatives program as part of the community resources program. At least ten percent of the community resource money must be distributed to organizations under the community initiatives program. A community initiatives program, in addition to the authority granted by other law, authorizes a city to set aside funds and to develop a process to request proposals for the purpose of making grants, loans, and other forms of assistance to, or entering into service contracts with, nonprofit organizations, including neighborhood organizations, representing community residents. The organizations may also represent residents from a contiguous neighborhood. Financial assistance or service contracts awarded under this subdivision are limited to \$25,000 to any one organization in any one year. State money used for the community initiatives program must be used for implementing activities included in the community resources program. The contracts entered into by the city with a nonprofit organization under this subdivision must contain terms concerning use of money and other conditions the city deems proper to implement a community initiatives program.

Subd. 4. [ELIGIBLE USES FOR COMMUNITY RESOURCE MONEY.] The city may spend community resource money for any purpose authorized by subdivisions 1 to 3 except that an amount equal to at least 90 percent of the state payment according to section

5 made available to the city must be spent in or for residents in targeted neighborhoods or assisted housing. The city may use up to five percent of the community resources money to address the housing needs of low income residents of the city. Use of community resources money must be authorized in a community resources program. If a resident of a targeted neighborhood or assisted housing is a recipient of community resource services and moves to a residence in (i) another part of the city, (ii) another location in the same county, or (iii) a location in an adjacent county located in the state, eligibility continues for the community resources services.

Sec. 5. [466A.05] [PAYMENT; DRAWDOWN; USES OF STATE MONEY.]

Subdivision 1. [PAYMENT OF STATE MONEY.] Upon receiving from a city the certification that a community resources program has been adopted or modified, the commissioner shall, within 30 days after receiving the certification, pay to the city the amount of state money identified as necessary to implement the community resources program or program modification. State money may be paid to the city only to the extent that the appropriation limit for the city specified in subdivision 2 is not exceeded. Once the state money has been paid to the city, it becomes community resource money for use by the city according to an adopted community resources program and subject to the restrictions on its use in sections 1 to 6.

Subd. 2. [ALLOCATION.] A city may receive a part of the appropriations made available that is the proportion that the population of the city bears to the combined population of the cities. A city may agree to reduce its entitlement amount and to make it available to another city. The population of each city for the purposes of this subdivision is determined according to the most recent estimates available to the commissioner.

Sec. 6. [466A.06] [ANNUAL REPORT.]

A city that begins to implement a community resources program in a calendar year must, by March 1 of the succeeding calendar year, provide a detailed report to the commissioner and legislature on the community resources program or programs being implemented in the city. The report must describe the status of the program implementation and analyze whether the intended outcomes identified in section 3, subdivision 3, paragraph (a), clause (3), are being achieved.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to public safety; authorizing bonding for capital improvements; appropriating money to convert a regional treatment center for use as an adult correctional facility and to operate the facility; appropriating money for a variety of correctional and treatment programs; revising and increasing penalties for controlled substance crimes; authorizing increased sentences and juvenile court reference for controlled substance crimes committed within a drug free school or park zone; increasing penalties for a variety of other crimes; providing for life imprisonment without supervised release for persons convicted of first degree murder or a third criminal sexual conduct offense; providing for sex offender treatment programs; providing that an inmate who completes a sex offender treatment program is eligible for an adjustment to the supervised release date; providing for the collection and admissibility of DNA evidence; modifying certain forfeiture provisions; permitting a school-sponsored alcohol awareness program; requiring reporting of newborns with signs of controlled substance exposure; providing for toxicology testing; requiring an education program to protect unborn children from such prenatal exposure; establishing a community crime prevention grant program; providing a soft body armor reimbursement program; creating a drug abuse prevention resource council; establishing a child protection system study commission; providing for a community resources program for cities of the first class; appropriating money; amending Minnesota Statutes 1988, sections 152.01, subdivision 7, and by adding subdivisions; 152.096, subdivision 1; 152.097, by adding a subdivision; 152.15, subdivision 4a; 152.151; 152.18, subdivision 1; 152.20; 152.21, subdivision 6; 169.09, subdivision 14; 243.05, subdivision 1; 244.05, subdivisions 1, 4, 5, and by adding a subdivision; 244.09, subdivision 5; 256.01, by adding a subdivision; 260.125, subdivision 3; 260.161, subdivision 1; 260.185, subdivision 1; 297D.09, subdivision 1a; 299F.80, subdivision 1; 325D.56, subdivision 2; 340A.701; 340A.702; 526.10; 609.11, subdivisions 7 and 9; 609.185; 609.19; 609.195; 609.205; 609.221; 609.222; 609.223; 609.2231, subdivision 1; 609.255, subdivision 3; 609.2665; 609.267; 609.323, subdivision 1; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; 609.345, subdivision 2; 609.346; 609.377; 609.445; 609.48, subdivision 4; 609.487, subdivision 4; 609.52; 609.53, subdivisions 1 and 4; 609.5311, subdivision 3; 609.5314, subdivision 1; 609.5315, subdivision 1; 609.576; 609.62, subdivision 2; 609.631, subdivision 2; 609.86, subdivision 3; 611A.038; 624.701; 624.712, subdivision 5; and 626.556, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116K; 121; 144; 152; 241; 242; 244; 299A; 299C; 466A; 609; 626; 634; and 638; repealing Minnesota Statutes 1988, sections 152.09; 152.15, subdivisions 1, 2, 2a, 2b, 3, and 5; 609.53, subdivisions 1a, 3, and 3a; and 609.55."

