

**FORTY-SECOND DAY**

St. Paul, Minnesota, Wednesday, April 19, 1995

The Senate met at 8:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Marilyn Saure Breckenridge.

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

Anderson	Frederickson	Kroening	Neuville	Runbeck
Beckman	Hanson	Laidig	Novak	Sams
Belanger	Hottinger	Langseth	Oliver	Samuelson
Berg	Janezich	Larson	Olson	Scheevel
Berglin	Johnson, D.E.	Lesewski	Ourada	Solon
Bertram	Johnson, D.J.	Lessard	Pappas	Spear
Betzold	Johnson, J.B.	Limmer	Pariseau	Stevens
Chandler	Johnston	Marty	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Kleis	Moe, R.D.	Ranum	Wiener
Dille	Knutson	Mondale	Reichgott Junge	
Finn	Kramer	Morse	Riveness	
Flynn	Krentz	Murphy	Robertson	

The President declared a quorum present.

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 680.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1995

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 1209:** A bill for an act relating to Hennepin county; modifying certain provisions concerning the county medical examiners office; amending Minnesota Statutes 1994, section 383B.225, subdivisions 5, 6, 7, 9, 11, and 12.

Senate File No. 1209 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1995

### CONCURRENCE AND REPASSAGE

Mr. Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1209 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1209 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kramer	Mondale	Reichgott Junge
Beckman	Hanson	Krentz	Morse	Robertson
Belanger	Hottinger	Laidig	Novak	Sams
Berg	Janezich	Langseth	Oliver	Samuelson
Betzold	Johnson, D.E.	Larson	Olson	Scheevel
Chandler	Johnson, J.B.	Lesewski	Ourada	Spear
Chmielewski	Johnston	Lessard	Pariseau	Stevens
Day	Kelly	Limmer	Piper	Stumpf
Dille	Kiscaden	Marty	Pogemiller	Terwilliger
Finn	Kleis	Metzen	Price	Vickerman
Flynn	Knutson	Moe, R.D.	Ranum	Wiener

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1995

### FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

**H.F. No. 2:** A bill for an act relating to the environment; automobile emissions; providing that a vehicle need not be inspected until the year of its registration is five years more than its model year; changing the inspection fee; providing a contingent expiration date for the inspection program; amending Minnesota Statutes 1994, sections 116.61, subdivision 1, and by adding a subdivision; 116.64, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**H.F. No. 54** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
54	279				

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 265** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
265	619				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 265 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 265 and insert the language after the enacting clause of S.F. No. 619, the first engrossment; further, delete the title of H.F. No. 265 and insert the title of S.F. No. 619, the first engrossment.

And when so amended H.F. No. 265 will be identical to S.F. No. 619, and further recommends that H.F. No. 265 be given its second reading and substituted for S.F. No. 619, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 1437** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1437	1152				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1437 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1437 and insert the language after the enacting clause of S.F. No. 1152, the second engrossment; further, delete the title of H.F. No. 1437 and insert the title of S.F. No. 1152, the second engrossment.

And when so amended H.F. No. 1437 will be identical to S.F. No. 1152, and further recommends that H.F. No. 1437 be given its second reading and substituted for S.F. No. 1152, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 1450** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

**GENERAL ORDERS**

**CONSENT CALENDAR**

**CALENDAR**

H.F. No.        S.F. No.  
1450                1220

H.F. No.        S.F. No.

H.F. No.        S.F. No.

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 1645** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

**CONSENT CALENDAR**

**CALENDAR**

H.F. No.        S.F. No.  
1645                1390

H.F. No.        S.F. No.

H.F. No.        S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1645 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1645 and insert the language after the enacting clause of S.F. No. 1390, the first engrossment; further, delete the title of H.F. No. 1645 and insert the title of S.F. No. 1390, the first engrossment.

And when so amended H.F. No. 1645 will be identical to S.F. No. 1390, and further recommends that H.F. No. 1645 be given its second reading and substituted for S.F. No. 1390, and that the Senate File be indefinitely postponed.

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

**Messrs. Pogemiller and Stumpf from the Committee on Education, to which was referred**

**S.F. No. 1497:** A bill for an act relating to education; exempting high school league tournament admissions from the sales tax with certain conditions; amending Minnesota Statutes 1994, section 297A.25, subdivision 30.

Report the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "gross receipts" and insert "Minnesota sales tax collected"

Page 1, line 16, delete "are exempt" and insert "shall not be remitted to the state"

Page 1, line 18, delete everything after "(1)" and insert "The tax"

Page 1, line 19, after "deposited" insert "by the state high school league"

Page 1, line 24, delete everything after "(2)" and insert "The tax"

Page 2, line 4, delete "the exemption" and insert "this provision"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

**Mr. Merriam from the Committee on Finance, to which was re-referred**

**S.F. No. 106:** A bill for an act relating to ethanol; modifying provisions relating to producer payments; modifying provisions relating to disposition of certain revenues from state trust lands, sales of software, agricultural and environmental loans, food handlers, ethanol and oxygenated fuels, the citizen's council on Voyageurs National Park, local recreation grants, zoo admission charges, watercraft surcharge, water information, well sealing grants, pollution control agency fees, special critical habitat license plates, sale of tax-forfeited lands, and payments in lieu of taxes; establishing the Passing on the Farm Center; authorizing establishment of a shooting area in Sand Dunes State Forest; abolishing the harmful substance compensation board and account; extending performance reporting requirements; providing for easements across state trails in certain circumstances; appropriating money; amending Minnesota Statutes 1994, sections 15.91, subdivision 1; 16A.125; 16B.405, subdivision 2; 17.117, subdivisions 2, 4, 6, 7, 8, 9, 10, 11, 14, 16, and by adding subdivisions; 28A.03; 28A.08; 41A.09, by adding subdivisions; 41B.02, subdivision 20; 41B.043, subdivisions 1b, 2, and 3; 41B.045, subdivision 2; 41B.046, subdivision 1, and by adding a subdivision; 84.631; 84.943, subdivision 3; 84B.11, subdivision 1; 85.015, by adding a subdivision; 85.019; 85A.02, subdivision 17; 86.72, subdivision 1; 86B.415, subdivision 7; 92.46, subdivision 1; 93.22; 103A.43; 103F.725, subdivision 1a; 103H.151, by adding a subdivision; 103L.331, subdivision 4; 115A.03, subdivision 29; 115A.908, subdivision 3; 115B.20, subdivision 1; 115B.25, subdivision 1a; 115B.26, subdivision 2; 115B.41, subdivision 1; 115B.42; 115C.03, subdivision 9; 116.07, subdivision 4d, and by adding a subdivision; 116.12, subdivision 1; 116.96, subdivision 5; 116C.69, subdivision 3; 116P.11; 239.791, subdivision 8; 282.01, subdivisions 2 and 3; 282.011, subdivision 1; 282.02; 282.04, subdivision 1; 296.02, by adding a subdivision; 446A.07, subdivision 8; 446A.071, subdivision 2; 473.845, subdivision 2; 477A.11, subdivision 4; 477A.12; 477A.14; proposing coding for new law in Minnesota Statutes, chapters 17; 28A; 89; 116; 168; repealing Minnesota Statutes 1994, sections 28A.08, subdivision 2; 41A.09, subdivisions 2, 3, and 5; 115B.26, subdivision 1; 239.791, subdivisions 4, 5, 6, and 9; 282.018; 296.02, subdivision 7; 325E.0951, subdivision 5; 446A.071, subdivision 7; and Laws 1993, chapter 172, section 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 15 to 18 and insert:

	"1995	1996	1997	TOTAL
General	\$140,000	\$160,249,000	\$152,524,000	\$312,913,000
Environmental		21,625,000	21,912,000	43,537,000
Solid Waste		5,819,000	5,743,000	11,562,000"

Page 2, delete lines 22 and 23 and insert:

"Special Revenue	13,190,000	10,954,000	24,144,000
Natural Resources	18,907,000	18,658,000	37,565,000"

Page 2, after line 24, insert:

"Environmental Trust	17,044,000	-0-	17,044,000
Minnesota			
Future Resources	14,912,000	-0-	14,912,000"

Page 2, delete line 27 and insert:

"TOTAL	\$140,000	\$306,634,000	\$264,072,000	\$570,846,000"
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Page 2, delete lines 34 and 35 and insert:

"Subdivision 1. Total

Appropriation	41,188,000	37,908,000"
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Page 2, delete line 38 and insert:

"Environmental 20,015,000 20,302,000"

Page 3, delete line 2 and insert:

"Special Revenue 1,243,000 1,120,000"

Page 3, line 24, delete "\$900,000" and insert "\$855,000"

Page 4, delete lines 44 to 50

Page 5, delete line 4 and insert:

"8,459,000 8,435,000"

Page 5, delete line 6 and insert:

"Environmental 3,649,000 3,663,000"

Page 6, after line 10, insert:

"\$50,000 each year is transferred from the solid waste fund to the department of revenue for solid waste assessment compliance activities."

Page 6, line 29, after the period, insert "This appropriation is available until June 30, 1997."

Page 6, delete line 32 and insert:

"7,882,000 6,833,000"

Page 6, after line 39, insert:

"Special Revenue 39,000 39,000"

Page 7, delete lines 12 to 17

Page 7, delete lines 45 and 46 and insert:

"Subdivision 1. Total  
Appropriation 140,000 159,080,000 154,823,000"

Page 7, delete line 48 and insert:

"General 140,000 87,729,000 84,321,000"

Page 8, delete line 1 and insert:

"Natural Resources 18,877,000 18,628,000"

Page 10, after line 21, insert:

"For 1995 - \$140,000

This appropriation is added to the appropriation in Laws 1993, chapter 172, section 5, subdivision 5, to replace equipment destroyed in an arson fire at William O'Brien state park."

Page 14, line 7, delete "22,432,000" and insert "22,059,000"

Page 14, delete line 9 and insert:

"General 373,000 10,044,000"

Page 15, delete lines 51 and 52 and insert:

"Subdivision 1. Total  
Appropriation 24,554,000 24,034,000"

Page 15, delete line 56 and insert:



adding a subdivision; 175.171; 268A.01, subdivisions 4, 5, 6, 9, and 10; 268A.03; 268A.06, subdivision 1; 268A.07; 268A.08, subdivisions 1 and 2; 268A.13; 462A.201, subdivision 2; 462A.204, subdivision 1; 462A.206, subdivisions 2 and 5; and 462A.21, subdivisions 3b, 8b, 21, and by adding a subdivision; Laws 1994, chapter 643, section 19, subdivision 9; proposing coding for new law in Minnesota Statutes, chapters 177; 178; 268A; and 462A; repealing Minnesota Statutes 1994, sections 116J.874, subdivision 6; 268A.01, subdivisions 7, 11, and 12; and 268A.09.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, delete "\$ 172,507,000" and insert "\$ 171,792,000" and delete "\$ 150,714,000" and insert "\$ 151,029,000" and delete "\$ 323,221,000" and insert "\$ 322,821,000"

Page 2, line 8, delete "194,992,000" and insert "194,277,000" and delete "170,746,000" and insert "171,061,000" and delete "365,738,000" and insert "365,338,000"

Page 2, line 15, delete "\$ 28,984,000" and insert "\$ 29,034,000" and delete "\$ 21,378,000" and insert "\$ 21,893,000"

Page 2, line 17, delete "28,314,000" and insert "28,364,000" and delete "20,708,000" and insert "21,223,000"

Page 2, line 24, delete "17,961,000" and insert "18,011,000" and delete "10,311,000" and insert "10,826,000"

Page 3, line 32, delete "\$7,000,000" and insert "\$6,600,000"

Page 4, after line 27, insert:

"\$450,000 the first year and \$515,000 the second year are from fees collected under Minnesota Statutes, section 446A.04, subdivision 5, and credited to the general fund to administer the programs of the public facilities authority."

Page 7, line 52, delete "30,982,000" and insert "30,217,000" and delete "17,782,000" and insert "17,582,000"

Page 10, line 14, delete "\$500,000" and insert "\$200,000"

Page 10, line 33, delete "\$500,000" and insert "\$100,000"

Page 10, line 47, delete "\$500,000" and insert "\$335,000"

Page 10, delete lines 51 to 56

Page 15, line 12, delete "owned" and insert "operated"

Page 16, line 31, delete ", state park,"

Page 26, line 3, delete "their" and insert "its"

Page 26, line 7, delete "they are"

Page 37, line 36, delete "this article" and insert "sections 462A.061 to 462A.063"

Page 44, line 13, delete "four" and insert "eight"

Page 46, lines 24 and 25, delete the new language and insert "board of trustees of the Minnesota state colleges and universities"

Page 46, lines 36 and 37, delete "state university board, or its successor," and insert "board of trustees of the Minnesota state colleges and universities"

And when so amended the bill do pass. Amendments adopted. Report adopted.



## SECOND READING OF SENATE BILLS

S.F. Nos. 106 and 1670 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 54, 265, 1437, 1450 and 1645 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Hottinger moved that the name of Mr. Terwilliger be added as a co-author to S.F. No. 1663. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1134 a Special Order to be heard immediately.

## SPECIAL ORDER

**S.F. No. 1134:** A bill for an act relating to financial institutions; regulating notices; electronic financial terminals, mergers with subsidiaries, the powers and duties of the commissioner of commerce, reporting and records requirements, lending powers, the powers and duties of institutions, detached facilities, and interstate banking; making technical changes; regulating mortgage prepayments; allowing written waivers of the right to prepay without penalty under certain circumstances; clarifying definition of franchise; permitting a delinquency and collection charge; amending Minnesota Statutes 1994, sections 46.04, subdivision 1, and by adding a subdivision; 46.041, subdivision 4; 46.046, subdivision 1; 46.048, subdivision 1, and by adding subdivisions; 47.10, subdivision 3; 47.11; 47.20, subdivisions 5 and 10; 47.28, subdivision 1; 47.52; 47.56; 47.58, subdivision 2; 47.61, subdivision 3; 47.62, subdivisions 2, 3, and by adding subdivisions; 47.67; 47.69, subdivisions 3 and 5; 47.78; 48.16; 48.194; 48.24, subdivision 5; 48.475, subdivision 3; 48.48, subdivisions 1 and 2; 48.49; 48.61, subdivision 7, and by adding a subdivision; 48.65; 48.90, subdivision 1; 48.91; 48.92, subdivisions 1, 2, 6, 7, 8, 9, and by adding a subdivision; 48.93, subdivisions 1, 3, and 4; 48.96; 48.99, subdivision 1; 49.01, subdivision 3; 51A.02, subdivisions 6, 26, and 40; 51A.19, subdivision 9; 51A.50; 51A.58; 52.04, subdivision 2a; 52.05, subdivision 2; 53.015, subdivision 4; 53.04, subdivisions 3a, 3c, 4a, and 5a; 53.09, subdivisions 1, 2, and by adding a subdivision; 56.11; 56.12; 56.125, subdivisions 1, 2, and 3; 56.131, subdivisions 1, 2, 4, and 6; 56.132; 56.14; 56.155, subdivision 1; 56.17; 59A.06, subdivision 2; 61A.09, subdivision 3; 62B.04, subdivision 1; 62B.08, subdivision 2; 80C.01, subdivision 4; 300.20, subdivision 1; 325F.91, subdivision 2; 327B.04, subdivision 1; 327B.09, subdivision 1; 332.23, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 45; 47; 48; 51A; 52; and 334; repealing Minnesota Statutes 1994, sections 46.03; 47.80; 47.81; 47.82; 47.83; 47.84; 47.85; 48.1585; 48.512, subdivision 6; 48.611; 48.95; 48.97; 48.98; 48.991; and 51A.385.

Mr. Solon moved to amend S.F. No. 1134 as follows:

Page 25, line 20, delete "16, 18 to 21, and 23 to 26" and insert "23 and 25 to 28"

The motion prevailed. So the amendment was adopted.

Mr. Solon then moved to amend S.F. No. 1134 as follows:

Page 26, line 34, delete "be" and insert "not exceed"

Page 99, line 24, before "REPEALER" insert "IMMEDIATE"

Page 99, line 25, delete everything after "sections"

Page 99, line 26, delete "47.83; 47.84; 47.85;" and delete "48.95;"

Page 99, line 27, delete "48.98;"

Page 99, after line 27, insert:

"Sec. 24. [DELAYED REPEALER.]

Minnesota Statutes 1994, sections 47.80; 47.81; 47.82; 47.83; 47.84; 47.85; 48.95; and 48.98, are repealed."

Page 99, line 29, delete "22" and insert "23" and delete "immediately" and insert "the day"

Page 99, line 31, before the period, insert ", except that the portions of section 17 that strike existing clauses (4) and (7) are effective the day following final enactment"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Solon then moved to amend S.F. No. 1134 as follows:

Page 99, after line 23, insert:

"Sec. 23. [NONSEVERABILITY.]

If any section, subdivision, clause, or phrase of section 20 or 21, or section 5, paragraph (d), clauses (1) and (2), is for any reason held to be unconstitutional or in violation of federal law, the decision shall cause the remaining portions of those sections, subdivisions, clauses, or phrases to be invalid and void.

Sec. 24. [SUNSET.]

Sections 5, 20, and 21 are repealed effective May 31, 1997."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved to amend S.F. No. 1134 as follows:

Page 24, line 29, after the period, insert "If the borrower is married, an assignment, order, security agreement, or other lien is not valid without the spouse's written consent, if the spouse's consent would be necessary under applicable law to make the property offered as security available to satisfy the debt in the event of default."

