

(4) providing a framework for coordination of and state participation in a cancer and birth defects surveillance system.

For purposes of this section, "birth defects" means congenital malformations or anomalies identified at birth.

Sec. 2. REPORT BY COMMISSIONER.

The commissioner shall prepare an interim report to the legislature on or before January 1, 1982 defining the timetable and cost of designing and pilot testing the surveillance system. A final report and recommendations to the legislature shall be made on or before January 1, 1984, contingent on the performance of a pilot project as specified in section 1. The final report shall address, but not be limited to, the issues of cost and effectiveness of a full scale surveillance system, the methods needed to achieve the cooperation of the provider community and existing registries, the protection of confidential information, how the system will facilitate research efforts for special populations identified to be at risk, how prevention efforts can be targeted to these special populations, the results of the pilot project and recommendations for or against implementation of a full scale surveillance program. The commissioner shall consult with representatives of the provider community, the existing registries, public health professionals, labor representatives, environmental protection groups, veterans groups and other interested consumers before preparing the report.

Approved June 1, 1981

CHAPTER 341 — H.F.No. 968

An act relating to penalties for traffic offenses; authorizing penalty assessments for peace officers training; appropriating money; amending Minnesota Statutes 1980, Sections 171.16, Subdivision 3; 588.01, Subdivision 3; 626.845, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 626.

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

Section 1. [626.86] PEACE OFFICERS TRAINING.

Money appropriated for peace officers training shall be expended as follows:

(a) Ten percent shall be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the board's skills licensing examination.

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(b) To 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 shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626.

Sec. 2. [626.861] LEVY AND COLLECTION OF PENALTY ASSESSMENTS.

Subdivision 1. LEVY OF ASSESSMENT. There is levied a penalty assessment of ten 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 but not more than \$50 when the conviction is for a 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.

Subd. 2. PAYMENT GUIDELINES. The sentencing court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, authorize payment of the penalty assessment in installments. If the convicted person is sentenced and committed to imprisonment, the chief executive officer of the institution in which the person is confined may collect the assessment from any earnings the inmate shall accrue for work performed in the institution or while on conditional release therefrom under the provisions of sections 241.26 or 631.425 and forward same to the clerk of the court in which he was sentenced, for transmittal to the state treasurer in the manner provided in subdivision 3.

The court may decline to impose a penalty assessment or may forgive payment of a penalty assessment previously imposed, in cases where undue hardship cannot otherwise be avoided.

Subd. 3. COLLECTION BY COURT. After a determination by the court of the amount of the fine or penalty assessment due, the clerk of court shall collect the appropriate penalty assessment and transmit it to the county

treasurer separately with designation of its origin as a penalty assessment, but with the same frequency as fines are transmitted. Amounts collected under this subdivision shall then be transmitted to the state treasurer for deposit in the general fund for peace officers training, in the same manner as fines collected for the state by a county. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

Sec. 3. Minnesota Statutes 1980, Section 171.16, Subdivision 3, is amended to read:

Subd. 3. **SUSPENSION FOR FAILURE TO PAY FINE.** When any court reports to the commissioner that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine ~~only~~ or had a penalty assessment levied against him or her, or sentenced to a fine upon which a penalty assessment was levied, and (3) has refused or failed to comply with that sentence or to pay the penalty assessment, notwithstanding the fact that the court has determined that the person has the ability to pay the fine or penalty assessment, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or penalty assessment, or both if a fine and penalty assessment were not paid, has been paid.

Sec. 4. Minnesota Statutes 1980, Section 626.845, Subdivision 1, is amended to read:

Subdivision 1. The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.855;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

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(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.855;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs; and

(k) To prepare and transmit annually to the governor and the legislature a report of its activities with respect to allocation of moneys appropriated to it for peace officers training, including the name and address of each recipient of money for that purpose, the amount awarded, and the purpose of the award.

Sec. 5. Minnesota Statutes 1980, Section 588.01, Subdivision 3, is amended to read:

Subd. 3. **CONSTRUCTIVE.** Constructive contempts are those not committed in the immediate presence of the court, and of which it has no personal knowledge, and may arise from any of the following acts or omissions:

(1) Misbehavior in office, or other wilful neglect or violation of duty, by an attorney, clerk, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service;

(2) Deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding;

(3) Disobedience of any lawful judgment, order, or process of the court;

(4) Assuming to be an attorney or other officer of the court, and acting as such without authority;

(5) Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;

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(6) Unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried;

(7) Any other unlawful interference with the process or proceedings of a court;

(8) Disobedience of a subpoena duly served, or refusing to be sworn or to answer as a witness;

(9) When summoned as a juror in a court, neglecting to attend or serve as such, improperly conversing with a party to an action to be tried at such court or with any person relative to the merits of such action, or receiving a communication from a party or other person in reference thereto, and failing to immediately disclose the same to the court;

(10) Disobedience, by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, proceeding in an action or special proceeding in any court contrary to law after the same has been removed from its jurisdiction, or disobedience of any lawful order or process of a judicial officer;

(11) Failure or refusal to pay a penalty assessment levied pursuant to section 2.

Sec. 6. APPROPRIATION.

The sum of \$1,000,000 is appropriated from the general fund to the board of peace officers standards and training to be expended pursuant to section 1, to be available for the fiscal year ending June 30, 1983.

Sec. 7. EFFECTIVE DATE.

This act is effective January 1, 1982. Section 2 applies to all violations of Minnesota Statutes, Chapters 168 to 173, or equivalent local traffic ordinances except parking violations committed on or after that date.

Approved June 1, 1981

CHAPTER 342 — H.F.No. 1125

An act relating to economic development; providing for changes in the small business finance agency law to better provide assistance for small business; making technical changes; establishing a uniform business licensing policy; defining its scope; and detailing its application and effect; prescribing the powers and duties of the bureau of business licenses regarding the consolidation, simplification and expedition of business license procedures of state agencies; appropriating money; amending Minnesota Statutes 1980, Sections 3.965, by adding a subdivision; 362.50, Subdivisions 4, 5, 9 and 10; 362.52, Subdivisions 2 and 4; 362.53, Subdivisions 11, 12, 15 and 17; proposing new law coded in Minnesota Statutes, Chapter 362; repealing Minnesota Statutes 1980, Sections 362.45; and 362.50, Subdivisions 6 and 7.

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