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 1709, A bill for an act relating to commerce; regulating divesting transactions involving a principal domestic subsidiary; authorizing the metropolitan airports commission to approve a change in control of a major tenant at the Minneapolis-St. Paul International Airport; modifying standards that may be considered by certain investment fiduciaries; providing for worker and consumer protections after a leveraged buyout; imposing a tax on golden parachute compensation agreements; amending Minnesota Statutes 1988, sections 80B.01, subdivisions 1, 10, and by adding subdivisions; 268.07, subdivision 2; and 302A.011, subdivision 41, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 80B; 290; 300; 302A; and 325E; proposing coding for new law as Minnesota Statutes, chapters 268A; and 360A.

Reported the same back with the following amendments:

Page 4, line 33, delete everything after the period

Page 4, delete lines 34 and 35 and insert "The hearing must be conducted in accordance with the requirements of Minnesota Statutes 1988, section 473.608, subdivision 18."

Page 5, delete lines 3 to 6, and insert "The decision may be appealed under Minnesota Statutes 1988, section 473.675."

Page 5, line 13, delete "under chapter 14" and insert "under Minnesota Statutes 1988, section 473.675".

Page 5, line 17, delete "unless" and insert "only if"

Page 6, after line 8, insert:

"Subd. 5. [NONAPPROVAL.] The metropolitan airports commission shall not approve a request under this section if less than 25 percent of the funds to be used to effect the proposed acquisition are to be provided by funds of the person proposing the acquisition."

Renumber the remaining subdivisions

Page 30, line 26, delete everything after "payment"

Page 30, delete lines 27 and 28

Page 30, line 29, delete everything before the period

Page 30, line 33, delete the colon

Page 30, delete line 34

Page 30, line 35, delete "(2)"

Page 32, delete section 13

Page 32, line 31, delete "14" and insert "13"

Page 32, line 32, after the first comma insert "and" and delete "and 13"

Page 32, after line 35, insert:

"ARTICLE 5
EMPLOYEE OWNERSHIP

Section 1. [268A.01] [SHORT TITLE.]

Sections 1 to 5 may be cited as "the employee-owned business act."

Sec. 2. [268A.02] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] In sections 1 to 5, the terms defined in this section shall have the meanings given them in this section.

Subd. 2. [DEPARTMENT.] "Department" means the department of jobs and training.