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge then moved to amend S.F. No. 1134 as follows:

Page 83, delete section 22

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1134 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Murphy	Sams
Beckman	Hanson	Kroening	Neuville	Samuelson
Belanger	Hottinger	Laidig	Novak	Scheevel
Berg	Janezich	Langseth	Oliver	Solon
Bertram	Johnson, D.E.	Larson	Olson	Spear
Betzold	Johnson, D.J.	Lesewski	Ourada	Stevens
Chandler	Johnson, J.B.	Lessard	Pariseau	Stumpf
Chmielewski	Johnston	Limmer	Piper	Terwilliger
Cohen	Kelly	Marty	Pogemiller	Vickerman
Day	Kiscaden	Metzen	Price	Wiener
Dille	Kleis	Moe, R.D.	Reichgott Junge	
Finn	Knutson	Mondale	Riveness	
Flynn	Kramer	Morse	Robertson	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1151 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 1151:** A bill for an act relating to crime prevention; directing the peace officer standards and training board to review its minimum standards of conduct every three years; providing for automatic license revocation for peace officers convicted of felonies; requiring certain information to be compiled; requiring a model policy regarding professional conduct to be developed; directing a study; requiring reports; amending Minnesota Statutes 1994, section 626.843, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kroening	Neuville	Sams
Beckman	Hanson	Laidig	Novak	Samuelson
Belanger	Hottinger	Langseth	Oliver	Scheevel
Berg	Janezich	Larson	Olson	Solon
Berglin	Johnson, D.E.	Lesewski	Ourada	Spear
Bertram	Johnson, D.J.	Lessard	Pariseau	Stevens
Betzold	Johnson, J.B.	Limmer	Piper	Stumpf
Chandler	Johnston	Marty	Pogemiller	Terwilliger
Chmielewski	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener
Day	Kleis	Moe, R.D.	Reichgott Junge	
Dille	Knutson	Mondale	Riveness	
Finn	Kramer	Morse	Robertson	
Flynn	Krentz	Murphy	Runbeck	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1044 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 1044:** A bill for an act relating to gambling; terminating existing tribal-state gaming compacts effective June 30, 1998.

Mr. Berg moved that S.F. No. 1044 be laid on the table. The motion prevailed.

## MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

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

### **Mr. Laidig introduced--**

**S.F. No. 1671:** A bill for an act relating to natural resources; reinvest in Minnesota program purpose and administration; amending Minnesota Statutes 1994, section 84.95; repealing Minnesota Statutes 1994, section 88.80.

Referred to the Committee on Environment and Natural Resources.

### **Mr. Metzen introduced--**

**S.F. No. 1672:** A bill for an act relating to elections; prohibiting certain contributions made to affect the outcome of certain school district special elections; proposing coding for new law in Minnesota Statutes, chapter 205A.

Referred to the Committee on Ethics and Campaign Reform.

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Lessard moved that H.F. No. 2 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Finance. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees.

## REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

### **Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred**

**S.F. No. 845:** A bill for an act relating to health; MinnesotaCare; expanding provisions of health care; establishing requirements for integrated service networks; modifying requirements for health plan companies; establishing the standard health coverage; repealing the regulated all-payer option; modifying universal coverage and insurance reform provisions; revising the research and data initiatives; expanding eligibility for the MinnesotaCare program; creating the prescription drug purchasing authority; establishing a drug purchasing benefit program for senior citizens; extending the health care commission and regional coordinating boards; making technical changes; reducing tax deductions for the voluntarily uninsured; providing penalties; amending Minnesota Statutes 1994, sections 13.99, by adding a subdivision; 60A.02, subdivision 1a; 60B.02; 60B.03, subdivision 2; 60G.01, subdivisions 2, 4, and 5; 62A.10, subdivisions 1 and 2; 62A.65, subdivisions 5 and 8; 62D.02, subdivision 8; 62D.042, subdivision 2; 62D.11, subdivision 1; 62D.181, subdivisions 2, 3, 6, and 9; 62E.05; 62E.141; 62H.04; 62H.08; 62J.017; 62J.04, subdivisions 1a and 3; 62J.05, subdivisions 2 and 9; 62J.06; 62J.09, subdivisions 1, 2, 6, 8, and by adding a subdivision; 62J.152, subdivision 5; 62J.17, subdivision 4a; 62J.212; 62J.37; 62J.38;

62J.40; 62J.41, subdivisions 1 and 2; 62J.48; 62J.54; 62J.55; 62J.58; 62L.02, subdivisions 11, 16, 24, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.09, subdivision 1; 62L.12, subdivision 2; 62M.02, subdivision 12; 62M.07; 62M.09, subdivision 5; 62M.10, by adding a subdivision; 62N.02, by adding subdivisions; 62N.04; 62N.10, subdivision 4, and by adding a subdivision; 62N.11, subdivision 1; 62N.13; 62N.14, subdivision 3; 62N.25, subdivision 2; 62P.05, subdivision 4, and by adding a subdivision; 62Q.01, subdivisions 2, 3, 4, and by adding subdivisions; 62Q.03, subdivisions 1, 6, 7, 8, 9, 10, and by adding subdivisions; 62Q.07, subdivisions 1 and 2; 62Q.075, subdivision 4; 62Q.09, subdivision 3; 62Q.11, subdivision 2; 62Q.165; 62Q.17, subdivisions 2, 6, 8, and by adding a subdivision; 62Q.18; 62Q.19; 62Q.23; 62Q.25; 62Q.30; 62Q.32; 62Q.33, subdivisions 4 and 5; 62Q.41; 72A.20, by adding subdivisions; 136A.1355, subdivisions 3 and 5; 136A.1356, subdivisions 3 and 4; 144.1464, subdivisions 2, 3, and 4; 144.147, subdivision 1; 144.1484, subdivision 1; 144.1486, subdivision 4; 144.1489, subdivision 3; 151.48; 256.9353, subdivisions 1 and 3; 256.9354, subdivisions 1, 4, 5, and by adding a subdivision; 256.9357, subdivisions 1, 2, and 3; 256.9358, subdivisions 3, 4, and by adding a subdivision; 256.9363, subdivision 5; 256B.037, subdivisions 1, 3, 4, and by adding subdivisions; 256B.04, by adding a subdivision; 256B.055, by adding a subdivision; 256B.057, subdivision 3, and by adding subdivisions; 256B.0625, subdivision 30; 256B.69, subdivisions 2 and 4; 270.101, subdivision 1; 290.01, subdivision 19a; 295.50, subdivisions 3, 4, and 10a; 295.53, subdivisions 1, 3, and 4; 295.55, subdivision 4; and 295.57; Laws 1990, chapter 591, article 4, section 9; Laws 1994, chapter 625, article 5, sections 5, subdivision 1; 7; and 10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62J; 62L; 62N; 62Q; 256; 256B; and 295; repealing Minnesota Statutes 1994, sections 62J.045; 62J.07, subdivision 4; 62J.09, subdivision 1a; 62J.152, subdivision 6; 62J.19; 62J.30; 62J.31; 62J.32; 62J.33; 62J.34; 62J.35; 62J.41, subdivisions 3 and 4; 62J.44; 62J.45; 62J.65; 62L.08, subdivision 7a; 62N.34; 62P.01; 62P.02; 62P.03; 62P.07; 62P.09; 62P.11; 62P.13; 62P.15; 62P.17; 62P.19; 62P.21; 62P.23; 62P.25; 62P.27; 62P.29; 62P.31; 62P.33; 62Q.03, subdivisions 2, 3, 4, 5, and 11; 62Q.21; 62Q.27; and 256.9353, subdivisions 4 and 5; Laws 1993, chapter 247, article 1, sections 12, 13, 14, 15, 18, and 19; Minnesota Rules, part 4685.1700, subpart 1, item D.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 11 and 12, delete section 20

Page 21, line 4, after "A" insert "separate"

Page 22, line 10, before the period, insert ", but is authorized to incorporate under chapter 317A."

The provisions of this chapter govern if the provisions of chapter 317A conflict with this chapter. The association may operate under the approved plan of operation and shall be governed in accordance with this chapter and may operate in accordance with chapter 317A. If the association incorporates as a nonprofit corporation under chapter 317A, the filing of the plan of operation meets the requirements of filing articles of incorporation.

The association, its transactions, and all property owned by it are exempt from taxation under the laws of this state or any of its subdivisions, including, but not limited to, income tax, sales tax, use tax, and property tax. The association may seek exemption from payment of all fees and taxes levied by the federal government. Except as otherwise provided in this chapter, the association is not subject to the provisions of chapters 14, 60A, 62A, and 62P. The association is not a public employer and is not subject to the provisions of chapters 179A and 353. The board of directors and health carriers who are members of the association are exempt from sections 325D.49 to 325D.66 in the performance of their duties as directors and members of the association"

Page 22, line 26, delete "and identify" and insert "which identifies"

Page 22, line 28, after "market" insert ", recommends whether transfers attributable to risk adjustment should be required between the individual and small group markets, and makes other appropriate recommendations"

Page 24, lines 28 and 29, delete "by the commissioner"

Page 24, line 31, delete "by the commissioner"

Page 24, line 33, after the period, insert "Except for the proposed and approved plan of operation, the risk adjustment methodologies examined, the plan for testing, the plan of the risk adjustment system, minutes of meetings, and other general operating information are classified as public data."

Page 25, line 1, after the period, insert "The commissioners of health and human services have the authority to collect data from health plan companies as needed for the purpose of developing a risk adjustment mechanism for public programs."

Page 25, line 15, before the semicolon, insert ", except for meetings involving privileged communication between the association and its counsel as permitted under section 471.705, subdivision 1d, paragraph (e)"

Page 29, line 11, delete "COMPLAINT RESOLUTION" and insert "HEALTH PLAN COMPANY COMPLAINT PROCEDURE"

Page 29, line 35, after the period, insert "A health plan company may meet the requirements of subdivision 3 by providing an alternative dispute resolution process. If the health plan company chooses to provide alternative dispute resolution to meet the requirements of subdivision 3, the process shall be provided at no cost to the enrollee."

Page 29, delete line 36

Page 30, delete lines 1 to 7

Page 30, line 8, delete "6" and insert "5"

Page 30, line 17, delete "7" and insert "6"

Page 30, line 22, delete "8" and insert "7"

Page 30, line 27, delete "9" and insert "8"

Page 30, after line 36, insert:

"Sec. 20. [62Q.106] [DISPUTE RESOLUTION BY COMMISSIONER.]

A complainant may at any time submit a complaint to the appropriate commissioner to investigate. After investigating a complaint, or reviewing a company's decision, the appropriate commissioner may order a remedy as authorized under section 62N.04, 62Q.30, chapter 45, 60A, or 62D."

Page 33, delete lines 28 to 35

Page 33, line 36, delete "5b" and insert "5a"

Page 34, line 8, delete "5c" and insert "5b"

Page 34, line 15, before the period, insert "or until universal coverage is achieved as defined under section 62Q.165, whichever is later"

Page 34, lines 17 to 19, delete the new language

Page 35, line 3, after "under" insert "this section,"

Page 40, line 13, delete "28" and insert "29"

Page 48, line 28, delete "reduction"

Page 48, delete lines 29 to 32 and insert "penalty for the uninsured established under section 62Q.166."

Pages 49 to 51, delete section 2 and insert:

"Sec. 2. [62Q.166] [PENALTY FOR THE UNINSURED.]

Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of health.

(c) "Income" means federal adjusted gross income, as defined in the Internal Revenue Code of 1986, as amended through December 31, 1994.

(d) "Uninsured" means the failure to have in effect during a reporting period 30 consecutive days or more of qualifying coverage as defined in section 62L.02, subdivision 24. Coverage through a health plan company must be at least a qualified plan as defined in section 62E.02, subdivision 4, except that the deductible must be no more than \$2,000.

(e) "Household unit" means a Minnesota resident subject to taxation under chapter 290 and all dependents claimed on the resident's federal income tax return for the reporting year. For purposes of this section, married spouses and any dependents they claim are a household unit if they file a joint federal tax return or file separate returns but reside together.

(f) "Reporting year" means the 12-month period for which income is reported for purposes of chapter 290.

(g) "Filing year" means the 12-month period following the reporting year.

Subd. 2. [ESTABLISHMENT OF PENALTY.] (a) Effective for reporting year beginning after December 31, 1996, a penalty of \$100 shall be imposed on all household units with income for the reporting year greater than 275 percent of the federal poverty guideline for a family of that size, for which one or more members of the household unit are uninsured while residing in Minnesota. Effective for reporting year beginning after December 31, 1997, the penalty becomes \$200 and after December 31, 1998, the penalty becomes \$400.

(b) The federal poverty guideline used to establish gross annual income under paragraph (a) shall be the guideline applicable to a family of the household's size in effect on January 1 of the reporting year.

(c) The household unit shall report on a form prescribed by the commissioner information required by the commissioner related to the penalty imposed under this section.

Subd. 3. [HOUSEHOLD UNIT DUTIES.] Each household unit meeting the income guidelines in subdivision 2, paragraph (a), shall report the information required under subdivision 2, paragraph (c), and pay the penalty to the commissioner no later than April 15 of the filing year.

Subd. 4. [ENFORCEMENT.] For the purpose of enforcing this section, the commissioner shall have the same power to abate the penalty as the commissioner of revenue has under section 270.07, subdivision 1, paragraph (e). The interest provision of section 270.75 shall apply.

Subd. 5. [CONTRACTING ENFORCEMENT TO ANOTHER STATE AGENCY.] The commissioner may contract with another state agency to enforce this section and may exchange any information necessary with that state agency. If the commissioner contracts with the department of revenue, the commissioner of revenue is authorized to examine reports and assess and collect the penalty in the manner provided in chapters 270 and 289A.

Subd. 6. [TREATMENT OF DATA.] Information collected by the commissioner under this section shall be treated as private data on individuals as defined under section 13.02, subdivision 2.

Subd. 7. [USE OF INCREASED REVENUE.] State revenue attributable to the penalties assessed under this section shall be deposited in the health care access fund. Up to five percent of the revenue attributable to the penalty may be appropriated to the commissioner to administer this section."

Pages 56 and 57, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1994, section 270B.14, subdivision 11, is amended to read:

Subd. 11. [DISCLOSURE TO COMMISSIONER OF HEALTH.] (a) On the request of the commissioner of health, the commissioner may disclose return information to the extent provided in paragraph (b) and for the purposes provided in paragraph (c).

(b) Data that may be disclosed are limited to the taxpayer's identity, as defined in section 270B.01, subdivision 5.

(c) The commissioner of health may request data only for the purposes of carrying out epidemiologic investigations, which includes conducting occupational health and safety surveillance, and locating and notifying individuals exposed to health hazards as a result of employment. Requests for data by the commissioner of health must be in writing and state the purpose of the request. Data received may be used only for the purposes of section 144.0525.

(d) The commissioner may disclose information to the commissioner of health as necessary to enforce the penalty for the uninsured provided under section 62Q.166.

#### Sec. 5. [PUBLIC EDUCATION.]

The commissioner of health, with the cooperation of the commissioner of revenue, shall develop information to be distributed to the public in order to educate the public on the penalty for the uninsured established under Minnesota Statutes, section 62Q.166. This information shall be available to the public by January 1, 1996.

#### Sec. 6. [PENALTY THRESHOLD LEVEL.]

The health care commission shall make recommendations to the legislature by January 15, 1996, on the establishment and implementation of criteria that would allow an individual to be exempt from paying the penalty established under Minnesota Statutes, section 62Q.166.

#### Sec. 7. [COORDINATION BETWEEN ACUTE AND LONG-TERM CARE.]

Subdivision 1. [GOAL.] The health care commission shall examine the relationship between the acute and long-term care systems in order to address fragmentation and cost shifting between these two systems.

Subd. 2. [PLAN.] The commission shall prepare a plan for a process to bring about greater coordination between acute and long-term care that would maximize quality, overcome cost shifting, and contain overall costs.

(a) The commission's plan shall identify:

(1) concepts, issues, perceived problems, or concerns to be addressed as part of a process to achieve greater coordination and improved outcomes in acute and long-term care;

(2) a suitable process for addressing the issues in clause (1), including adequate involvement of appropriate stakeholder groups, persons receiving long-term care, and the public; and

(3) recommendations for appropriate relationships, division of responsibilities, resources, and a timetable for the process of achieving greater coordination between acute and long-term care.

(b) The commission's plan shall address:

(1) the need for an appropriate framework for measuring and comparing potential costs and benefits of proposals to improve coordination between acute and long-term care;

(2) specific information needs and how the information will be developed or obtained;

(3) the role of the commission and any changes or modifications of the commission in assisting the process described in the plan; and

(4) the degree to which the process of coordinating acute and long-term care might be undertaken sequentially or incrementally, with descriptions of any recommended steps in the process.



(c) In developing the plan, the commission shall take testimony from interested persons, review findings of previous studies and reports, and consult with other state agencies and organizations, including, but not limited to:

(1) adults with disabilities, parents or guardians of children with disabilities, and groups representing children and adults with a variety of disabilities; and

(2) facility based and home- and community-based long-term care providers.

(d) The commission's plan shall be reported to the legislature by January 15, 1996."

Page 60, after line 31, insert:

"Subd. 3. [CONSUMER INFORMATION.] The information clearinghouse or another entity designated by the commissioner shall provide consumer information to health plan company enrollees to:

(1) assist enrollees in understanding their rights;

(2) explain and assist in the use of all available complaint systems, including internal complaint systems within health carriers, community integrated service networks, integrated service networks, and the departments of health and commerce;

(3) provide information on coverage options in each regional coordinating board region of the state;

(4) provide information on the availability of purchasing pools and enrollee subsidies; and

(5) help consumers use the health care system to obtain coverage.

The information clearinghouse or other entity designated by the commissioner for the purposes of this subdivision shall not:

(1) provide legal services to consumers;

(2) represent a consumer or enrollee; or

(3) serve as an advocate for consumers in disputes with health plan companies.

Nothing in this subdivision shall interfere with the ombudsman program established under section 256B.031, subdivision 6, or other existing ombudsman programs."

Page 60, line 32, delete "3" and insert "4"

Page 62, line 36, delete "section" and insert "chapter"

Page 63, line 17, before "must" insert ", pursuant to sections 62J.301 to 62J.42,"

Page 68, line 32, delete "benefits" and insert "benefits"

Page 84, delete lines 35 and 36

Page 85, delete line 1

Page 98, after line 1, insert:

"Sec. 20. Minnesota Statutes 1994, section 214.16, subdivision 2, is amended to read:

Subd. 2. [BOARD COOPERATION REQUIRED.] The board shall assist the commissioner of health ~~and the data analysis unit~~ in data collection activities required under Laws 1992, chapter 549, article 7, and shall assist the commissioner of revenue in activities related to collection of the health care provider tax required under Laws 1992, chapter 549, article 9. Upon the request of the commissioner, ~~the data analysis unit~~, or the commissioner of revenue, the board shall make available names and addresses of current licensees and provide other information or assistance as needed.

