

Lake County, with the approval of the governing bodies of the taxing districts in which the taconite tailings basin is located, may enter into an agreement in writing with the owner of the lands comprising the basin. The agreement shall establish, for a period of years not exceeding the estimated useful life of the basin, a value (the "annual taxable value") to be used on each assessment date in lieu of the market value prescribed by section 273.11, subdivision 1, during the term of the agreement for the total average annual acreage of land within the boundaries of the basin which the auditor estimates will not be used or occupied in connection with the owner's taconite operations (the "annual taxable acreage"). The auditor's estimate of the annual taxable acreage shall not include the estimated total average annual acreage of that portion of the total acreage of the basin, which during the term of the agreement, will be used or occupied in connection with the owner's taconite operations and which will be subject to the tax under Minnesota Statutes, Section 298.24.

Subd. 2. LEVY OF TAX. The auditor shall list by legal description the lands which comprise the tailings basin. For the purposes of this act, the annual taxable acreage shall be deemed a single parcel to which the annual taxable value agreed upon in accordance with subdivision 1 shall be assigned. General property taxes shall be levied on the annual taxable acreage based upon an assessed value determined by applying the appropriate class rate prescribed in Minnesota Statutes, Section 273.13 to the annual taxable value.

Sec. 2. REPEALER.

This act is repealed for taxes levied in 2020 and thereafter and payable in 2021 and thereafter.

Sec. 3. APPROVAL; EFFECTIVE DATE.

This act is effective for taxes payable in 1981 and thereafter, the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing bodies of Lake County, Independent School District No. 381, and the town of Beaver Bay.

Approved May 18, 1981

CHAPTER 227 — H.F.No. 2

An act relating to crimes; establishing mandatory minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; increasing the penalty for intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; 609.135, Subdivision 1; 609.185; 609.19; 609.195; 609.20; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1980, Section 609.11, Subdivision 1, is amended to read:

Subdivision 1. **COMMITMENTS WITHOUT MINIMUMS.** All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when the sentence is to life imprisonment as required by law and except as otherwise provided in this chapter. Any commitment following the defendant's first conviction of an offense wherein the defendant or an accomplice had in possession a firearm or used a dangerous weapon at the time of the offense shall be for a term of not less than one year plus one day, nor more than the maximum sentence provided by law for the offense for which convicted. Any commitment following defendant's second or subsequent conviction of an offense wherein the defendant or an accomplice had in possession a firearm or used a dangerous weapon at the time of the offense shall be for a term not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted. Any person convicted and sentenced as required by this section shall not be eligible for probation or parole until that person shall have served the full minimum sentence herein provided, notwithstanding the provisions of sections 242.19, 243.05, 609.12, 609.135, and any other law to the contrary. The offenses for which mandatory minimum sentences shall be served before eligibility for probation or parole as herein provided are: aggravated assault, burglary, kidnapping, manslaughter, murder in the second or third degree, robbery, criminal sexual conduct in the first, second or third degree, escape while under charge or conviction of a felony, or discharge of an explosive or incendiary device, or any attempt to commit any of these offenses.

Sec. 2. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:

Subd. 4. **DANGEROUS WEAPON.** Any defendant convicted of an offense listed in subdivision 9 in which the defendant or an accomplice, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a dangerous weapon other than a firearm, or had in possession a firearm, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than one year plus one day, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of the offense, used a dangerous weapon other than a firearm, or had in possession a firearm, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than three years nor more than the maximum sentence provided by law.

Sec. 3. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:

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Subd. 5. FIREARM. Any defendant convicted of an offense listed in subdivision 9 in which the defendant or an accomplice, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm, shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than three years, nor more than the maximum sentence provided by law. Any defendant convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of the offense, used a firearm shall be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than five years, nor more than the maximum sentence provided by law.

Sec. 4. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:

Subd. 6. NO EARLY RELEASE. Any defendant convicted and sentenced as required by this section shall not be eligible for probation, parole, discharge, or supervised release until that person shall have served the full mandatory minimum term of imprisonment as provided by law, notwithstanding the provisions of sections 242.19, 243.05, 244.04, 609.12 and 609.135.