Subd. 4. [EMPLOYEE-OWNED BUSINESS.] "Employee-owned business" means any one of the following:

(1) a business operation in which at least three-fourths of each class of voting security is owned by at least 50 percent of the employees of the operation or by an employee-owned stock ownership plan in which at least 50 percent of the employees participate in each part of the plan. The operation must be controlled by a board of directors who are selected by the shareholders on the basis of one vote per shareholder or on the basis of one vote per share;

(2) a business operation in which at least three-fourths of each class of voting security is owned by an employee stock ownership trust set up under an employee stock ownership plan as defined in the Internal Revenue Code, United States Code, title 26, section 4975(e)(7), if that employee stock ownership plan requires pass-through of all voting rights possessed by voting securities as the securities are allocated to accounts of individual participants;

(3) a business organized as a worker cooperative; or

(4) a business organized as an industrial cooperative.

If a business operation adopts a plan by which it will become an employee-owned business within five years after the adoption of the plan, it shall be considered an employee-owned business.

Subd. 4. [ESTABLISHMENT.] "Establishment" includes a factory, plant, office, or other facility but does not include a construction site or other workplace that is intended to be a temporary workplace.

Subd. 5. [WORKER OR INDUSTRIAL COOPERATIVE.] "Worker cooperative" or "industrial cooperative" means an establishment in which the owners or members all work in the establishment and are the only persons, other than trial employees, part-time workers, or volunteers who work in the establishment. In a worker cooperative or industrial cooperative, the workers hold the basic ownership or membership rights of the establishment which consist of the voting rights to elect the board of directors, which in turn appoints the management or staff, and the rights to the profits or net income of the establishment. Each worker has an equal vote in accordance with the democratic principle of one person, one vote. The net income, which may be positive or negative, is shared among the workers pursuant to an agreed upon formula.

Sec. 3. [268A.03] [DEPARTMENT OF JOBS AND TRAINING ASSISTANCE PROGRAM.]

Subdivision 1. [POLICY.] It is the policy of the state to encourage the formation of employee-owned businesses in order to stabilize local economies, to anchor business activity by increasing and broadening community investments, to increase productivity, and to encourage new capital formation through employee ownership.

Subd. 2. [DUTIES OF DEPARTMENT.] To assist the development of employee-owned businesses, the department shall do all of the following:

(1) develop, collect, and disseminate information to persons and organizations throughout the state that will assist in undertaking or promoting the establishment and successful operation of employee-owned businesses;

(2) provide technical assistance and counseling services to persons who seek to form an employee-owned business;

(3) provide assistance, counseling, and training in the operation of an employee-owned business;

(4) assist persons in obtaining financing for the purchase and operation of an employee-owned business; and

(5) promote and coordinate the efforts of local, state, federal, and private agencies to assist in the formation or operation of an employee-owned business.

Subd. 3. [RULEMAKING AUTHORITY.] In order to effectuate the purposes of sections 1 to 5, the commissioner shall adopt rules. The commissioner may adopt emergency rules.

Sec. 4. [268.04] [GRANTS TO EMPLOYEE GROUPS.]

The department may make grants to employee groups considering establishing an employee-owned business. The grants may be used for any costs associated with determining the feasibility of establishing an employee-owned business, including, but not limited to, completing necessary economic or feasibility studies and legal and consulting fees. The department shall establish guidelines for determining the eligibility for the grants and the purposes for which the grants may be used.

Sec. 5. [268A.05] [EMPLOYEE-OWNED BUSINESS ADVISORY COUNCIL.]

Subdivision 1. [CREATION.] The commissioners shall appoint an employee-owned business advisory council consisting of two representatives of the business community, two representatives of employees, and two representatives of the public. The members must have demonstrated expertise in corporate management, economic development, or investment bond matters. The council shall be governed by section 15.059, except that the council is not subject to section 15.059, subdivision 5.

Subd. 2. [DUTIES.] The council shall serve as a source of expertise and information to employee-owned businesses. The council shall also keep the department informed about problems and matters affecting employee-owned businesses and advise the department upon request with respect to any matters relating to employee-owned businesses.