Sec. 21. Minnesota Statutes 1994, section 214.16, subdivision 3, is amended to read:

Subd. 3. [GROUNDS FOR DISCIPLINARY ACTION.] The board shall take disciplinary action, which may include license revocation, against a regulated person for:

(1) intentional failure to provide the commissioner of health ~~or the data analysis unit established under section 62J.30~~ with the data required under chapter 62J;

(2) intentional failure to provide the commissioner of revenue with data on gross revenue and other information required for the commissioner to implement sections 295.50 to 295.58; and

(3) intentional failure to pay the health care provider tax required under section 295.52."

Page 100, line 11, delete "department's MMIS" and insert "Medicaid Management Information System (MMIS)"

Page 101, line 10, delete the comma

Page 105, line 20, delete from "and" through page 105, line 24, to "available" and insert "beginning October 1, 1995, or upon federal approval of the waiver request"

Page 110, line 10, delete "4" and insert "4a"

Page 125, delete lines 8 to 11 and insert:

"(b) If federal approval is obtained, the commissioner of human services shall notify the chair of the senate finance committee, the chair of the house of representatives ways and means committee, and the commissioner of finance that approval has been obtained. Upon notification, the commissioner of finance shall transfer the appropriated amount to the commissioner of human services."

Page 125, after line 15, insert:

"Sec. 42. [ADMINISTRATIVE EXPENDITURES.]

If the federal Health Care Financing Administration approves the section 1115 MinnesotaCare health care reform waiver, all administrative expenditures associated with that waiver shall be removed from the base appropriations for the 1998-1999 biennium."

Page 172, after line 21, insert:

"Section 1. Minnesota Statutes 1994, section 16A.724, is amended to read:

16A.724 [HEALTH CARE ACCESS FUND.]

A health care access fund is created in the state treasury. The fund is a direct appropriated special revenue fund. The commissioner shall deposit to the credit of the fund money made available to the fund. Notwithstanding section 11A.20, after June 30, 1997, all investment income and all investment losses attributable to the investment of the health care access fund not currently needed shall be credited to the health care access fund."

Page 181, line 20, delete "1 and 5" and insert "2 and 6"

Page 181, line 22, delete "2, 6, and 9" and insert "3, 7, and 10"

Page 181, line 24, delete "3" and insert "4"

Page 181, line 26, delete "4" and insert "5"

Page 181, line 27, delete "7" and insert "8"

Page 181, line 29, delete "8" and insert "9"

Page 181, line 31, delete "10" and insert "11"

Page 181, line 33, delete "11" and insert "12"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, after the semicolon, insert "16A.724;"

Page 1, line 34, delete "subdivision 4, and"

Page 2, line 3, after "151.48;" insert "214.16, subdivisions 2 and 3;"

Page 2, lines 12 and 13, delete "290.01, subdivision 19a" and insert "270B.14, subdivision 11"

And when so amended the bill do pass and be re-referred to the Committee on Finance.  
Amendments adopted. Report adopted.

**Mr. Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 1653:** A bill for an act relating to the organization and operation of state government; appropriating money for state courts, public safety, public defense, corrections, and related purposes; providing for the transfer of certain money in the state treasury; amending Minnesota Statutes 1994, sections 16A.285; 243.51, subdivisions 1 and 3; and 626.861, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**APPROPRIATIONS**

**Section 1. [CRIMINAL JUSTICE APPROPRIATIONS.]**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1996" and "1997," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1996, or June 30, 1997, respectively.

**SUMMARY BY FUND**

	1996	1997	TOTAL
General	424,829,000	440,545,000	865,374,000
Environmental	40,000	40,000	80,000
Special Revenue	4,989,000	4,950,000	9,939,000
Trunk Highway	1,488,000	1,490,000	2,978,000
<b>TOTAL</b>	<b>431,346,000</b>	<b>447,025,000</b>	<b>878,371,000</b>

**APPROPRIATIONS**  
Available for the Year  
Ending June 30

1996 1997

**Sec. 2. SUPREME COURT**

**Subdivision 1. Total**

<b>Appropriation</b>	<b>20,705,000</b>	<b>19,296,000</b>
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

**Subd. 2. Supreme Court Operations**

3,989,000	4,030,000
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\$2,500 the first year and \$2,500 the second year are for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

**Subd. 3. Civil Legal Services**

4,757,000	4,757,000
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This appropriation is for legal service to low-income clients and for family farm legal assistance under Minnesota Statutes, section 480.242. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium. A qualified legal services program, as defined in Minnesota Statutes, section 480.24, subdivision 3, may provide legal services to persons eligible for family farm legal assistance under Minnesota Statutes, section 480.242.

**Subd. 4. Family Law Legal Services**

877,000	877,000
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This appropriation is to improve the access of low-income clients to legal representation in family law matters and must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

**Subd. 5. State Court Administration**

7,627,000	7,516,000
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\$50,000 is for staffing the nonfelony enforcement advisory committee under article 2, section 33, to be available until December 31, 1996.

\$175,000 the first year and \$175,000 the second year are to fund the activities of the juvenile violence prevention and enforcement unit authorized to be established under article 2, section 39.

**Subd. 6. Community Dispute Resolution**

245,000	245,000
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**Subd. 7. Law Library Operations**

1,729,000	1,744,000
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**Subd. 8. Criminal and Juvenile Justice Information Systems**

1,481,000

127,000

\$675,000 the first year and \$63,000 the second year are for the statewide juvenile criminal history system, extended juvenile justice data, statewide misdemeanor system, and the tracking system for domestic abuse orders for protection.

\$73,000 the first year and \$64,000 the second year are to administer the statewide criminal and juvenile justice community model including salary expenses.

\$733,000 the first year is to implement the electronic livescan/cardscan fingerprint technology for the statewide designated court locations in accordance with the Minnesota criminal and juvenile justice task force recommendations.

## Sec. 3. COURT OF APPEALS

5,842,000

5,917,000

## Sec. 4. DISTRICT COURTS

67,288,000

68,046,000

\$180,000 the first year and \$180,000 the second year are for two referees in the fourth judicial district, if a law is enacted providing for a homestead agricultural and credit assistance offset in the same amount.

## Sec. 5. BOARD OF JUDICIAL STANDARDS

210,000

212,000

## Sec. 6. TAX COURT

592,000

592,000

## Sec. 7. PUBLIC SAFETY

## Subdivision 1. Total

## Appropriation

15,985,000

12,296,000

## Summary by Fund

1996

1997

## General

15,945,000

12,256,000

## Special Revenue

-0-

-0-

## Trunk Highway

-0-

-0-

## Environmental

40,000

40,000

## Subd. 2. Administrative and Related Services

92,000

92,000

This appropriation is to reimburse the cost of soft body armor purchased under Minnesota Statutes, section 299A.38.

## Subd. 3. Driver and Vehicle Services

12,000

-0-

\$12,000 the first year is for improvements to the department's driving records computer system to better indicate to a peace officer whether to

impound the vehicle registration plates of an individual pursuant to Minnesota Statutes, section 168.042.

**Subd. 4. Emergency Management**

2,820,000                      2,085,000

**Summary by Fund**

General                                      2,780,000                      2,045,000

Environmental                                      40,000                      40,000

**Subd. 5. Fire Marshal**

2,568,000                      2,568,000

\$82,000 the first year and \$82,000 the second year are appropriated from the state government special revenue fund for transfer by the commissioner of finance to reimburse the general fund for the cost of fire safety inspections performed by the state fire marshal.

The fire marshal may enter into contracts for specialty investigative services.

**Subd. 6. Capitol Security**

1,436,000                      1,436,000

**Subd. 7. Liquor Control**

389,000                      391,000

**Subd. 8. Gambling Enforcement**

1,137,000                      1,140,000

**Subd. 9. Drug Policy and  
Violence Prevention**

5,277,000                      2,328,000

\$852,000 the first year and \$852,000 the second year are to be distributed by the commissioner of public safety, after consulting with the chemical abuse and violence prevention council.

\$50,000 the first year is for a grant to a statewide program to create and develop theatrical plays, workshops, and educational resources based on a peer education model that promotes increased awareness and prevention of sexual abuse, interpersonal violence, and sexual harassment. This appropriation is available until June 30, 1997.

\$25,000 the first year and \$25,000 the second year are to establish the youth neighborhood centers described in article 2, section 8.

\$100,000 the first year and \$100,000 the second year are for a grant to the Northwest Hennepin Human Services Council to administer and expand the Northwest law enforcement project to municipal and county law enforcement agencies throughout the metropolitan area.

\$100,000 the first year is for grants for the truancy reduction pilot programs created in S.F. No. 418.

\$300,000 the first year is for grants to local law enforcement jurisdictions to develop three truancy service centers under Minnesota Statutes, proposed section 260A.04 created in S.F. No. 418. Applicants must provide a one-to-one funding match. If the commissioner has received applications from fewer than three counties by the application deadline, the commissioner may make unallocated funds from this appropriation available to an approved grantee that can provide the required one-to-one funding match for the additional funds.

\$2,050,000 the first year is for grants to local law enforcement agencies for law enforcement officers assigned to schools under S.F. No. 418. The grants may be used to expand the assignment of law enforcement officers to middle schools and junior high schools or to fund new positions in high schools that do not currently have a law enforcement officer assigned to them. The grants may be used to provide the local share required for eligibility for federal funding for these positions. The amount of the state grant must be matched by at least an equal amount of money from nonstate sources.

\$250,000 the first year is for grants to a school district for a photographic identification system for school district staff and junior and senior high school students under S.F. No. 418. The amount of the state grant must be matched by at least an equal amount of money from nonstate sources.

\$200,000 the first year is for incentive grants to school districts to encourage the development and enhancement of conflict resolution and peer mediation programs for students under S.F. No. 418.

Subd. 10. Crime Victims Services

2,037,000	2,038,000
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Subd. 11. Crime Victims Ombudsman

217,000	218,000
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Sec. 8. CRIMINAL APPREHENSION

17,498,000

16,395,000

Summary by Fund

General	15,526,000	14,407,000
Special Revenue	484,000	498,000
Trunk Highway	1,488,000	1,490,000

\$200,000 the first year and \$200,000 the second

year are for use by the bureau of criminal apprehension for the purpose of investigating cross-jurisdictional criminal activity.

\$387,000 the first year and \$398,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for laboratory activities.

\$97,000 the first year and \$100,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$275,000 the first year and \$275,000 the second year are for the continuation of the crime fax integrated criminal alert network project.

\$745,000 the first year and \$88,000 the second year are for integration and development of the statewide juvenile criminal history system, extended juvenile justice data system, statewide misdemeanor system, and the tracking system for domestic abuse orders for protection with the bureau's centralized computer systems.

\$206,000 the first year and \$206,000 the second year are for improvements in the bureau's internal systems support functions.

\$500,000 the first year is to upgrade the bureau's forensic laboratory to implement new methods of DNA testing.

\$60,000 the first year and \$60,000 the second year are to provide the reimbursements authorized by Minnesota Statutes, section 299C.063, subdivision 2.

\$100,000 the first year and \$100,000 the second year are to be used for the witness and victim protection fund established in Minnesota Statutes, section 299C.065, subdivision 1a.

Up to \$1,000,000 from dedicated noncriminal justice records fees may be used to implement the electronic livescan/cardscan fingerprint technology for the statewide arrest/booking locations in accordance with the Minnesota criminal and juvenile justice task force recommendations.

Sec. 9. BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES	102,000	115,000
Sec. 10. BOARD OF PEACE OFFICER STANDARDS AND TRAINING	4,505,000	4,452,000
This appropriation is from the peace officers		



training account in the special revenue fund. Any receipts credited to the peace officer training account in the special revenue fund in the first year in excess of \$4,505,000 must be transferred and credited to the general fund. Any receipts credited to the peace officer training account in the special revenue fund in the second year in excess of \$4,452,000 must be transferred and credited to the general fund.

\$850,000 the first year and \$850,000 the second year are for law enforcement educational programs provided by the state colleges and universities.

\$100,000 the first year and \$100,000 the second year are for the development of an advanced law enforcement degree at the existing school of law enforcement at Metropolitan State University.

\$203,000 the first year and \$203,000 the second year shall be made available to law enforcement agencies to pay educational expenses and other costs of students who have been given conditional offers of employment by the agency and who are enrolled in the licensing core of a professional peace officer education program. No more than \$5,000 may be expended on a single student.

\$2,300,000 the first year and \$2,300,000 the second year are to reimburse local law enforcement for the cost of administering board-approved continuing education to peace officers.

\$100,000 the first year and \$100,000 the second year are for transfers to the crime victim and witness account in the state treasury for the purposes specified in Minnesota Statutes, section 611A.675. This sum is available until expended.

\$61,000 the first year is for legal fees. If actual expenses are less than \$61,000 the balance shall cancel to the general fund on July 1, 1996.

#### Sec. 11. BOARD OF PUBLIC DEFENSE

##### Subdivision 1. Total

##### Appropriation

37,218,000

37,184,000

None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

##### Subd. 2. State Public Defender

2,712,000

2,681,000

Subd. 3. District Public  
Defense

33,761,000	33,762,000
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\$904,000 the first year and \$904,000 the second year are for grants to the five existing public defense corporations under Minnesota Statutes, section 611.216.

Subd. 4. Board of Public  
Defense

745,000	741,000
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Sec. 12. CORRECTIONS

Subdivision 1. Total  
Appropriation

259,334,000	281,317,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

During the biennium ending June 30, 1997, whenever offenders are assigned for the purpose of work under agreement with any state department or agency, local unit of government, or any other government subdivision, the state department, agency, local unit of government, or other governmental subdivision must certify in writing to the appropriate bargaining agent that the work performed by inmates will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employee benefits.

Subd. 2. Correctional  
Institutions

171,121,000	189,859,000
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Subd. 3. Community Services

67,751,000	70,260,000
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\$75,000 the first year and \$75,000 the second year are to establish an electronic alcohol monitoring pilot program under article 2, section 37.

\$12,000 the first year is to adopt the rules and administer the advisory committee described in article 3, section 21.

\$25,000 the first year is to conduct the study on the use of secure treatment facilities for juveniles directed in article 3, section 22.

\$5,432,000 the first year and \$5,500,000 the second year are for grants for a comprehensive continuum of care for juveniles at high risk to

become extended jurisdiction juveniles and for extended jurisdiction juveniles under article 3, section 23. The commissioner shall pay to each county after January 1 of each year the total amount appropriated for that year divided by the sum of the total number of juveniles in the state in the prior year who were charged with having committed offenses that would result in a presumption of certification under Minnesota Statutes, section 260.125, subdivision 2a, plus one for each county which did not have such a juvenile so charged, multiplied by the greater of the total number of juveniles in the county so charged or by one. Counties that are not community corrections act counties may not be required to pay more than the amount of the county's reimbursement for a comprehensive continuum of care for juveniles convicted as extended jurisdiction juveniles.

When a court commits an extended jurisdiction juvenile to the commissioner of corrections for placement in a state juvenile facility, the per diem cost of care for that juvenile must be charged to the county of commitment.

None of this appropriation shall be used to pay for biomedical intervention for sex offenders.

#### Subd. 4. Management Services

20,462,000

21,198,000

During the biennium ending June 30, 1997, when awarding grants for victims' programs and services, the commissioner shall give priority to geographic areas that are unserved or underserved by programs or services.

\$100,000 the first year and \$100,000 the second year are to develop a continuum of care for juvenile female offenders. The commissioner of corrections shall collaborate with the commissioners of human services, health, economic security, planning, education, and public safety and with representatives of the private sector to develop a comprehensive continuum of care to address the gender-specific needs of juvenile female offenders.

\$2,000,000 the first year and \$2,636,000 the second year are for salary supplements for employees throughout the department.

Sec. 13. CORRECTIONS OMBUDSMAN	596,000	599,000
Sec. 14. SENTENCING GUIDELINES COMMISSION	369,000	371,000
Sec. 15. HUMAN SERVICES	192,000	43,000
Subdivision 1. Child Abuse Hotline		

167,000

18,000

\$167,000 the first year and \$18,000 the second year are to implement the child abuse hotline under article 2, section 43.

Subd. 2. Parental Self-help

25,000

25,000

\$25,000 the first year and \$25,000 the second year are for a grant to a nonprofit, statewide child abuse prevention organization whose primary focus is parental self-help and support.

Sec. 16. HEALTH

120,000

-0-

This amount is for the expanded projects for the Institute of Child and Adolescent Sexual Health described in article 2, section 38.

Sec. 17. ATTORNEY GENERAL

190,000

190,000

\$190,000 the first year and \$190,000 the second year are for the Drug Abuse Resistance Education Advisory Council for drug abuse resistance education programs under Minnesota Statutes, section 299A.331.

Sec. 18. EDUCATION

600,000

-0-

\$600,000 the first year is for grants to school districts for alternative programming for at-risk and in-risk students under S.F. No. 418.

Sec. 19. Minnesota Statutes 1994, section 16A.285, is amended to read:

16A.285 [ALLOWED APPROPRIATION TRANSFERS.]

An agency in the executive, legislative, or judicial branch may transfer state agency operational money between programs within the same fund if: (1) the agency first notifies the commissioner as to the type and intent of the transfer; and (2) the transfer is consistent with legislative intent. If an amount is specified for an item within an activity, that amount must not be transferred or used for any other purpose.

The commissioner shall report the transfers to the chairs of the senate finance and house of representatives ways and means committees.

Sec. 20. Minnesota Statutes 1994, section 243.51, subdivision 1, is amended to read:

Subdivision 1. The commissioner of corrections is hereby authorized to contract with agencies and bureaus of the United States attorney general and with the proper officials of other states or a county of this state for the custody, care, subsistence, education, treatment and training of persons convicted of criminal offenses constituting felonies in the courts of this state, the United States, or other states of the United States. Such contracts shall provide for reimbursing the state of Minnesota for all costs or other expenses involved. Funds received under such contracts shall be deposited in the state treasury to the credit of the facility in which such persons may be confined and are appropriated to the commissioner of corrections for correctional purposes. Any prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject to the terms and conditions of the prisoner's original sentence as if the prisoner were serving the same within the confines of the state in which the conviction and sentence was had or in the custody of the United States attorney general. Nothing herein shall deprive such inmate of the right to parole or the rights to legal process in the courts of this state.