Sec. 5. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:

Subd. 7. PROSECUTOR SHALL ESTABLISH. Whenever reasonable grounds exist to believe that the defendant or an accomplice used a firearm or other dangerous weapon or had in possession a firearm, at the time of commission of an offense listed in subdivision 9, the prosecutor shall, at the time of trial or at the plea of guilty, present all evidence tending to establish that fact unless it is otherwise admitted on the record. The question of whether the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm shall be determined by the court at the time of a verdict or finding of guilt at trial or the entry of a plea of guilty based upon the record of the trial or the plea of guilty. The court shall determine at the time of sentencing whether the defendant has been convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm.

Sec. 6. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:

Subd. 8. MOTION BY PROSECUTOR. Prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum terms of imprisonment established by this section. The motion shall be accompanied by a statement on the record of the

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reasons for it. When presented with the motion and if it finds substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum terms of imprisonment established by this section.

Sec. 7. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:

Subd. 9. APPLICABLE OFFENSES. The crimes for which mandatory minimum sentences shall be served before eligibility for probation, parole, or supervised release as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct in the first, second, or third degree; escape from custody; arson in the first, second, or third degree; or any attempt to commit any of these offenses.

Sec. 8. Minnesota Statutes 1980, Section 609.135, Subdivision 1, is amended to read:

Subdivision 1. Except when a sentence of life imprisonment is required by law, or when a ~~person is convicted of one of the crimes specified under mandatory minimum term of imprisonment is required by section 609.11, subdivision 1, and had in his possession a firearm or used another dangerous weapon~~, any court, including a justice of the peace to the extent otherwise authorized by law, may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on ~~such~~ the terms as the court may ~~prescribe~~ prescribes, including restitution when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

Sec. 9. Minnesota Statutes 1980, Section 609.185, is amended to read:
609.185 **MURDER IN THE FIRST DEGREE.**

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

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

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

(3) Causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody; or

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

Sec. 10. Minnesota Statutes 1980, Section 609.19, is amended to read:

609.19 MURDER IN THE SECOND DEGREE.

Whoever does either of the following is guilty of murder in the second degree and may be sentenced to imprisonment for not more than 40 years:

(1) Causes the death of a human being with intent to effect the death of such that person or another, but without premeditation; is guilty of murder in the second degree and may be sentenced to imprisonment for not more than 40 years, or

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

Sec. 11. Minnesota Statutes 1980, Section 609.195, is amended to read:

609.195 MURDER IN THE THIRD DEGREE.

Whoever, without intent to effect the death of any person, causes the death of another by ~~either of the following means~~ perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human life, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years:

~~(1) Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or~~

~~(2) Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except criminal sexual conduct in the first or second degree with force or violence within the meaning of section 609.185.~~

Sec. 12. Minnesota Statutes 1980, Section 609.20, is amended to read:

609.20 MANSLAUGHTER IN THE FIRST DEGREE.

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both:

(1) Intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances; or

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(2) Causes the death of another in committing or attempting to commit a ~~crime~~ misdemeanor or gross misdemeanor offense with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby; or

(3) Intentionally causes the death of another person because the actor is coerced by threats made by someone other than his co-conspirator and which cause him reasonably to believe that his act is the only means of preventing imminent death to himself or another.

Sec. 13. **REPEALER.**

Minnesota Statutes 1980, Section 609.11, Subdivision 3, is repealed.

Sec. 14. **EFFECTIVE DATE.**

Sections 1 to 13 are effective on the day following final enactment and shall apply to all offenses committed on or after that date.

Approved May 19, 1981

CHAPTER 228 — H.F.No. 284

An act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

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

Section 1. Minnesota Statutes 1980, Section 144.343, is amended to read:

144.343 PREGNANCY, VENEREAL DISEASE AND ALCOHOL OR DRUG ABUSE.

Subdivision 1. MINOR'S CONSENT VALID. Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required.

Subd. 2. NOTIFICATION CONCERNING ABORTION. Notwithstanding the provisions of Minnesota Statutes, Section 15.162, Subdivision 4, no abortion operation shall be performed upon an unemancipated minor or upon a woman for whom a guardian or conservator has been appointed pursuant to sections 525.54 to 525.551 because of a finding of incompetency, until at least 48 hours after written notice of the pending operation has been delivered in the manner specified in subdivisions 2 to 4.

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