Sec. 6. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF JOBS AND TRAINING.] There is appropriated from the general fund to the department of jobs and training the sums indicated in this section for the biennium ending June 30, 1991.

Subd. 2. [EMPLOYEE-OWNERSHIP ASSISTANCE.] For the state's obligations under sections 1 to 5, except for the grants provided under section 4, there is appropriated \$

Subd. 3. [EMPLOYEE-OWNERSHIP GRANT.] For employee-

ownership assistance grants under section 4, there is appropriated
\$

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment.

ARTICLE 6

ASSISTANCE TO EMPLOYEE-OWNED BUSINESSES

Section 1. Minnesota Statutes 1988, section 41A.02, subdivision 16, is amended to read:

Subd. 16. [ELIGIBLE SMALL BUSINESS.] "Eligible small business" means:

(1) an enterprise determined by the board to constitute a small business concern as defined in regulations of the United States Small Business Administration under United States Code, title 15, sections 631 to 647; or

(2) an enterprise eligible to receive assistance under section 41A.036; or

(3) an employee-owned business defined in article 5, section 2, subdivision 4.

Sec. 2. Minnesota Statutes 1988, section 41A.036, subdivision 2, is amended to read:

Subd. 2. [SMALL BUSINESS DEVELOPMENT LOANS; PREFERENCES.] The following eligible small businesses have preference among all business applicants for small business development loans:

(1) businesses located in rural areas of the state that are experiencing the most severe unemployment rates in the state;

(2) businesses that are likely to expand and provide additional permanent employment in rural areas of the state;

(3) businesses located in border communities that experience a competitive disadvantage due to location;

(4) businesses that have been unable to obtain traditional financial assistance due to a disadvantageous location, minority ownership, or other factors rather than due to the business having been considered a poor financial risk;

(5) businesses that utilize state resources and reduce state dependence on outside resources, and that produce products or services consistent with the long-term social and economic needs of the state; and

(6) businesses located in designated enterprise zones, as described in section 273.1312, subdivision 4; and

(7) employee-owned businesses defined in article 5, section 2, subdivision 4, that are seeking financial assistance to purchase or operate existing business entities or establishments that are closing, relocating, or being sold.

Sec. 3. Minnesota Statutes 1988, section 41A.036, subdivision 5, is amended to read:

Subd. 5. [DESIGNATION; CRITERIA.] A revenue-producing enterprise is not eligible to receive special assistance unless the board has passed a resolution designating the revenue-producing enterprise as being in need of special assistance. The resolution must include findings that the designation and receipt of the special assistance will be of exceptional benefit to the state of Minnesota in that at least three of the following criteria are met:

(1) to expand or remain in Minnesota, the revenue-producing enterprise has demonstrated that it cannot obtain suitable financing from other sources;

(2) special assistance will enable a revenue-producing enterprise not currently located in Minnesota to locate a facility in Minnesota that directly increases the number of jobs in the state;

(3) the revenue-producing enterprise will create or retain significant numbers of jobs in a Minnesota community;

(4) the revenue-producing enterprise has a significant potential for growth in jobs or economic activities in Minnesota during the ensuing five-year period; and

(5) the revenue-producing enterprise will maintain a significant level of productivity in Minnesota during the ensuing five-year period.

An employee-owned business, defined in article 5, section 2, subdivision 4, that is seeking financial assistance to purchase or operate an existing business entity or establishment, which is closing, relocating, or being sold, is eligible to receive special assistance under subdivision 4.

Sec. 4. Minnesota Statutes 1988, section 116J.873, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATION.] Economic recovery grants shall be made available to local communities and recognized Indian tribal governments in accordance with the rules adopted for economic development grants in the small cities community development block grant programs, except that all units of general purpose local government are eligible applicants for economic recovery grants. The commissioner of trade and economic development shall administer the economic recovery grant program as a part of the small cities development program.

Economic recovery grants may be made available to employee-owned businesses, defined in article 5, section 2, subdivision 4, that are seeking financial assistance to purchase or operate existing business entities or establishments that are closing, relocating, or being sold.