Sec. 21. Minnesota Statutes 1994, section 243.51, subdivision 3, is amended to read:

Subd. 3. [TEMPORARY DETENTION.] The commissioner of corrections is authorized to contract with agencies and bureaus of the United States attorney general and with the appropriate officials of any other state or county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States, other states of the United States, or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved. Money received under contracts shall be deposited in the state treasury to the credit of the facility in which the persons may be confined and are appropriated to the commissioner of corrections for correctional purposes.

Sec. 22. Minnesota Statutes 1994, section 626.861, subdivision 4, is amended to read:

Subd. 4. [PEACE OFFICERS TRAINING ACCOUNT.] ~~(a) Receipts from penalty assessments must be credited to a peace officer officers training account in the special revenue fund. The peace officers standards and training board shall make the following allocations from appropriated funds, net of operating expenses:~~

~~(1) for fiscal year 1994;~~

~~(i) at least 25 percent for reimbursement to board approved skills courses; and~~

~~(ii) at least 13.5 percent for the school of law enforcement;~~

~~(2) for fiscal year 1995:~~

~~(i) at least 17 percent to the community college system for one-time start-up costs associated with the transition to an integrated academic program;~~

~~(ii) at least eight percent for reimbursement to board approved skills courses in the technical college system; and~~

~~(iii) at least 13.5 percent for the school of law enforcement.~~

~~The balance in each year may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.~~

~~(b) The board must not reduce allocations to law enforcement agencies or higher education systems or institutions to fund legal costs or other board operating expenses not presented in the board's biennial legislative budget request.~~

~~(c) No school in Minnesota certified by the board shall provide a nondegree professional peace officer education program for any state agency or local law enforcement agency after December 31, 1994, without affirmative legislative approval.~~

## ARTICLE 2

### GENERAL CRIME PROVISIONS

Section 1. Minnesota Statutes 1994, section 2.722, subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 28 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 24 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 57 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 17 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; 22 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 20 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 34 35 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1994, section 2.722, is amended by adding a subdivision to read:

Subd. 4a. [REFEREE VACANCY; CONVERSION TO JUDGESHIP.] When a referee of the district court dies, resigns, retires, or is removed from the position, the chief judge of the district shall notify the supreme court and may petition to request that the position be converted to a judgeship. The supreme court shall determine within 90 days of the petition whether to order the position abolished or convert the position to a judgeship in the affected or another judicial district. The supreme court shall certify any judicial vacancy to the governor, who shall fill it in the manner provided by law.

Sec. 3. Minnesota Statutes 1994, section 3.732, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the housing finance agency, the higher education coordinating board, the higher education facilities authority, the health technology advisory committee, the armory building commission, the zoological board, the iron range resources and rehabilitation board, the state agricultural society, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors, or employees of the state, members of the Minnesota national guard, members of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01 when engaged in the disposal or neutralization of bombs or other similar hazardous explosives, as defined in section 299C.063, outside the jurisdiction of the municipality but within the state, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. It does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee of the state" includes a district public defender or assistant district public defender in the second or fourth judicial district and a member of the health technology advisory committee.

(3) "Scope of office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

(4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

Sec. 4. Minnesota Statutes 1994, section 176.192, is amended to read:

**176.192 [BOMB DISPOSAL UNIT EMPLOYEES.]**

For purposes of this chapter, a member of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01, is considered ~~a state~~ an employee of the department of public safety solely for the purposes of this chapter when disposing of or neutralizing bombs or other similar hazardous explosives, as defined in section 299C.063, for another municipality or otherwise outside the jurisdiction of the employer-municipality but within the state.

Sec. 5. [242.40] [PLACEMENT OF JUVENILES AT RED WING AND SAUK CENTRE PROHIBITED.]

Juveniles may no longer be confined in the department of corrections' facilities at Red Wing and Sauk Centre after January 1, 1997. By January 1, 1997, all juveniles confined at Red Wing and Sauk Centre must be transferred to either privately owned and operated residential facilities licensed by the department of corrections or, upon request of the county, back to the county originally having jurisdiction over the juvenile.

Sec. 6. Minnesota Statutes 1994, section 243.23, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] Notwithstanding sections 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner may promulgate rules for the disbursement of funds earned under subdivision 1, or other funds in an inmate account, and section 243.88, subdivision 2. The commissioner shall first make deductions for the following expenses provide for disbursements in the following order of priority:

(1) federal and state taxes;

(2) repayment of advances;

(3) gate money as provided in section 243.24; ~~and, where applicable, mandatory savings as provided by United States Code, title 18, section 1761, as amended. The commissioner's rules may then provide for disbursements to be made in the following order of priority:~~

~~(1) for the~~ (4) support of families and dependent relatives of the respective inmates;

~~(2) for the~~ (5) payment of court-ordered restitution;

~~(3) for~~ (6) payment of fines, surcharges, or other fees assessed or ordered by a court;

~~(4) for~~ (7) contribution to any programs established by law to aid victims of crime provided that the contribution shall not be more than 20 percent of an inmate's gross wages;

~~(5) for the~~ (8) room and board or other costs of confinement;

(9) payment of restitution to the commissioner ordered by prison disciplinary hearing officers for damage to property caused by an inmate's conduct; and

~~(6) for the~~ (10) discharge of any legal obligations arising out of litigation under this subdivision.

The commissioner may authorize the payment of court-ordered restitution from an inmate's wages when the restitution was ordered by the court as a sanction for the conviction of an offense which is not the offense of commitment, including offenses which occurred prior to the offense for which the inmate was committed to the commissioner. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and

relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for the inmate's detention in a local detention facility convenient to the place of the hearing when the inmate is not engaged in preparation and defense.

Sec. 7. Minnesota Statutes 1994, section 243.88, is amended by adding a subdivision to read:

Subd. 5. [DEDUCTIONS.] Notwithstanding any other law to the contrary, any compensation paid to inmates under this section is subject to section 243.23, subdivisions 2 and 3, and rules of the commissioner of corrections.

Sec. 8. [299A.326] [YOUTH NEIGHBORHOOD CENTERS; PILOT PROJECTS ESTABLISHED.]

Subdivision 1. [ESTABLISHMENT; REQUIREMENTS.] The commissioner of public safety shall establish up to five pilot projects at neighborhood centers serving youths between the ages of 11 to 21. At least three centers must be located in the seven-county metropolitan area, the other two centers must be located outside the seven-county metropolitan area. The centers must offer recreational activities, social services, meals, job skills and career services, and provide referrals for youths to other available services outside the centers. The commissioner shall consult with other appropriate agencies and, to the extent possible, use existing resources and staff in creating the programs. The commissioner shall ensure that the programs are adequately staffed by specially trained personnel and outreach street workers. Each center must integrate community volunteers into the program's activities and services and cooperate with local law enforcement agencies. The centers must be open during hours convenient to youths including evenings, weekends, and extended summer hours. However, there may not be any conflicts with truancy laws. Each center must have a plan for evaluation designed to measure the program's effectiveness in aiding youths.

Subd. 2. [ADVISORY BOARD.] The commissioner shall establish an advisory board to help develop plans and programs for the youth centers established in subdivision 1. The commissioner shall encourage both youths and their families to participate on the board.

Sec. 9. Minnesota Statutes 1994, section 299A.38, subdivision 2, is amended to read:

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~~ one-half of the vest's purchase price or ~~\$165~~ \$300. The political subdivision that employs the peace officer shall pay at least the lesser of ~~one-third~~ one-half of the vest's purchase price or ~~\$165~~ \$300. The political subdivision may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the peace officer by the law enforcement agency.

Sec. 10. Minnesota Statutes 1994, section 299A.44, is amended to read:

299A.44 [DEATH BENEFIT.]

Subdivision 1. [PAYMENT REQUIRED.] On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall pay \$100,000 from the public safety officer's benefit account, as follows:

- (1) if there is no dependent child, to the spouse;
- (2) if there is no spouse, to the dependent child or children in equal shares;
- (3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or
- (5) if there is no surviving spouse, dependent child, or dependent parent, then no payment may be made from the public safety officer's benefit fund.



Subd. 2. [ADJUSTMENT OF BENEFIT.] On October 1 of each year beginning after the effective date of this subdivision, the commissioner of public safety shall adjust the level of the benefit payable immediately before October 1 under subdivision 1, to reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on June 1 immediately preceding such October 1.

Sec. 11. Minnesota Statutes 1994, section 299A.51, subdivision 2, is amended to read:

Subd. 2. [WORKERS' COMPENSATION.] During operations authorized under section 299A.50, members of a regional hazardous materials response team operating outside their geographic jurisdiction are considered state employees of the department of public safety for purposes of chapter 176.

Sec. 12. [299C.063] [BOMB DISPOSAL EXPENSE REIMBURSEMENT.]

Subdivision 1. [DEFINITIONS.] The terms used in this section have the meanings given them in this subdivision:

(a) "Bomb disposal unit" means a commissioner-approved unit consisting of persons who are trained and equipped to dispose of or neutralize bombs or other similar hazardous explosives and who are employed by a municipality.

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

(c) "Municipality" has the meaning given it in section 466.01.

(d) "Hazardous explosives" means explosives as defined in section 299F.72, subdivision 2, explosive devices and incendiary devices as defined in section 609.668, subdivision 1, and all materials subject to regulation under United States Code, title 18, chapter 40.

Subd. 2. [EXPENSE REIMBURSEMENT.] The commissioner may reimburse bomb disposal units for reasonable expenses incurred to dispose of or neutralize bombs or other similar hazardous explosives for another municipality outside the jurisdiction of the employer-municipality but within the state. Reimbursement is limited to the extent of appropriated funds.

Subd. 3. [AGREEMENTS.] The commissioner may enter into contracts or agreements with bomb disposal units to implement and administer this section.

Sec. 13. Minnesota Statutes 1994, section 299C.065, subdivision 1a, is amended to read:

Subd. 1a. [WITNESS AND VICTIM PROTECTION FUND.] A witness and victim protection fund is created under the administration of the ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension. The ~~commissioner~~ superintendent may make grants to local officials to provide for the relocation or other protection of a victim, witness, or potential witness who is involved in a criminal prosecution and who the ~~commissioner~~ superintendent has reason to believe is or is likely to be the target of a violent crime or a violation of section 609.498 or 609.713, in connection with that prosecution. The awarding of grants under this subdivision is not limited to the crimes and investigations described in subdivision 1. The ~~commissioner~~ superintendent may award grants for any of the following actions in connection with the protection of a witness or victim under this subdivision:

(1) to provide suitable documents to enable the person to establish a new identity or otherwise protect the person;

(2) to provide housing for the person;

(3) to provide for the transportation of household furniture and other personal property to the person's new residence;

(4) to provide the person with a payment to meet basic living expenses for a time period the ~~commissioner~~ superintendent deems necessary;

(5) to assist the person in obtaining employment; and

(6) to provide other services necessary to assist the person in becoming self-sustaining.

Sec. 14. Minnesota Statutes 1994, section 299C.10, is amended by adding a subdivision to read:

Subd. 4. [FEE FOR BACKGROUND CHECK; ACCOUNT; APPROPRIATION.] The superintendent shall collect a fee in an amount to cover the expense for each background check provided for a purpose not directly related to the criminal justice system. The proceeds of the fee must be deposited in a special account. Until July 1, 1997, money in the account is appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota.

Sec. 15. Minnesota Statutes 1994, section 299C.62, subdivision 4, is amended to read:

Subd. 4. [RESPONSE OF BUREAU.] The superintendent shall respond to a background check request within a reasonable time after receiving the signed, written document described in subdivision 2. ~~The superintendent's response shall be limited to a statement that the background check crime information contained in the document is or is not complete and accurate.~~ The superintendent shall provide the children's service provider with a copy of the applicant's criminal record or a statement that the applicant is not the subject of a criminal history record at the bureau. It is the responsibility of the service provider to determine if the applicant qualifies as an employee or volunteer under this section.

Sec. 16. Minnesota Statutes 1994, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$122.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$122.

The party requesting a trial by jury shall pay \$75.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5 for an uncertified copy.

(3) Issuing a subpoena, \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$10.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$7.50.

(6) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(8) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) For the deposit of a will, \$5.

(11) For recording notary commission, \$25, of which, notwithstanding subdivision 1a, paragraph (b), \$20 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

(12) When a defendant pleads guilty to or is sentenced for a petty misdemeanor other than a parking violation, the defendant shall pay a fee of \$11.

(13) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the supreme court.

(14) For the filing of a restraining order pursuant to section 609.748, \$60.

(15) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

The fees in clauses (3) and (4) need not be paid by a public authority or the party the public authority represents.

Sec. 17. Minnesota Statutes 1994, section 481.01, is amended to read:

**481.01 [BOARD OF LAW EXAMINERS; EXAMINATIONS.]**

The supreme court shall, by rule from time to time, prescribe the qualifications of all applicants for admission to practice law in this state, and shall appoint a board of law examiners, which shall be charged with the administration of such rules and with the examination of all applicants for admission to practice law. The board shall consist of not less than three, nor more than seven, attorneys at law, who shall be appointed each for the term of three years and until a successor qualifies. The supreme court may fill any vacancy in the board for the unexpired term and in its discretion may remove any member thereof. The board shall have a seal and shall keep a record of its proceedings, of all applications for admission to practice, and of persons admitted to practice upon its recommendation. At least two times a year the board shall hold examinations and report the result thereof, with its recommendations, to the supreme court. Upon consideration of such report, the supreme court shall enter an order in the case of each person examined, directing the board to reject or to issue to the person a certificate of admission to practice. The board shall have such officers as may, from time to time, be prescribed and designated by the supreme court. The fee for examination shall be fixed, from time to time, by the supreme court, but shall not exceed \$50. Such fees, and any other fees which may be received pursuant to such rules as the supreme court may promulgate governing the practice of law and court-related alternative dispute resolution practices shall be paid to the state treasurer and shall constitute a special fund in the state treasury. The moneys in such fund are appropriated annually to the supreme court for the payment of compensation and expenses of the members of the board of law examiners and for otherwise regulating the practice of law. The moneys in such fund shall never cancel. Payments therefrom shall be made by the state treasurer, upon warrants of the commissioner of finance issued upon vouchers signed by one of the justices of the supreme court. The members of the board shall have such compensation and such allowances for expenses as may, from time to time, be fixed by the supreme court.

Sec. 18. Minnesota Statutes 1994, section 609.101, subdivision 1, is amended to read:

Subdivision 1. [SURCHARGES AND ASSESSMENTS.] (a) When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a petty misdemeanor such as a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$25 nor more than \$50. If the sentence for the felony, gross misdemeanor, or misdemeanor includes payment of a fine of any amount, including a fine of less than \$100, the court shall impose a surcharge on the fine of 20 percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended.

(b) In addition to the assessments in paragraph (a), the court shall assess ~~the following surcharges~~ a surcharge of \$20 after a person is convicted:

- ~~(1) for a person charged with a felony, \$25;~~
- ~~(2) for a person charged with a gross misdemeanor, \$15;~~
- ~~(3) for a person charged with a misdemeanor other than a traffic, parking, or local ordinance violation, \$10; and~~

~~(4) for a person charged with a local ordinance violation other than a parking or traffic violation, \$5 of a violation of state law or local ordinance, other than a traffic or parking violation.~~

~~The surcharge must be assessed for the original charge, whether or not it is subsequently reduced. A person charged on more than one count may be assessed only one surcharge under this paragraph, but must be assessed for the most serious offense. This paragraph applies whether or not the person is sentenced to imprisonment and when the sentence is suspended.~~

(c) If the court fails to impose an assessment required by paragraph (a), the court administrator shall correct the record to show imposition of an assessment of \$25 if the sentence does not include payment of a fine, or if the sentence includes a fine, to show an imposition of a surcharge of ten percent of the fine. If the court fails to impose an assessment required by paragraph (b), the court administrator shall correct the record to show imposition of the assessment described in paragraph (b).

(d) Except for assessments and surcharges imposed on persons convicted of violations described in section 97A.065, subdivision 2, the court shall collect and forward to the commissioner of finance the total amount of the assessments or surcharges and the commissioner shall credit all money so forwarded to the general fund.

(e) If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the commissioner of finance, indicating the part that was imposed for violations described in section 97A.065, subdivision 2, which must be credited to the game and fish fund.

Sec. 19. Minnesota Statutes 1994, section 609.101, subdivision 2, is amended to read:

Subd. 2. [MINIMUM FINES.] Notwithstanding any other law:

~~(1), when a court sentences a person convicted of violating section 609.221, 609.222, 609.223, 609.2231, 609.224, 609.267, or 609.2671, 609.2672, 609.342, 609.343, 609.344, or 609.345, it must impose a fine of not less than \$500 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law;~~

~~(2) when a court sentences a person convicted of violating section 609.222, 609.223, 609.2671, 609.343, 609.344, or 609.345, it must impose a fine of not less than \$300 nor more than the maximum fine authorized by law; and~~

~~(3) when a court sentences a person convicted of violating section 609.2231, 609.224, or 609.2672, it must impose a fine of not less than \$100 nor more than the maximum fine authorized by law.~~

The court shall collect the portion of the fine mandated by this subdivision and forward 70 percent of it to a local victim assistance program that provides services locally in the county in which the crime was committed. The court shall forward the remaining 30 percent to the commissioner of finance to be credited to the general fund. If more than one victim assistance program serves the county in which the crime was committed, the court may designate on a case-by-case basis which program will receive the fine proceeds, giving consideration to the nature of the crime committed, the types of victims served by the program, and the funding needs of the program. If no victim assistance program serves that county, the court shall forward 100 percent of the fine proceeds to the commissioner of finance to be credited to the general fund. Fine proceeds received by a local victim assistance program must be used to provide direct services to crime victims.

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by subdivision 1 and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

As used in this subdivision, "victim assistance program" means victim witness programs within county attorney offices or any of the following programs: crime victim crisis centers, victim-witness programs, battered women shelters and nonshelter programs, and sexual assault programs.

Sec. 20. Minnesota Statutes 1994, section 609.101, subdivision 3, is amended to read:

Subd. 3. [CONTROLLED SUBSTANCE OFFENSES; MINIMUM FINES.] (a) Notwithstanding any other law, when a court sentences a person convicted of a controlled substance crime under sections 152.021 to 152.025, it must impose a fine of not less than ~~20~~ 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law.

(b) The minimum fine required by this subdivision is in addition to the surcharge or assessment required by subdivision 1 and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

(c) The court shall collect the fine mandated by this subdivision and forward 70 percent of it to a local drug abuse prevention program existing or being implemented in the county in which the crime was committed. The court shall forward the remaining 30 percent to the state treasurer to be credited to the general fund. If more than one drug abuse prevention program serves the county in which the crime was committed, the court may designate on a case-by-case basis which program will receive the fine proceeds, giving consideration to the community in which the crime was committed, the funding needs of the program, the number of peace officers in each community certified to teach the program, and the number of children served by the program in each community. If no drug abuse prevention program serves communities in that county, the court shall forward 100 percent of the fine proceeds to the state treasurer to be credited to the general fund.

(d) The minimum fines required by this subdivision shall be collected as are other fines. Fine proceeds received by a local drug abuse prevention program must be used to support that program, and may be used for salaries of peace officers certified to teach the program. The drug abuse resistance education program must report receipt and use of money generated under this subdivision as prescribed by the drug abuse resistance education advisory council.

(e) As used in this subdivision, "drug abuse prevention program" and "program" include:

(1) the drug abuse resistance education program described in sections 299A.33 and 299A.331; and

(2) any similar drug abuse education and prevention program that includes the following components:

(A) instruction for students enrolled in kindergarten through grade six that is designed to teach students to recognize and resist pressures to experiment with controlled substances and alcohol;

(B) provisions for parental involvement;

(C) classroom instruction by uniformed law enforcement personnel;

(D) the use of positive student leaders to influence younger students not to use drugs; and

(E) an emphasis on activity-oriented techniques designed to encourage student-generated responses to problem-solving situations.

Sec. 21. Minnesota Statutes 1994, section 609.135, is amended by adding a subdivision to read:

Subd. 8. [FINE AND SURCHARGE COLLECTION.] A defendant's obligation to pay court-ordered fines, surcharges, court costs, and fees shall survive for a period of six years from

the date of the expiration of the defendant's stayed sentence for the offense for which the fines, surcharges, court costs, and fees were imposed, or six years from the imposition or due date of the fines, surcharges, court costs, and fees, whichever is later.

Sec. 22. Minnesota Statutes 1994, section 609.748, subdivision 3a, is amended to read:

Subd. 3a. ~~[FILING FEE WAIVED.]~~ The filing fees for a restraining order under this section are waived for the petitioner shall be as indicated in section 357.021. The court administrator and the sheriff of any county in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff is unavailable or if service is made by publication, without requiring the petitioner to make application under section 563.04. The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.

Sec. 23. Minnesota Statutes 1994, section 611.17, is amended to read:

611.17 [FINANCIAL INQUIRY; STATEMENTS.]

(a) Each judicial district must screen requests under paragraph (b).

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The applicant shall be under a continuing duty while represented by a public defender to disclose any changes in the applicant's financial circumstances that might be relevant to the applicant's eligibility for a public defender. The state public defender shall furnish appropriate forms for the financial statements. The forms must contain conspicuous notice of the applicant's continuing duty to disclose to the court changes in the applicant's financial circumstances. The information contained in the statement shall be confidential and for the exclusive use of the court and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender.

Sec. 24. Minnesota Statutes 1994, section 611.20, is amended by adding a subdivision to read:

Subd. 4. [EMPLOYED DEFENDANTS.] A defendant who is employed when a public defender is appointed, or who becomes employed while represented by a public defender, shall reimburse the state for the cost of the public defender. The court may accept partial reimbursement from the defendant if the defendant's financial circumstances warrant a reduced reimbursement schedule. The court may consider the guidelines in subdivision 6 in determining a defendant's reimbursement schedule. If a defendant does not agree to make payments, the court may order the defendant's employer to withhold a percentage of the defendant's income to be turned over to the court. The percentage to be withheld may be determined under subdivision 6.

Sec. 25. Minnesota Statutes 1994, section 611.20, is amended by adding a subdivision to read:

Subd. 5. [REIMBURSEMENT RATE.] Legal fees required to be reimbursed under subdivision 4, shall be determined by multiplying the total number of hours worked on the case by a public defender by \$30 per hour. The public defender assigned to the defendant's case shall provide to the court, upon the court's request, a written statement containing the total number of hours worked on the defendant's case up to the time of the request.

Sec. 26. Minnesota Statutes 1994, section 611.20, is amended by adding a subdivision to read:

Subd. 6. [REIMBURSEMENT SCHEDULE GUIDELINES.] In determining a defendant's reimbursement schedule, the court may derive a specific dollar amount per month by multiplying the defendant's net income by the percent indicated by the following guidelines:

<u>Net Income Per Month of Defendant</u>	<u>Number of Dependents Not Including Defendant</u>				
	<u>4 or more</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>0</u>
<u>\$200 and Below</u>	<u>Percentage based on the ability of the defendant to pay as determined by the court.</u>				
<u>\$200 - 350</u>	<u>8%</u>	<u>9.5%</u>	<u>11%</u>	<u>12.5%</u>	<u>14%</u>
<u>\$351 - 500</u>	<u>9%</u>	<u>11%</u>	<u>12.5%</u>	<u>14%</u>	<u>15%</u>
<u>\$501 - 650</u>	<u>10%</u>	<u>12%</u>	<u>14%</u>	<u>15%</u>	<u>17%</u>
<u>\$651 - 800</u>	<u>11%</u>	<u>13.5%</u>	<u>15.5%</u>	<u>17%</u>	<u>19%</u>
<u>\$801 and above</u>	<u>12%</u>	<u>14.5%</u>	<u>17%</u>	<u>19%</u>	<u>20%</u>

"Net income" shall have the meaning given it in section 518.551, subdivision 5.

Sec. 27. Minnesota Statutes 1994, section 611.20, is amended by adding a subdivision to read:

Subd. 7. [INCOME WITHHOLDING.] (a) Whenever an obligation for reimbursement of public defender costs is ordered by a court under this section, the amount of reimbursement as determined by court order must be withheld from the income of the person obligated to pay. The court shall serve a copy of the reimbursement order on the defendant's employer. Notwithstanding any law to the contrary, the order is binding on the employer when served. Withholding must begin no later than the first pay period that occurs after 14 days following the date of the notice. The employer shall withhold from the income payable to the defendant the amount specified in the order and shall remit, within ten days of the date the defendant is paid the remainder of the income, the amounts withheld to the court.

(b) An employer shall not discharge, or refuse to hire, or otherwise discipline an employee as a result of a wage or salary withholding authorized by this section. The employer shall be liable to the court for any amounts required to be withheld. An employer that fails to withhold or transfer funds in accordance with this section is also liable for interest on the funds at the rate applicable to judgments under section 549.09, computed from the date the funds were required to be withheld. An employer that has failed to comply with the requirements of this section is subject to contempt of court.

(c) Amounts withheld under this section do not supersede or have priority over amounts withheld pursuant to other sections of law.

Sec. 28. Minnesota Statutes 1994, section 611.35, subdivision 1, is amended to read:

Subdivision 1. Any person who is represented by a public defender or appointive counsel shall, if financially able to pay, reimburse the governmental unit chargeable with the compensation of such public defender or appointive counsel for the actual costs to the governmental unit in providing the services of the public defender or appointive counsel. The court in hearing such matter shall ascertain the amount of such costs to be charged to the defendant and shall direct reimbursement over a period of not to exceed six months, unless the court for good cause shown shall extend the period of reimbursement. If a term of probation is imposed as a part of a sentence, reimbursement of costs as required by this subdivision may chapter must not be made a condition of probation. Reimbursement of costs as required by this chapter is a civil obligation and must not be made a condition of a criminal sentence.

Sec. 29. [611A.675] [FUND FOR EMERGENCY NEEDS OF CRIME VICTIMS.]

Subdivision 1. [GRANTS AUTHORIZED.] The crime victims reparations board shall make grants to local law enforcement agencies for the purpose of providing emergency assistance to victims. As used in this section, "emergency assistance" includes but is not limited to:

- (1) replacement of necessary property that was lost, damaged, or stolen as a result of the crime;
- (2) purchase and installation of necessary home security devices; and
- (3) transportation to locations related to the victim's needs as a victim, such as medical facilities and facilities of the criminal justice system.

Subd. 2. [APPLICATION FOR GRANTS.] A county sheriff or the chief administrative officer of a municipal police department may apply to the board for a grant for any of the purposes described in subdivision 1 or for any other emergency assistance purpose approved by the board. The application must be on forms and pursuant to procedures developed by the board. The application must describe the type or types of intended emergency assistance, estimate the amount of money required, and include any other information deemed necessary by the board.

Subd. 3. [REPORTING BY LOCAL AGENCIES REQUIRED.] A county sheriff or chief administrative officer of a municipal police department who receives a grant under this section shall report all expenditures to the board on a quarterly basis. The sheriff or chief administrative officer shall also file an annual report with the board itemizing the expenditures made during the preceding year, the purpose of those expenditures, and the ultimate disposition, if any, of each assisted victim's criminal case.

Subd. 4. [REPORT TO LEGISLATURE.] On or before February 1, 1997, the board shall report to the chairs of the senate crime prevention and house of representatives judiciary committees on the implementation, use, and administration of the grant program created under this section.

Sec. 30. Minnesota Statutes 1994, section 626.841, is amended to read:

626.841 [BOARD; MEMBERS.]

The board of peace officer standards and training shall be composed of the following 15 members:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) Two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota state patrol association;

(d) The superintendent of the Minnesota bureau of criminal apprehension or a designee;

(e) Two members appointed by the governor ~~experienced in law enforcement at a local, state, or federal level~~ from among peace officers, or former peace officers, who are ~~not~~ currently employed as on a full-time basis in a professional peace officers officer education program;

(f) Two members to be appointed by the governor, one member to be appointed from among administrators of Minnesota colleges or universities that offer professional peace officer education, and one member to be appointed from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2;

(g) Two members appointed by the governor from among the general public.

A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 31. [626.8555] [PEACE OFFICER EDUCATION PROGRAMS.]

Metropolitan State University and Minneapolis Community College, in consultation with the POST board and state and local law enforcement agencies in the seven-county metropolitan area, shall provide core law enforcement courses in an accelerated time period for students in the metropolitan area. These courses shall be available at the beginning of the 1995-1996 academic year and are contingent on sufficient program enrollment. The POST board and the state colleges and universities shall evaluate the accelerated law enforcement program and report to the 1997 legislature.

Sec. 32. Minnesota Statutes 1994, section 626.861, subdivision 1, is amended to read:



Subdivision 1. [LEVY OF ASSESSMENT.] There is levied a penalty assessment of 15 percent on each fine imposed and collected by the courts of this state for traffic offenses in violation of chapters 168 to 173 or equivalent local ordinances, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than \$5 nor more than \$10 when the conviction is for a ~~misdemeanor or~~ petty misdemeanor, and shall impose a penalty assessment of not less than ~~\$10~~ \$25 but not more than \$50 when the conviction is for a misdemeanor, gross misdemeanor, or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.

Sec. 33. Laws 1993, chapter 255, section 1, subdivision 1, is amended to read:

Section 1. [NONFELONY ENFORCEMENT ADVISORY COMMITTEE.]

Subdivision 1. [DUTIES.] The nonfelony enforcement advisory committee shall study current enforcement and prosecution of all nonfelony offenses under Minnesota law. The committee shall evaluate the effect of prosecutorial jurisdiction over misdemeanor and gross misdemeanor crimes against the person on effective law enforcement and public safety. The committee shall analyze the relative penalty levels for nonfelony crimes against the person and, low-level felony property crimes, and crimes for which there are both felony and nonfelony penalties. The committee shall recommend any necessary changes in Minnesota law to achieve the following goals:

- (1) proportionality of penalties for gross misdemeanors, misdemeanors, and petty misdemeanors;
- (2) effective enforcement and prosecution of these offenses; and
- (3) efficient use of the resources of the criminal justice system.

Sec. 34. Laws 1993, chapter 255, section 1, subdivision 4, is amended to read:

Subd. 4. [REPORT.] By ~~October 1, 1995~~ December 15, 1996, the committee shall report its findings and recommendations for revisions in Minnesota law to the chairs of the senate committee on crime prevention and the house committee on judiciary.

Sec. 35. Laws 1993, chapter 255, section 2, is amended to read:

Sec. 2. [REPEALER.]

Section 1 is repealed effective ~~October 15, 1995~~ December 31, 1996.

Sec. 36. [CORRECTIONAL FACILITY AUTHORIZED.]

The commissioner of corrections may establish a minimum security adult correctional facility for men at Camp Ripley. The commissioner is authorized to enter into negotiations and contracts with appropriate parties to establish the facility.

Sec. 37. [ELECTRONIC ALCOHOL MONITORING OF DWI OFFENDERS; PILOT PROGRAM.]

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meaning given them in this subdivision.

(a) "Breath analyzer unit" means a device that performs breath alcohol testing and is connected to a remote electronic alcohol monitoring system.

(b) "Remote electronic alcohol monitoring system" means a system that electronically monitors the alcohol concentration of individuals in their homes to ensure compliance with court-ordered conditions of pretrial release, supervised release, or probation.

Subd. 2. [PILOT PROGRAM ESTABLISHED.] In cooperation with the conference of chief judges, the state court administrator, and the commissioner of public safety, the commissioner of corrections shall establish a three-year pilot program to evaluate the effectiveness of using breath analyzer units to monitor DWI offenders who are ordered to abstain from alcohol use as a condition of pretrial release, supervised release, or probation. The pilot program must include procedures ensuring that violators of this condition of release receive swift consequences for the violation.

The commissioner of corrections shall select at least two judicial districts to participate in the pilot program. Offenders who are ordered to use a breath analyzer unit shall also be ordered to pay the per diem cost of the monitoring unless the offender is indigent. The commissioner of corrections shall reimburse the judicial districts for any costs the districts incur in participating in the program.

After three years, the commissioner of corrections shall evaluate the effectiveness of the program and shall report the results of this evaluation to the conference of chief judges, the state court administrator, the commissioner of public safety, and the chairs of the house of representatives and senate committees having jurisdiction over criminal justice policy and finance.

#### **Sec. 38. [INSTITUTE FOR CHILD AND ADOLESCENT SEXUAL HEALTH.]**

Subdivision 1. [EXPANDED PROJECTS.] The Institute for Child and Adolescent Sexual Health shall continue to provide intervention services for children aged 8 to 10 who are exhibiting sexually aggressive behavior and who are not currently receiving any treatment. The institute shall establish at least one pilot project to develop and implement an earlier intervention strategies program for younger children identified as high risk to become sex offenders.

Subd. 2. [REPORT.] The Institute for Child and Adolescent Sexual Health shall report to the chairs of the senate crime prevention and house of representatives judiciary committees before March 1, 1996, on the status and preliminary findings of the pilot project.

#### **Sec. 39. [RAMSEY COUNTY; JUVENILE VIOLENCE PREVENTION AND ENFORCEMENT UNIT; MEMBERS; DUTIES.]**

The county of Ramsey may establish a pilot project that creates a juvenile violence prevention and enforcement unit consisting of one prosecutor, one investigating officer, one legal assistant, and one victim/witness coordinator.

The juvenile violence prevention and enforcement unit shall:

(1) target, investigate, and prosecute juveniles who commit crimes using dangerous weapons, as defined in Minnesota Statutes, section 609.02, subdivision 6;

(2) identify, track, investigate, and prosecute persons who furnish dangerous weapons to juveniles;

(3) work closely with other members of the criminal justice system, including other local jurisdictions, the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department, and out-of-state agencies involved in investigating and prosecuting juvenile violence; and

(4) develop a collaborative relationship with neighborhoods and communities that are involved with the juvenile violence prevention problem.

#### **Sec. 40. [TASK FORCE ON JUVENILE FACILITY ALTERNATIVES.]**

Subdivision 1. [TASK FORCE ESTABLISHED.] A task force is established to study how services are provided to juveniles in residential facilities. The task force shall develop plans addressing alternative methods by which the services, programs, and responsibilities for the class of juvenile offenders currently sent to the department of corrections' facilities at Red Wing and Sauk Centre may be provided.

Subd. 2. [REPORT REQUIRED.] The task force shall report its recommendations to the chairs

of the senate crime prevention and the house of representatives judiciary committees by February 1, 1996. The report must address how the services, programs, and responsibilities for the class of juvenile offenders currently sent to the department of corrections' facilities at Red Wing and Sauk Centre may be provided in a different manner, including by being taken over by the private sector. The report must specifically address the feasibility of privatization, specifically address the financial implications of privatization, and recommend future uses for the facilities at Red Wing and Sauk Centre in the event of privatization.

Subd. 3. [MEMBERSHIP.] By July 1, 1995, the speaker of the house of representatives and majority leader of the senate shall appoint individuals who have demonstrated experience in the juvenile justice field and who are representatives or designees of the following to serve as members of the task force:

- (1) the commissioner of corrections;
- (2) the commissioner of human services;
- (3) a public defender;
- (4) a prosecutor;
- (5) two juvenile corrections specialists from nonpublic service providers;
- (6) a juvenile court judge;
- (7) a community corrections county;
- (8) a noncommunity corrections county;
- (9) two public members, at least one of whom is a parent of a child who was a client in the juvenile justice system;
- (10) two county commissioners, one from a community corrections act county and the other from a noncommunity corrections act county; and
- (11) an educator.

In addition, at least one majority and one minority member of the senate and one majority and one minority member of the house of representatives shall serve on the committee.

The speaker of the house of representatives and the majority leader of the senate shall appoint the chair of the task force from among the task force members.