Sec. 5. Minnesota Statutes 1988, section 116N.08, is amended by adding a subdivision to read:

Subd. 5a. [EMPLOYEE-OWNED BUSINESS.] A loan under the challenge grant program may be made to an employee-owned business, defined in article 5, section 2, subdivision 4, that is seeking financial assistance to purchase or operate an existing business entity or establishment that is closing, relocating, or being sold.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment.

ARTICLE 7

SEVERABILITY

Section 1. [SEVERABILITY.]

In the event that any provision of this act is determined by court decision to be invalid, the legislature intends for all remaining provisions to be severable and enforced without regard to the provision that was determined to be invalid.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 11, after the semicolon insert "providing assistance to employee-owned businesses;" and after "sections" insert "41A.02, subdivision 16; 41A.036, subdivisions 2 and 5,"

Page 1, line 13, after the first semicolon insert "116J.873, subdivision 1; and 116N.08, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1758, 1759 and 59 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1191, 1258, 858, 809, 583, 1039, 1009, 590, 783, 1269, 886, 486, 476, 847, 281, 1031, 180, 723 and 834 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Kalis; Redalen; Anderson, R.; Onnen and Jennings introduced:

H. F. No. 1760, A bill for an act relating to wastewater treatment funding; amending the state independent grants program; amending Minnesota Statutes 1988, section 116.18, subdivision 3a; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 529, A bill for an act relating to local government; permitting counties, cities, and towns to contribute to certain hospitals; amending Minnesota Statutes 1988, section 376.09; proposing coding for new law in Minnesota Statutes, chapter 465.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 426, A bill for an act relating to the city of Mankato; authorizing location of certain polling places more than 3,000 feet outside precinct boundaries.

H. F. No. 1440, A bill for an act relating to local government; requiring political subdivisions to request proposals for group insurance coverage; amending Minnesota Statutes 1988, section 43A.316, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1988, section 471.616.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 22, A bill for an act relating to crimes; prohibiting unauthorized access to computers; imposing penalties; amending Minnesota Statutes 1988, sections 609.531, subdivision 1; and 609.87, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

H. F. No. 438, A bill for an act relating to courts; specifying the income standard for proceeding in forma pauperis; amending Minnesota Statutes 1988, section 563.01, subdivision 3.

H. F. No. 1311, A bill for an act relating to public employees; providing a policy prohibiting harassment based on race or disability; requiring discipline for employees who engage in harassment; proposing coding for new law in Minnesota Statutes, chapter 15.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1378, 1394 and 1498.

PATRICK E. FLAHAVERN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1378, A bill for an act relating to animals; regulating use of certain prescription veterinary drugs; changing certain procedures for licensing veterinarians; amending Minnesota Statutes 1988, sections 151.19, subdivision 3; and 156.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 156.

The bill was read for the first time.

Dille moved that S. F. No. 1378 and H. F. No. 1037, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1394, A bill for an act relating to the county of Olmsted; providing for approval of certain conveyancing instruments by county zoning administrator.

The bill was read for the first time.

Frerichs moved that S. F. No. 1394 and H. F. No. 1482, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1498, A bill for an act relating to local government; planning and zoning; permitting interim use permits; making explicit the scope of certain statutes; amending Minnesota Statutes 1988, section 462.358, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 462.

The bill was read for the first time.

Schreiber moved that S. F. No. 1498 and H. F. No. 1608, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

Wynia moved that the bills on the Consent Calendar for today be continued. The motion prevailed.

SPECIAL ORDERS

Wynia moved that the bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Wynia moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Neuenschwander moved that his name be stricken as an author on H. F. No. 232. The motion prevailed.

Conway moved that the name of Simoneau be shown as chief author and his name be shown as second author on H. F. No. 820. The motion prevailed.

Schafer moved that the name of Tjornhom be added as an author on H. F. No. 1110. The motion prevailed.

Long moved that H. F. No. 925 be returned to its author. The motion prevailed.

ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, May 4, 1989. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, May 4, 1989.

EDWARD A. BURDICK, Chief Clerk, House of Representatives