#### Sec. 41. [DATA ACCESS ON INTERNET.]

The criminal justice information policy group shall develop a plan for providing databases containing private or confidential data to law enforcement agencies on the Internet with appropriate security provisions.

#### Sec. 42. [TRAINING COMMITTEE MEMBERSHIP.]

At least one person shall be appointed to the peace officer standards and training board's training committee from among higher education representatives of Minnesota colleges or universities that offer professional peace officer education.

#### Sec. 43. [CHILD ABUSE HELPLINE.]

Subdivision 1. [PLAN.] The commissioner of human services, in consultation with the commissioner of public safety, shall develop a plan for an integrated statewide toll-free 24-hour telephone helpline to provide consultative services to parents, family members, law enforcement personnel, and social service professionals regarding the physical and sexual abuse of children. The plan must:

- (1) identify methods for implementing the telephone helpline;

(2) identify existing services regarding child abuse provided by state and local governmental agencies, nonprofit organizations, and others;

(3) consider strategies to coordinate existing services into an integrated telephone helpline;

(4) consider the practicality of retraining and redirecting existing professionals to staff the telephone helpline on a 24-hour basis;

(5) determine what new services, if any, would be required for the telephone helpline;

(6) determine the costs of implementing the telephone helpline and ways to reduce costs through coordination of existing services; and

(7) determine methods of marketing and advertisement to make the general public aware of the telephone helpline.

Subd. 2. [COMMITTEE.] The commissioner of human services, in consultation with the commissioner of public safety, may establish an advisory committee to develop the plan required by subdivision 1. The committee shall include individuals who have demonstrated experience in the area of child abuse, child protection, and in providing consultative services concerning abuse. The committee shall also include business and community representatives and family members who have sought assistance in child abuse situations.

Subd. 3. [PILOT PROJECT.] In conjunction with the planning process under subdivision 1, the commissioner of human services shall implement at least two pilot project telephone helplines. One of the pilots must be in the seven-county metropolitan area and one must be in greater Minnesota.

Subd. 4. [REPORT.] The commissioner of human services shall report to the legislature by January 1, 1996, concerning the details of the plan and the status of the pilot projects.

Subd. 5. [COORDINATOR.] The commissioner of human services may hire a person to coordinate and implement the requirements of this section.

#### Sec. 44. [CORRECTIONAL FACILITY AUTHORIZED.]

The commissioner of corrections may establish an adult correctional facility for geriatric and medical care at Ah Gwah Ching. The commissioner is authorized to enter into negotiations and contracts with the department of human services to establish the facility.

#### Sec. 45. [DEPARTMENT OF CORRECTIONS; STUDY.]

The department of corrections shall conduct a weighted workload study to be used as a basis for fund distributions across all three probation delivery systems, based on uniform workload standards, programming effectiveness, and level of risk of individual offenders, and to make ongoing outcome data available on cases. In overseeing and administering the study, the commissioner of corrections shall use a research team of experts with proven performance in the development of workload systems, data collection, outcome evaluation, and the delivery of community-based corrections services. The research team shall design and implement all components of the study, with assistance from corrections professionals and other advisors from communities of interest around the state.

The study must determine a statewide, uniform workload system and definitions of levels of risk; establish a standardized data collection system using the uniform definitions of workload and risk and a timeline for reporting data, which will begin as soon as these tasks are completed; and determine a new mechanism or formula for aid distribution based on the data, which must be operational by July 1, 1997.

The study must develop up to three methodology models based on defined, desired outcomes and develop and implement a process to refine the models, put them into practice, and provide for their ongoing evaluation against the outcomes.

The commissioner of corrections shall report the results of the study to the chairs of the senate crime prevention and house of representatives judiciary committees by January 15, 1996.

## Sec. 46. [INSTRUCTION TO REVISOR.]

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B every time it occurs and insert a reference to section 611A.68.

Column A	Column B
<u>611A.51</u>	<u>611A.67</u>
<u>611A.52</u>	<u>611A.67</u>
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## Sec. 47. [EFFECTIVE DATE.]

Sections 33, 36, 40, 41, and 46 are effective the day following final enactment. The remaining sections are effective on July 1, 1995.

### ARTICLE 3 JUVENILE PROVISIONS

## Section 1. [120.1811] [RESIDENTIAL TREATMENT FACILITIES; EDUCATION.]

Subdivision 1. [EDUCATIONAL SCREENING.] Secure and nonsecure residential treatment facilities licensed by the department of human services or the department of corrections shall screen each juvenile who is held in a facility for at least 72 hours, excluding weekends or holidays, using an educational screening tool identified by the department of education, unless the facility determines that the juvenile has a current individual education plan and obtains a copy of the IEP. The department of education shall develop or identify an education screening tool for use in residential facilities. The tool must include a life skills development component.

Subd. 2. [RULEMAKING.] The state board of education may make or amend rules relating to education programs in residential treatment facilities, if necessary, to implement this section. Rules under this section shall be adopted jointly with the commissioners of corrections and human services.

## Sec. 2. Minnesota Statutes 1994, section 242.31, subdivision 1, is amended to read:

Subdivision 1. Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following certification to ~~district court~~ under the provisions of section 260.125 is finally discharged by order of the commissioner, that discharge shall restore the person to all civil rights and, if so ordered by the commissioner of corrections, also shall have the effect of setting aside the conviction, nullifying it and purging the person of it. The commissioner shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside. An order setting aside a conviction for a crime of violence as defined in section 62A.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. A person whose conviction was set aside under this section and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

## Sec. 3. [260.042] [ORIENTATION AND EDUCATIONAL PROGRAM.]

The court shall make an orientation and educational program available for juveniles and their families in accordance with the program established, if any, by the supreme court.

## Sec. 4. Minnesota Statutes 1994, section 260.115, subdivision 1, is amended to read:

Subdivision 1. [TRANSFERS REQUIRED.] Except where a juvenile court has certified an alleged violation to ~~district court~~ in accordance with the provisions of section 260.125, the child is alleged to have committed murder in the first degree after becoming 16 years of age, or a court has original jurisdiction of a child who has committed an adult court traffic offense, as defined in section 260.193, subdivision 1, clause (c), a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a

charge of violating any state or local law or ordinance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.

Sec. 5. Minnesota Statutes 1994, section 260.125, is amended to read:

**260.125 [CERTIFICATION TO ~~DISTRICT COURT~~.]**

Subdivision 1. When a child is alleged to have committed, after becoming 14 years of age, an offense that would be a felony if committed by an adult, the juvenile court may enter an order certifying the proceeding ~~to the district court for action under the criminal laws~~ under the laws and court procedures controlling adult criminal violations.

Subd. 2. [ORDER OF CERTIFICATION; REQUIREMENTS.] Except as provided in subdivision 3a or 3b, the juvenile court may order a certification ~~to district court~~ only if:

- (1) a petition has been filed in accordance with the provisions of section 260.131;
- (2) a motion for certification has been filed by the prosecuting authority;
- (3) notice has been given in accordance with the provisions of sections 260.135 and 260.141;
- (4) a hearing has been held in accordance with the provisions of section 260.155 within 30 days of the filing of the certification motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the motion;
- (5) the court finds that there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition; and
- (6) the court finds either:
  - (i) that the presumption of certification created by subdivision 2a applies and the child has not rebutted the presumption by clear and convincing evidence demonstrating that retaining the proceeding in the juvenile court serves public safety; or
  - (ii) that the presumption of certification does not apply and the prosecuting authority has demonstrated by clear and convincing evidence that retaining the proceeding in the juvenile court does not serve public safety. If the court finds that the prosecutor has not demonstrated by clear and convincing evidence that retaining the proceeding in juvenile court does not serve public safety, the court shall retain the proceeding in juvenile court.

Subd. 2a. [PRESUMPTION OF CERTIFICATION.] It is presumed that a proceeding involving an offense committed by a child will be certified ~~to district court~~ if:

- (1) the child was 16 or 17 years old at the time of the offense; and
- (2) the delinquency petition alleges that the child committed an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes, or that the child committed any felony offense while using, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

If the court determines that probable cause exists to believe the child committed the alleged offense, the burden is on the child to rebut this presumption by demonstrating by clear and convincing evidence that retaining the proceeding in the juvenile court serves public safety. If the court finds that the child has not rebutted the presumption by clear and convincing evidence, the court shall certify the ~~child to district court~~ proceeding.

Subd. 2b. [PUBLIC SAFETY.] In determining whether the public safety is served by certifying ~~a child to district court~~ the matter, the court shall consider the following factors:

- (1) the seriousness of the alleged offense in terms of community protection, including the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm, and the impact on any victim;

(2) the culpability of the child in committing the alleged offense, including the level of the child's participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the sentencing guidelines;

(3) the child's prior record of delinquency;

(4) the child's programming history, including the child's past willingness to participate meaningfully in available programming;

(5) the adequacy of the punishment or programming available in the juvenile justice system; and

(6) the dispositional options available for the child.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the child's prior record of delinquency than to the other factors listed in this subdivision.

Subd. 3a. [PRIOR CERTIFICATION; EXCEPTION.] Notwithstanding the provisions of subdivisions 2, 2a, and 2b, the court shall order a certification in any felony case if the prosecutor shows that the child has been previously prosecuted on a felony charge by an order of certification issued pursuant to either a hearing held under subdivision 2 or pursuant to the waiver of the right to such a hearing, other than a prior certification in the same case.

This subdivision only applies if the child is convicted of the offense or offenses for which the child was prosecuted pursuant to the order of certification or of a lesser-included offense which is a felony.

This subdivision does not apply to juvenile offenders who are subject to criminal court jurisdiction under section 609.055.

Subd. 3b. [ADULT CHARGED WITH JUVENILE OFFENSE.] The juvenile court has jurisdiction to hold a certification hearing on motion of the prosecuting authority to certify the matter ~~to district court~~ if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26.

The court may not certify the matter ~~to district court~~ under this subdivision if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Subd. 4. [EFFECT OF ORDER.] When the juvenile court enters an order certifying an alleged violation ~~to district court~~, the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. [WRITTEN FINDINGS; OPTIONS.] The court shall decide whether to order certification ~~to district court~~ within 15 days after the certification hearing was completed, unless additional time is needed, in which case the court may extend the period up to another 15 days. If the juvenile court orders certification, and the presumption described in subdivision 2a does not apply, the order shall contain in writing, findings of fact and conclusions of law as to why public safety is not served by retaining the proceeding in the juvenile court. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order certification ~~to district court~~, the decision shall contain, in writing, findings of fact and conclusions of law as to why certification is not ordered. If the juvenile court decides not to order certification in a case in which the presumption described in subdivision 2a applies, the court shall designate the proceeding an extended jurisdiction juvenile prosecution and include in its decision written findings of fact and conclusions of law as to why the retention of the proceeding in juvenile court serves public safety, with specific reference to the factors listed in subdivision 2b. If the court decides not to order certification in a case in which the presumption described in subdivision 2a does not apply, the court may designate the proceeding an extended jurisdiction juvenile prosecution, pursuant to the hearing process described in section 260.126, subdivision 2.

Subd. 6. [FIRST-DEGREE MURDER.] When a motion for certification has been filed in a case in which the petition alleges that the child committed murder in the first degree, the prosecuting authority shall present the case to the grand jury for consideration of indictment under chapter 628 within 14 days after the petition was filed.

Subd. 7. [INAPPLICABILITY TO CERTAIN OFFENDERS.] This section does not apply to a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).

Sec. 6. Minnesota Statutes 1994, section 260.126, subdivision 5, is amended to read:

Subd. 5. [EXECUTION OF ADULT SENTENCE.] When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3. If the offender was convicted of an offense described in subdivision 1, clause (2), and the court finds that reasons exist to revoke the stay, the court must order execution of the previously imposed sentence unless the court makes written findings regarding the mitigating factors that justify continuing the stay. Upon revocation, the offender's extended jurisdiction status is terminated and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than commitment to the commissioner of corrections, is with the adult court.

Sec. 7. Minnesota Statutes 1994, section 260.131, subdivision 4, is amended to read:

Subd. 4. [DELINQUENCY PETITION; EXTENDED JURISDICTION JUVENILE.] When a prosecutor files a delinquency petition alleging that a child committed a felony offense for which there is a presumptive commitment to prison according to the sentencing guidelines and applicable statutes or in which the child used a firearm, after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a delinquency petition alleging that a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding an extended jurisdiction juvenile prosecution.

Sec. 8. Minnesota Statutes 1994, section 260.181, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF JURISDICTION.] (a) The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so. Court jurisdiction under section 260.015, subdivision 2a, clause (12), may not continue past the child's 17th birthday.

(b) The jurisdiction of the court over an extended jurisdiction juvenile, with respect to the offense for which the individual was convicted as an extended jurisdiction juvenile, extends until the offender becomes 21 years of age, unless the court terminates jurisdiction before that date.

(c) The juvenile court has jurisdiction to designate the proceeding an extended jurisdiction juvenile prosecution, to hold a certification hearing, or to conduct a trial, receive a plea, or impose a disposition under section 260.126, subdivision 4, if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26 and before the adult's 21st birthday.

The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.



(d) The district court has original and exclusive jurisdiction over a proceeding:

(1) that involves an adult who is alleged to have committed an offense before the adult's 18th birthday; and

(2) in which a criminal complaint is filed before expiration of the time for filing under section 628.26 and after the adult's 21st birthday.

The juvenile court retains jurisdiction if the adult demonstrates that the delay in filing a criminal complaint was purposefully caused by the state in order to gain an unfair advantage.

(e) The juvenile court has jurisdiction over a person who has been adjudicated delinquent until the person's 21st birthday if the person fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under a juvenile court order. The juvenile court has jurisdiction over a convicted extended jurisdiction juvenile who fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under section 260.126, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Sec. 9. Minnesota Statutes 1994, section 260.185, is amended by adding a subdivision to read:

Subd. 1b. [COMMITMENT TO SECURE FACILITY; LENGTH OF STAY; TRANSFERS.] An adjudicated juvenile may not be placed in a licensed juvenile secure treatment facility unless the placement is approved by the juvenile court. However, the program administrator may determine the juvenile's length of stay in the secure portion of the facility. The administrator shall notify the court of any movement of juveniles from secure portions of facilities. However, the court may, in its discretion, order that the juveniles be moved back to secure portions of the facility.

Sec. 10. Minnesota Statutes 1994, section 260.185, is amended by adding a subdivision to read:

Subd. 1c. [PLACEMENT OF JUVENILES IN SECURE FACILITIES; REQUIREMENTS.] Before a postadjudication placement of a juvenile in a secure treatment facility either inside or outside the state, the court may:

(1) consider whether the juvenile has been adjudicated for a felony offense against the person or that in addition to the current adjudication, the juvenile has failed to appear in court on one or more occasions or has run away from home on one or more occasions;

(2) conduct a subjective assessment to determine whether the child is a danger to self or others or would abscond from a nonsecure facility or if the child's health or welfare would be endangered if not placed in a secure facility;

(3) conduct a culturally appropriate psychological evaluation which includes a functional assessment of anger and abuse issues; and

(4) conduct an educational and physical assessment of the juvenile.

In determining whether to order secure placement, the court shall consider the necessity of:

(1) protecting the public;

(2) protecting program residents and staff; and

(3) preventing juveniles with histories of absconding from leaving treatment programs.

Sec. 11. Minnesota Statutes 1994, section 260.185, subdivision 6, is amended to read:

Subd. 6. [OUT-OF-STATE PLACEMENTS.] (a) Before August 1, 1997, a court may not place a preadjudicated delinquent, an adjudicated delinquent, or a convicted extended jurisdiction juvenile in a residential or detention facility outside Minnesota unless the commissioner of corrections has certified that the facility:

(1) meets or exceeds the standards for Minnesota residential treatment programs set forth in

rules adopted by the commissioner of human services and the standards for juvenile residential facilities set forth in rules adopted by the commissioner of corrections or the standards for juvenile detention facilities set forth in rules adopted by the commissioner of corrections; and

(2) provides education, health, dental, and other necessary care equivalent to that which the child would receive if placed in a Minnesota facility licensed by the commissioner of corrections or commissioner of human services.

(b) On or after August 1, 1997, a court may not place a preadjudicated delinquent, an adjudicated delinquent, or a convicted extended jurisdiction juvenile in a residential or detention facility outside Minnesota unless the court determines that the specialized programmatic needs of the juvenile are not available in a facility within Minnesota and the out-of-state facility has been certified by the commissioner of corrections under paragraph (a), clauses (1) and (2). For purposes of this subdivision, "specialized programmatic needs" does not include concerns about security.

(c) The interagency licensing agreement between the commissioners of corrections and human services shall be used to determine which rule shall be used for certification purposes under this subdivision.

(e) (d) The commissioner of corrections may charge each facility evaluated a reasonable amount. Money received is annually appropriated to the commissioner of corrections to defray the costs of the certification program.

Sec. 12. Minnesota Statutes 1994, section 260.193, subdivision 4, is amended to read:

Subd. 4. [ORIGINAL JURISDICTION; JUVENILE COURT.] The juvenile court shall have original jurisdiction if ~~the child is alleged to have committed both major and adult court traffic offenses in the same behavioral incident over:~~

(1) all juveniles age 15 and under alleged to have committed any traffic offense; and

(2) 16- and 17-year-olds alleged to have committed any major traffic offense, except that the adult court has original jurisdiction over:

(i) petty traffic misdemeanors not a part of the same behavioral incident of a misdemeanor being handled in juvenile court; and

(ii) violations of sections 169.121 (drivers under the influence of alcohol or controlled substance) and 169.129 (aggravated driving while intoxicated), and any other misdemeanor or gross misdemeanor level traffic violations committed as part of the same behavioral incident of a violation of section 169.121 or 169.129.

Sec. 13. Minnesota Statutes 1994, section 260.215, subdivision 1, is amended to read:

Subdivision 1. [CERTAIN VIOLATIONS NOT CRIMES.] A violation of a state or local law or ordinance by a child before becoming 18 years of age is not a crime unless the juvenile court:

(1) certifies the matter ~~to the district court~~ in accordance with the provisions of section 260.125;

(2) transfers the matter to a court in accordance with the provisions of section 260.193; or

(3) convicts the child as an extended jurisdiction juvenile and subsequently executes the adult sentence under section 260.126, subdivision 5.

Sec. 14. Minnesota Statutes 1994, section 260.291, subdivision 1, is amended to read:

Subdivision 1. [PERSONS ENTITLED TO APPEAL; PROCEDURE.] (a) An appeal may be taken by the aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including but not limited to an order adjudging a child to be in need of protection or services, neglected and in foster care, delinquent, or a juvenile traffic offender. The appeal shall be taken within 30 days of the filing of the appealable order. The court administrator shall notify the person having legal custody of the minor of the appeal. Failure to notify the person having legal custody of the minor shall not affect the jurisdiction of the appellate court. The order of the juvenile court shall stand, pending the determination of the appeal, but the reviewing court may in its discretion and upon application stay the order.

(b) An appeal may be taken by an aggrieved person from an order of the juvenile court on the issue of certification of a ~~child to district court~~ matter for prosecution under the laws and court procedures controlling adult criminal violations. Certification appeals shall be expedited as provided by applicable rules.

Sec. 15. Minnesota Statutes 1994, section 609.055, subdivision 2, is amended to read:

Subd. 2. [ADULT PROSECUTION.] (a) Except as otherwise provided in paragraph (b), children of the age of 14 years or over but under 18 years may be prosecuted for a felony offense if the alleged violation is ~~duly certified to the district court for prosecution under the laws and court procedures controlling adult criminal violations or may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 260~~. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

(1) the child has been previously certified ~~to the district court~~ on a felony charge pursuant to a hearing under section 260.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and

(2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense.

(b) A child who is alleged to have committed murder in the first degree after becoming 16 years of age is capable of committing a crime and may be prosecuted for the felony. This paragraph does not apply to a child alleged to have committed attempted murder in the first degree after becoming 16 years of age.

Sec. 16. Minnesota Statutes 1994, section 611A.19, subdivision 1, is amended to read:

Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) Upon the request of the victim, the prosecutor shall make a motion in camera and the sentencing court may shall issue an order requiring a person an adult convicted of a violent crime, as defined in section 609.152, or a juvenile adjudicated delinquent for violating section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), or 609.345 (criminal sexual conduct in the fourth degree), or any other violent crime, as defined in section 609.152, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:

(1) the prosecutor moves for the test order in camera crime involved sexual penetration, however slight, as defined in section 609.341, subdivision 12; or

(2) the victim requests the test; and

(3) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during commission of the crime in a manner which has been demonstrated epidemiologically to transmit the HIV virus evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during the commission of the crime in a manner which has been demonstrated epidemiologically to transmit the human immunodeficiency virus (HIV).

(b) If When the court grants the prosecutor's motion orders an offender to submit to testing under paragraph (a), the court shall order that the test be performed by an appropriate health professional who is trained to provide the counseling described in section 144.763, and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

Sec. 17. Minnesota Statutes 1994, section 641.14, is amended to read:

641.14 [JAILS; SEPARATION OF PRISONERS.]

The sheriff of each county is responsible for the operation and condition of the jail. If construction of the jail permits, the sheriff shall maintain strict separation of prisoners to the extent that separation is consistent with prisoners' security, safety, health, and welfare. The sheriff shall not keep in the same room or section of the jail:

- (1) a minor under 18 years old and a prisoner who is 18 years old or older, unless:
- (i) the minor has been committed to the commissioner of corrections under section 609.105 or;
  - (ii) the minor has been referred for adult prosecution and the prosecuting authority has filed a notice of intent to prosecute the matter for which the minor is being held under section 260.125; or
  - (iii) the minor is 16 or 17 years old and has been indicted for murder in the first degree; and
- (2) a female prisoner and a male prisoner; and
- (3) a minor under 18 years old and an extended jurisdiction juvenile 18 years old or older who is alleged to have violated the conditions of the stay of execution.

Sec. 18. [AMENDMENTS TO RULES DIRECTED.]

The commissioners of corrections and human services shall jointly amend their licensing rules to:

- (1) allow residential facilities to admit 18- and 19-year-old extended jurisdiction juveniles;
- (2) require licensed facilities to develop policies and procedures for appropriate programming and housing separation of residents according to age; and
- (3) allow the commissioners the authority to approve the policies and procedures authorized by clause (2) for the facilities over which they have licensing authority.

Sec. 19. [COMMISSIONERS TO ADOPT RULES REGARDING SECURE TREATMENT FACILITIES.]

The commissioners of corrections and human services shall jointly adopt licensing rules requiring all facilities to develop operating policies and procedures for the continued use of secure treatment placement. These policies and procedures must include timelines for the review of individual cases to determine the continuing need for secure placement and criteria for movement of juveniles to less restrictive parts of the facilities.

Sec. 20. [EDUCATIONAL PROGRAM FOR JUVENILE COURT PROCESS.]

The supreme court is requested to establish, by January 1, 1997, an educational program explaining the juvenile court system for use in juvenile courts under Minnesota Statutes, section 260.042.

Sec. 21. [SECURE AND NONSECURE RESIDENTIAL TREATMENT FACILITIES.]

Subdivision 1. [RULES REQUIRED; COMMITTEE ESTABLISHED.] The commissioners of corrections and human services shall jointly adopt licensing and programming rules for the secure and nonsecure residential treatment facilities that they license and shall establish an advisory committee to develop these rules. The committee shall develop consistent general licensing requirements for juvenile residential care, enabling facilities to provide appropriate services to juveniles with single or multiple problems. The rules shall establish program standards with an independent auditing process by July 1997.

Subd. 2. [STANDARDS.] The standards to be developed in the rules must require:

- (1) standards for the management of the program including:
  - (i) a board of directors or advisory committee for each facility which represents the interests, concerns, and needs of the clients and community being served;
  - (ii) appropriate grievance and appeal procedures for clients and families; and
  - (iii) use of an ongoing internal program evaluation and quality assurance effort at each facility to monitor program effectiveness and guide the improvement of services provided, evaluate client and family satisfaction with each facilities' services, and collect demographic information on clients served and outcome measures relative to the success of services; and

- (2) standards for programming including:
  - (i) specific identifiable criteria for admission and discharge;
  - (ii) written measurable goals for each client;
  - (iii) development of a no-eject policy by which youths are discharged based on successful completion of individual goals and not automatically discharged for behavioral transgressions;
  - (iv) individual plans for transitional services that involve youths, their families, and community resources to accomplish community integration and family reunification where appropriate;
  - (v) cultural sensitivity, including the provision of interpreters and English language skill development to meet the needs of the facilities' population;
  - (vi) use of staff who reflect the ethnicity of the clients served, wherever possible;
  - (vii) provision of staff training in cultural sensitivity and disability awareness;
  - (viii) capability to respond to persons with disabilities; and
  - (ix) uniform education programs that provide for year-round instruction; and
- (3) a program audit procedure which requires regular unbiased program audits and reviews to determine if the facilities continue to meet the standards established in statute and rule and the needs of the clients and community.

Subd. 3. [MEMBERSHIP.] The commissioners of corrections and human services or their designee shall serve as co-chairs of the rulemaking committee. The co-chairs shall invite individuals who have demonstrated experience in the juvenile justice field to serve on the committee; including, but not limited to, representatives or designees of the departments of corrections, human services, and education, the private sector, and other juvenile facility stakeholders. The commissioners shall ensure that family members of juveniles, representatives of communities of color, and members of advocacy groups serve on the rulemaking committee and shall schedule committee meetings at times and places that ensure representation by these individuals.

Subd. 4. [TIME LINES.] By December 1, 1996, the rulemaking committee shall submit draft rule parts which address the program standards, evaluation, and auditing standards and procedures to the legislative audit commission. The commission is requested to direct the legislative auditor to review the draft rule parts to determine whether the parts are consistent with sound policy.

By February 15, 1997, the legislative auditor is requested to report on its review to both the legislature and the rulemaking committee. By April 1, 1997, the rulemaking committee shall provide a report to the legislature on the status of the rulemaking process including steps it will take to address any concerns raised in the legislative auditor's review. By July 31, 1997, the licensing and programming rulemaking process shall be completed.

Subd. 5. [LICENSING.] The commissioners of corrections and human services may not license facilities that fail to meet programming standards after they are adopted.

## Sec. 22. [STUDY OF SECURE TREATMENT FACILITIES.]

The commissioner of corrections, in consultation with the commissioner of human services, shall conduct a study on the use of secure treatment facilities for juveniles in the state and shall submit a written report to the governor and the legislature by January 1, 1997. The report must contain the commissioners' findings, along with demographic data and recommendations concerning the use of admission criteria.

## Sec. 23. [COMMISSIONER OF CORRECTIONS; GRANTS TO COUNTIES FOR JUVENILE PROGRAMMING.]

The commissioner of corrections shall provide grants to counties to provide a comprehensive continuum of care to juveniles at high risk to become extended jurisdiction juveniles or who are extended jurisdiction juveniles under the county's jurisdiction.

Counties may apply to the commissioner for grants in a manner specified by the commissioner but must identify the following in writing:

- (1) the amount of money currently being spent by the county for juvenile programming;
- (2) what gaps currently exist in providing a comprehensive continuum of care to juveniles within the county;
- (3) what specific steps will be taken and what specific changes will be made to existing programming to reduce the juvenile reoffense rate; and
- (4) what new programming will be provided to fill the gaps identified in clause (2) and how it will lower the juvenile reoffense rate.

For purposes of this section, a comprehensive continuum of care may include:

- (1) secondary prevention programs or services that minimize the effect of characteristics which identify individuals as members of high-risk groups;
- (2) tertiary prevention programs or services that are provided after violence or antisocial conduct has occurred and which are designed to prevent its recurrence;
- (3) programs or services that are treatment focused and offer an opportunity for rehabilitation;
- (4) punishment of juveniles, as provided by applicable law, including long-term secure postadjudication placement; and
- (5) transition programs or services designed to reintegrate juveniles discharged from residential programs into the community.

#### **Sec. 24. [PLAN FOR TRACKING JUVENILE REOFFENSE RATE; REPORT.]**

The criminal and juvenile justice information policy group, in cooperation with the supreme court, the commissioner of corrections, and the superintendent of the bureau of criminal apprehension, shall develop a plan for obtaining and compiling the names of juvenile offenders and for tracking and reporting juvenile reoffense rates. This plan must examine the initial analysis and design work done by the supreme court under Laws 1994, chapter 576, section 67, subdivision 8, to determine a timetable for implementing the plan and whether additional technology will be necessary. By January 1, 1996, the criminal and juvenile justice information policy group shall report to the chairs of the senate crime prevention and house judiciary committees on the plan.

#### **Sec. 25. [EFFECTIVE DATE.]**

Sections 18 to 22 and 25 are effective the day following final enactment. The remaining sections are effective July 1, 1995.

### **ARTICLE 4**

#### **BUREAU OF CRIMINAL APPREHENSION**

##### **Section 1. [BUREAU OF CRIMINAL APPREHENSION ESTABLISHED AS EXECUTIVE AGENCY.]**

All powers, duties, and responsibilities formerly held by the commissioner of public safety with respect to the bureau of criminal apprehension are transferred to the superintendent of the bureau of criminal apprehension. The bureau is established as an agency of the executive branch of state government pursuant to section 13. All the responsibilities of the criminal justice information system unit are transferred to the bureau.

Possession of the department's minicomputer system and equipment is transferred to the bureau of criminal apprehension. Computer applications supporting functions not transferred to the bureau of criminal apprehension are transferred to the applicable receiving agencies. For programs not transferred to the bureau of criminal apprehension, the commissioner of public safety shall make the necessary arrangements for the effective management of the department's information systems. The commissioner of public safety may lease time and services on the minicomputer

system transferred to the bureau, and shall compensate the superintendent of the bureau for the leased time and services from funds appropriated to the commissioner for driver and vehicle services.

Sec. 2. Minnesota Statutes 1994, section 3.732, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the housing finance agency, the higher education coordinating board, the higher education facilities authority, the health technology advisory committee, the armory building commission, the zoological board, the iron range resources and rehabilitation board, the state agricultural society, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors, or employees of the state, members of the Minnesota national guard, members of a bomb disposal unit approved by the ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension and employed by a municipality defined in section 466.01 when engaged in the disposal or neutralization of bombs outside the jurisdiction of the municipality but within the state, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. It does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee of the state" includes a district public defender or assistant district public defender in the second or fourth judicial district and a member of the health technology advisory committee.

(3) "Scope of office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

(4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

Sec. 3. Minnesota Statutes 1994, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY RANGES.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 3.855:

Salary Range

\$57,500-\$78,500

Commissioner of finance;

Commissioner of education;

Commissioner of transportation;

Commissioner of human services;

Commissioner of revenue;

Commissioner of public safety;

Executive director, state board of investment;

\$50,000-\$67,500

Commissioner of administration;

Commissioner of agriculture;

Commissioner of commerce;  
Commissioner of corrections;  
Commissioner of economic security;  
Commissioner of employee relations;  
Commissioner of health;  
Commissioner of labor and industry;  
Commissioner of natural resources;  
Commissioner of trade and economic development;  
Chief administrative law judge; office of administrative  
hearings;  
Commissioner, pollution control agency;  
Director, office of waste management;  
Commissioner, housing finance agency;  
Executive director, public employees retirement  
association;  
Executive director, teacher's retirement association;  
Executive director, state retirement system;  
Superintendent, bureau of criminal apprehension

\$42,500-\$60,000

Commissioner of human rights;  
Commissioner, department of public service;  
Commissioner of veterans affairs;  
Commissioner, bureau of mediation services;  
Commissioner, public utilities commission;  
Member, transportation regulation board;  
Ombudsman for corrections;  
Ombudsman for mental health and retardation.

Sec. 4. Minnesota Statutes 1994, section 16B.14, is amended to read:

16B.14 [CERTAIN VEHICLES.]

Upon the written request of the ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension, motor vehicles for specific use by investigative and undercover agents of the ~~department of public safety~~ bureau of criminal apprehension must be purchased by the brand make and model. All other provisions of this chapter relating to competitive bidding apply to purchases covered by this section.

Sec. 5. Minnesota Statutes 1994, section 16B.46, is amended to read:

16B.46 [TELECOMMUNICATION; POWERS.]



The commissioner shall supervise and control all state telecommunication facilities including any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems. Nothing in this section modifies, amends, or abridges any powers and duties presently vested in or imposed upon the commissioner of transportation or the commissioner of public safety or the superintendent of the bureau of criminal apprehension relating to telecommunications facilities or the commissioner of transportation relating only to radio air navigation facilities or other air navigation facilities.

Sec. 6. Minnesota Statutes 1994, section 16B.54, subdivision 2, is amended to read:

Subd. 2. [VEHICLES.] (a) [ACQUISITION FROM AGENCY; APPROPRIATION.] The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck currently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(b) [PURCHASE.] To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) [TRANSFER AT AGENCY REQUEST.] On the request of an agency, the commissioner may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck must be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) [VEHICLES; MARKING.] The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide for the use of motor vehicles without marking by the governor, the lieutenant governor, the ~~division~~ bureau of criminal apprehension, division of liquor control, division of gambling enforcement, arson investigators of the division of fire marshal in the department of public safety, financial institutions division of the department of commerce, state lottery, criminal investigators of the department of revenue, state-owned community service facilities in the department of human services, the investigative staff of the department of economic security, and the office of the attorney general.

Sec. 7. Minnesota Statutes 1994, section 297C.09, is amended to read:

#### 297C.09 [IMPORTATION BY INDIVIDUALS.]

A person, other than a person under the age of 21 years, entering Minnesota from another state may have in possession one liter of intoxicating liquor or 288 ounces of malt liquor and a person entering Minnesota from a foreign country may have in possession four liters of intoxicating liquor or ten quarts (320 ounces) of malt liquor without the required payment of the Minnesota excise tax. A collector of commemorative bottles, other than a person under the age of 21 years, entering Minnesota from another state may have in possession 12 or fewer commemorative bottles without the required payment of the Minnesota excise tax. A person entering Minnesota from another state who imports or has in possession intoxicating liquor or malt liquor in excess of the quantities provided for in this section is guilty of a misdemeanor. A person entering Minnesota from a foreign country who imports or has in possession untaxed intoxicating liquor or malt liquor in excess of the quantities provided for in this section is guilty of a misdemeanor. This section does not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers when licensed by the ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension or to common carriers with licenses to sell intoxicating liquor in more than one state. A peace officer, the ~~commissioner~~ superintendent of the bureau of criminal apprehension, or their authorized agents, may seize untaxed liquor.

Sec. 8. Minnesota Statutes 1994, section 297C.10, subdivision 1, is amended to read:

Subdivision 1. [ENFORCEMENT RESPONSIBILITY.] The ~~commissioners~~ commissioner of ~~public safety and revenue~~ and the superintendent of the bureau of criminal apprehension shall enforce and administer the provisions of this chapter.

Sec. 9. Minnesota Statutes 1994, section 299A.02, is amended to read:

299A.02 ~~[COMMISSIONERS COMMISSIONER OF PUBLIC SAFETY AND REVENUE AND SUPERINTENDENT OF THE BUREAU OF CRIMINAL APPREHENSION; LIQUOR CONTROL FUNCTIONS.]~~

Subdivision 1. ~~[DIRECTOR OF DIVISION OF LIQUOR CONTROL CONFLICT OF INTEREST.]~~ No employee of the ~~department of public safety~~ bureau of criminal apprehension or the department of revenue having any responsibility for the administration or enforcement of ~~Laws 1985, chapter 305, articles 2 to 11~~ this section and chapters 297C and 340A shall have a direct or indirect interest, except through ownership or investment in pension or mutual funds, in the manufacture, transportation or sale of intoxicating liquor or any malt or vinous beverages, intoxicating, nonintoxicating, or commercial or industrial alcohol. The ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension or the commissioner of revenue may remove an employee in the unclassified civil service for any intentional violation of any provision in ~~Laws 1985, chapter 305, articles 2 to 11~~ this section and chapters 297C and 340A. Intentional violation of the preceding sections by a classified employee of one of the departments may be grounds for removal of that employee pursuant to section 43A.33.

Subd. 2. [GENERAL POWERS.] The ~~commissioner~~ superintendent of the bureau of criminal apprehension shall administer and enforce the provisions of ~~Laws 1985, chapter 305, articles 2 to 11~~ this section and chapters 297C and 340A except for those provisions thereof for which administration and enforcement are reserved to the commissioner of revenue.

Subd. 3. [REPORTS; RULES.] The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of ~~Laws 1985, chapter 305, articles 2 to 11~~ this section and chapters 297C and 340A. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of 2-1/2 percent by weight of sugar or dextrose or both.

Subd. 4. [SUBPOENAS.] In all matters relating to official duties, the commissioner shall have the powers possessed by courts of law to issue subpoenas and cause them to be served and enforced. All public officials, and their respective deputies and employees, and all individuals, partnerships, firms, corporations, incorporated and unincorporated associations, and others who manufacture, transport, or sell intoxicating liquor, or are connected therewith in any manner, shall at all times attend and answer under oath the commissioner's lawful inquiries, produce and exhibit such books, accounts, documents and property as the commissioner may desire to inspect, and in all things aid the commissioner in the performance of the commissioner's duties.

Sec. 10. Minnesota Statutes 1994, section 299A.31, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] A chemical abuse and violence prevention council consisting of 19 members is established. The commissioners of ~~public safety~~, education, health, corrections, and human services, the director of the office of strategic and long-range planning, ~~the superintendent of the bureau of criminal apprehension~~, and the attorney general 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 represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic

minority communities; and other community representatives. 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.

Sec. 11. Minnesota Statutes 1994, section 299A.331, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The advisory council on drug abuse resistance education consists of:

- (1) the attorney general who shall serve as chair;
- (2) the ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension;
- (3) the commissioner of education;
- (4) three representatives of law enforcement appointed by the ~~commissioner of public safety~~ governor;
- (5) three representatives of education appointed by the commissioner of education;
- (6) a representative of the DARE officers association appointed by the peace officer standards and training board from among recommendations of the association; and
- (7) seven citizens appointed by the attorney general.

Sec. 12. Minnesota Statutes 1994, section 299A.38, subdivision 1, is amended to read:

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).
- (b) "Superintendent" means the superintendent of the bureau of criminal apprehension.
- (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.

Sec. 13. Minnesota Statutes 1994, section 299C.01, is amended to read:

299C.01 [~~CRIMINAL~~ BUREAU OF CRIMINAL APPREHENSION.]

Subdivision 1. [POWERS TRANSFERRED TO COMMISSIONER SUPERINTENDENT.] All the powers and duties ~~now formally~~ vested in or imposed upon the commissioner of public safety before the effective date of this article, relating to the bureau of criminal apprehension or the superintendent of the bureau of criminal apprehension as prescribed by chapter 626, or any other law, are hereby transferred to, vested in, and imposed upon the ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension. The bureau of criminal apprehension and the office of the superintendent of the bureau of criminal apprehension as heretofore constituted as a division of the department of public safety are abolished and the bureau is created as an independent agency in the executive branch of state government.

Subd. 2. [DIVISION OF DEPARTMENT OF PUBLIC SAFETY.] ~~A division in the department of public safety to be known as~~ The bureau of criminal apprehension is hereby created, under the supervision and control of the superintendent of criminal apprehension, who shall be appointed by the ~~commissioner~~ governor, with the advice and consent of the senate, and serve at the commissioner's pleasure in the unclassified service of the state civil service, to whom a term coterminous with the term of the governor under whom appointed. The position of deputy superintendent, or similar position, is not authorized. Except when contrary to this subdivision, the provisions of section 15.06 apply to the position of superintendent of the bureau of criminal apprehension. The superintendent shall be assigned the duties and responsibilities described in this section chapter.

Subd. 4. [DUTIES GENERALLY.] The ~~division of the~~ bureau of criminal apprehension shall perform such functions and duties as relate to statewide and nationwide crime information systems as the ~~commissioner~~ superintendent may direct.

Sec. 14. Minnesota Statutes 1994, section 299C.03, is amended to read:

299C.03 [SUPERINTENDENT; RULES.]

The superintendent, ~~with the approval of the commissioner of public safety,~~ from time to time, shall make such rules and adopt such measures as the superintendent deems necessary, within the provisions and limitations of sections 299C.03 to 299C.08, 299C.10, 299C.11, 299C.17, 299C.18, and 299C.21, to secure the efficient operation of the bureau. The bureau shall cooperate with the respective sheriffs, constables, marshals, police, and other peace officers of the state in the detection of crime and the apprehension of criminals throughout the state, and shall have the power to conduct such investigations as the superintendent, ~~with the approval of the commissioner of public safety,~~ may deem necessary to secure evidence which may be essential to the apprehension and conviction of alleged violators of the criminal laws of the state. The various members of the bureau shall have and may exercise throughout the state the same powers of arrest possessed by a sheriff, but they shall not be employed to render police service in connection with strikes and other industrial disputes.

Sec. 15. Minnesota Statutes 1994, section 299C.13, is amended to read:

299C.13 [INFORMATION FURNISHED TO PEACE OFFICERS.]

Upon receipt of information data as to any arrested person, the bureau shall immediately ascertain whether the person arrested has a criminal record or is a fugitive from justice, and shall at once inform the arresting officer of the facts ascertained. Upon application by any sheriff, chief of police, or other peace officer in the state, or by an officer of the United States or by an officer of another state, territory, or government duly authorized to receive the same and effecting reciprocal interchange of similar information with the ~~division~~ bureau, it shall be the duty of the bureau to furnish all information in its possession pertaining to the identification of any person. If the bureau has a sealed record on the arrested person, it shall notify the requesting peace officer of that fact and of the right to seek a court order to open the record for purposes of law enforcement.

Sec. 16. Minnesota Statutes 1994, section 299C.50, is amended to read:

299C.50 [TRANSFER OF FUNCTIONS.]

The ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension shall perform all duties in respect to the state's criminal justice information system ~~which were transferred from the commissioner of finance and the governor's commission on crime prevention and control by executive order of the governor; provided, that a transfer shall not occur if the state is informed by a federal agency that the transfer will result in the loss of federal moneys to which the state would otherwise be entitled pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, Public Law Number 90-351, as amended by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law Number 93-415, and the Crime Control Act of 1976, Public Law Number 94-503.~~

Sec. 17. Minnesota Statutes 1994, section 299C.65, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP, DUTIES.] The criminal and juvenile information policy group consists of the chair of the sentencing guidelines commission, the commissioner of corrections, ~~the commissioner of public safety~~ the superintendent of the bureau of criminal apprehension, and the state court administrator.

The policy group shall study and make recommendations to the governor, the supreme court, and the legislature on:

(1) a framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information;

(2) the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;

(3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

(4) the development of an information system containing criminal justice information on gross misdemeanor-level and felony-level juvenile offenders that is part of the integrated criminal justice information system framework;

(5) the development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

(6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

(7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;

(8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;

(9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;

(10) the impact of integrated criminal justice information systems on individual privacy rights;

(11) the impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes;

(12) the collection of data on race and ethnicity in criminal justice information systems;

(13) the development of a tracking system for domestic abuse orders for protection;

(14) processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals; and

(15) the development of a database for extended jurisdiction juvenile records and whether the records should be public or private and how long they should be retained.

Sec. 18. Minnesota Statutes 1994, section 299C.65, subdivision 2, is amended to read:

Subd. 2. [REPORT, TASK FORCE.] The policy group shall file an annual report with the governor, supreme court, and legislature by December 1 of each even-numbered year.

The report must make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently. To assist them in developing their recommendations, the chair, the ~~commissioners~~ superintendent, and the administrator shall appoint a task force consisting of the members of the criminal and juvenile justice information policy group or their designees and the following additional members:

(1) the director of the office of strategic and long-range planning;

(2) two sheriffs recommended by the Minnesota sheriffs association;

(3) two police chiefs recommended by the Minnesota chiefs of police association;

(4) two county attorneys recommended by the Minnesota county attorneys association;

(5) two city attorneys recommended by the Minnesota league of cities;

(6) two public defenders appointed by the board of public defense;

(7) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;

(8) two community corrections administrators recommended by the Minnesota association of counties, one of whom represents a community corrections act county;

(9) two probation officers;

(10) two public members, one of whom has been a victim of crime;

(11) two court administrators;

(12) two members of the house of representatives appointed by the speaker of the house; and

(13) two members of the senate appointed by the majority leader.

Sec. 19. Minnesota Statutes 1994, section 352B.01, subdivision 2, is amended to read:

Subd. 2. [MEMBER.] "Member" means:

(a) persons referred to and employed after June 30, 1943, under Laws 1929, chapter 355, as amended or supplemented, currently employed by the state, whose salaries or compensation is paid out of state funds;

(b) a conservation officer employed under section 97A.201, currently employed by the state, whose salary or compensation is paid out of state funds;

(c) a crime bureau officer who was employed by the crime bureau and was a member of the highway patrolmen's retirement fund on July 1, 1978, whether or not that person has the power of arrest by warrant after that date, or who is employed as police personnel, with powers of arrest by warrant under section 299C.04, and who is currently employed by the state, and whose salary or compensation is paid out of state funds;

(d) a person who is employed by the state in the department of public safety or a successor state agency in a data processing management position with salary or compensation paid from state funds, who was a crime bureau officer covered by the state patrol retirement plan on August 15, 1987, and who was initially hired in the data processing management position within the department during September 1987, or January 1988, with membership continuing for the duration of the person's employment in that position, whether or not the person has the power of arrest by warrant after August 15, 1987; and

(e) ~~public safety~~ employees of the bureau of criminal apprehension defined as peace officers in section 626.84, subdivision 1, paragraph (c), and employed with the division of gambling enforcement under section 299L.01.

Sec. 20. Minnesota Statutes 1994, section 360.0753, subdivision 6, is amended to read:

Subd. 6. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist, or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine sample. The person tested has the right to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant, or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test shall be fully trained in the administration of breath tests pursuant to training given by

the commissioner of ~~public safety or the commissioner of~~ transportation or the superintendent of the bureau of criminal apprehension.

Sec. 21. Minnesota Statutes 1994, section 611A.20, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF NOTICE.] The ~~commissioners of public safety and~~ commissioner of corrections, in consultation with sexual assault victim advocates and health care professionals, shall develop the notice required by subdivision 1. The notice must inform the victim of:

- (1) the risk of contracting sexually transmitted diseases as a result of a sexual assault;
- (2) the symptoms of sexually transmitted diseases;
- (3) recommendations for periodic testing for the diseases, where appropriate;
- (4) locations where confidential testing is done and the extent of the confidentiality provided;
- (5) information necessary to make an informed decision whether to request a test of the offender under section 611A.19; and
- (6) other medically relevant information.

Sec. 22. Minnesota Statutes 1994, section 624.7151, is amended to read:

624.7151 [STANDARDIZED FORMS.]

~~By December 1, 1992, the commissioner of public safety~~ The superintendent of the bureau of criminal apprehension shall adopt statewide standards governing the form and contents, as required by sections 624.7131 to 624.714, of every application for a pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is granted or renewed on or after January 1, 1993. The adoption of these standards is not subject to the rulemaking provisions of chapter 14.

Every application for a pistol transferee permit, pistol transferee permit, report of transfer of a pistol, application for a permit to carry a pistol, and permit to carry a pistol that is received, granted, or renewed by a police chief or county sheriff on or after January 1, 1993, must meet the statewide standards adopted by the ~~commissioner of public safety~~ superintendent. Notwithstanding the previous sentence, neither failure of the department of public safety to adopt standards nor failure of the police chief or county sheriff to meet them shall delay the timely processing of applications nor invalidate permits issued on other forms meeting the requirements of sections 624.7131 to 624.714.

Sec. 23. Minnesota Statutes 1994, section 626.5531, subdivision 2, is amended to read:

Subd. 2. [USE OF INFORMATION COLLECTED.] The head of a local law enforcement agency or state law enforcement department that employs peace officers licensed under section 626.843 must file a monthly report describing crimes reported under this section with the ~~department of public safety, bureau of criminal apprehension.~~ The ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension must summarize and analyze the information received and file an annual report with the department of human rights and the legislature. The ~~commissioner~~ superintendent may include information in the annual report concerning any additional criminal activity motivated by bias that is not covered by this section.

Sec. 24. Minnesota Statutes 1994, section 626.562, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF TELEPHONE LINE.] The commissioner of ~~public safety~~ human services shall contract for at least one statewide toll-free 24-hour telephone line for the purpose of providing consultative and training services for physicians, therapists, child protection workers, and other professionals involved in child protection. Services provided must include emergency and longer term consultation on individual child protection cases.

Sec. 25. Minnesota Statutes 1994, section 634.16, is amended to read:

634.16 [ADMISSION INTO EVIDENCE OF RESULTS OF INFRARED BREATH-TESTS.]

In any civil or criminal hearing or trial, the results of an infrared breath-test, when performed by a person who has been fully trained in the use of an infrared breath-testing instrument, as defined in section 169.01, subdivision 68, pursuant to training given or approved by the ~~commissioner of public safety~~ superintendent of the bureau of criminal apprehension or the ~~commissioner's~~ superintendent's acting agent, are admissible in evidence without antecedent expert testimony that an infrared breath-testing instrument provides a trustworthy and reliable measure of the alcohol in the breath.

#### Sec. 26. [WORKER PARTICIPATION.]

Subdivision 1. [RESTRUCTURING PROVISIONS.] The restructuring of agencies required by sections 1 to 26 shall be conducted under Minnesota Statutes, section 43A.045.

Subd. 2. [WORKER PARTICIPATION COMMITTEES.] (a) Before the restructuring of executive branch agencies under sections 1 to 26, a committee including representatives of employees and employers within each affected agency must be established and be given adequate time to perform the functions prescribed by paragraph (b). Each exclusive representative of employees shall select a committee member from each of its bargaining units in each affected agency. The head of each agency shall select an employee member from each unit of employees not represented by an exclusive representative. The agency head shall also appoint one or more committee members to represent the agency. The number of members appointed by the agency head, however, may not exceed the total number of members representing bargaining units.

(b) A committee established under paragraph (a) shall:

- (1) identify tasks related to agency reorganization and adopt plans for addressing those tasks;
- (2) identify other employer and employee issues related to reorganization and adopt plans for addressing those issues;
- (3) adopt plans for implementing this article, including detailed plans for providing retraining for affected employees; and
- (4) guide the implementation of the reorganization.

#### Sec. 27. [INSTRUCTION TO REVISOR.]

(a) In Minnesota Statutes 1995 Supplement, the revisor of statutes shall change the terms "commissioner of public safety" (or "commissioner" when referring to the commissioner of public safety), "department of public safety" (or "department" when referring to the department of public safety), or similar terms to "superintendent of the bureau of criminal apprehension" (or "superintendent" when referring to the superintendent of the bureau of criminal apprehension), "bureau of criminal apprehension" (or "bureau" when referring to the bureau of criminal apprehension), or similar terms, as appropriate and consistent with sections 1 to 26, where they appear in Minnesota Statutes 1994, sections 123.75; 123.751; 169.123, subdivision 3; 176.192; 243.166; 270.062; 299A.38; 299C.065; 299C.17; 299C.23; 299C.46; 299C.48; 299C.49; 299C.52; 299C.53; 299C.54; 299C.55; 477A.0121; 611A.0311; 611A.07; 624.7131; 624.714; 624.7161; 626.553; 626.5532; and 634.15.

(b) The revisor of statutes shall make similar conforming corrections to Minnesota Rules.

#### Sec. 28. [EFFECTIVE DATE.]

Sections 1 to 26 are effective July 1, 1995."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for state courts, public safety, public defense, corrections, and related purposes; providing for the transfer of certain money in the state treasury; providing penalties; amending Minnesota Statutes 1994, sections 2.722, subdivision 1, and by adding a subdivision; 3.732, subdivision 1; 15A.081, subdivision 1; 16A.285; 16B.14; 16B.46; 16B.54, subdivision 2; 176.192; 242.31, subdivision 1; 243.23, subdivision 3; 243.51, subdivisions 1 and 3; 243.88, by adding a



subdivision; 260.115, subdivision 1; 260.125; 260.126, subdivision 5; 260.131, subdivision 4; 260.181, subdivision 4; 260.185, subdivision 6, and by adding subdivisions; 260.193, subdivision 4; 260.215, subdivision 1; 260.291, subdivision 1; 297C.09; 297C.10, subdivision 1; 299A.02; 299A.31, subdivision 1; 299A.331, subdivision 1; 299A.38, subdivisions 1 and 2; 299A.44; 299A.51, subdivision 2; 299C.01; 299C.03; 299C.065, subdivision 1a; 299C.10, by adding a subdivision; 299C.13; 299C.50; 299C.62, subdivision 4; 299C.65, subdivisions 1 and 2; 352B.01, subdivision 2; 357.021, subdivision 2; 360.0753, subdivision 6; 481.01; 609.055, subdivision 2; 609.101, subdivisions 1, 2, and 3; 609.135, by adding a subdivision; 609.748, subdivision 3a; 611.17; 611.20, by adding subdivisions; 611.35, subdivision 1; 611A.19, subdivision 1; 611A.20, subdivision 2; 624.7151; 626.5531, subdivision 2; 626.562, subdivision 1; 626.841; 626.861, subdivisions 1 and 4; 634.16; 641.14; Laws 1993, chapter 255, sections 1, subdivisions 1 and 4; and 2; proposing coding for new law in Minnesota Statutes, chapters 120; 242; 260; 299A; 299C; 611A; 626."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

### **MEMBERS EXCUSED**

Mr. Novak was excused from the Session of today at 9:30 a.m. Messrs. Bertram, Murphy and Neuville were excused from the Session of today from 8:00 to 8:30 a.m. Ms. Pappas was excused from the Session of today from 8:30 to 8:50 a.m. Ms. Ranum was excused from the Session of today from 8:40 to 8:45 a.m. Ms. Berglin was excused from the Session of today from 8:00 to 8:50 a.m. Mr. Riveness was excused from the Session of today from 8:00 to 8:45 a.m. Messrs. Stumpf and Larson were excused from the Session of today at 9:50 a.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Thursday, April 20, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

