

be performed on individuals who have resided in Minnesota less than ten years; amending Minnesota Statutes 2000, section 299C.68, subdivisions 2, 3.

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

Section 1. Minnesota Statutes 2000, section 299C.68, subdivision 2, is amended to read:

Subd. 2. **PROCEDURES.** The superintendent shall develop procedures to enable an owner to request a background check to determine whether a manager is the subject of a reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. The superintendent shall notify the owner in writing of the results of the background check. If the manager has resided in Minnesota for less than five ten years or upon request of the owner, the superintendent shall also either: (1) conduct a search of the national criminal records repository, including the criminal justice data communications network; or (2) conduct a search of the criminal justice data communications network records in the state or states where the manager has resided for the preceding five ten years. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost of a background check through a fee charged to the owner.

Sec. 2. Minnesota Statutes 2000, section 299C.68, subdivision 3, is amended to read:

Subd. 3. **FORM.** (a) The superintendent shall develop a standardized form to be used for requesting a background check, which must include:

(1) a notification to the manager that the owner will request the superintendent to perform a background check under this section;

(2) a notification to the manager of the manager's rights under subdivision 4; and

(3) a signed consent by the manager to conduct the background check.

(b) If the manager has resided in Minnesota for less than five ten years, or if the owner is requesting a search of the national criminal records repository, the form must be accompanied by the fingerprints of the manager on whom the background check is to be performed.

Presented to the governor June 30, 2001

Signed by the governor June 30, 2001, 8:45 p.m.

CHAPTER 8—S.F.No. 7

An act relating to appropriations; appropriating money for the department of transportation

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

and other government agencies with certain conditions; establishing, funding, or regulating certain transportation, public safety, and criminal justice prevention policies, programs, duties, activities, or practices; modifying provisions relating to transportation, public safety, criminal justice, the judiciary, law enforcement, corrections, crime victims, controlled substances, criMNet, racial profiling, predatory offender registration, domestic violence, driving while impaired, streets and highways, design-build construction, motor vehicles, traffic regulations, local governments, and state and regional agencies and authorities; requiring studies and reports; making technical, conforming, and clarifying changes; imposing penalties; setting fines, surcharges, and fees; amending Minnesota Statutes 2000, sections 2.722, subdivision 1; 2.724, subdivision 3; 13.87, by adding a subdivision; 16A.641, subdivision 8; 16B.54, subdivision 2; 16C.05, subdivision 2; 16C.06, subdivisions 1, 2; 117.51; 152.02, subdivision 2; 152.022, subdivision 1; 152.023, subdivision 2; 161.082, subdivision 2a; 161.14, by adding a subdivision; 161.23, subdivision 3; 161.32, subdivisions 1, 1a, 1b, 1e; 162.06, subdivision 3; 162.12, subdivision 3; 167.51, subdivision 2; 168.011, subdivision 7; 168.012, subdivision 1; 168.013, subdivision 1d; 168.09, subdivision 7; 168.12, subdivision 1; 168.1291, subdivision 1; 168.27, subdivisions 12a, 20; 168.33, subdivision 7; 168.381; 169.09, subdivisions 8, 9, 10; 169.18, subdivision 1, by adding a subdivision; 169.67, subdivision 3; 169.79; 169A.03, subdivision 12; 169A.07; 169A.20, subdivision 3; 169A.25; 169A.26; 169A.27; 169A.275; 169A.277, subdivision 2; 169A.28, subdivision 2; 169A.283, subdivision 1; 169A.35, subdivision 1, by adding a subdivision; 169A.37, subdivision 1; 169A.40, subdivision 3; 169A.41, subdivision 2; 169A.51, subdivision 7; 169A.54, subdivision 6; 169A.60, subdivisions 1, 13, 14; 169A.63, subdivisions 1, 10; 171.07, subdivision 1; 171.09; 171.183, subdivision 1; 171.29, subdivision 2; 171.39; 174.24, subdivision 3b; 174.35; 174.55, subdivisions 4, 5; 174.70, subdivisions 2, 3; 174.88, subdivision 2; 222.63, subdivision 4; 237.04; 243.166, subdivisions 1, 3, 4a, 6; 243.167, subdivision 1; 296A.18, subdivision 3; 297A.70, subdivision 2, as amended; 297B.09, subdivision 1; 299A.01, subdivision 1b; 299A.41, subdivision 4; 299A.64, subdivision 1; 299A.75, subdivision 1, by adding subdivisions; 299C.10, subdivision 1; 299C.11; 299C.147, subdivision 2; 299C.65, subdivisions 1, 2; 299F.058, subdivision 2; 343.20, by adding subdivisions; 343.21, subdivisions 9, 10, by adding a subdivision; 343.235, subdivisions 1, 3; 347.50, subdivision 1, by adding a subdivision; 347.51, subdivisions 2, 9, by adding a subdivision; 347.52; 347.55; 357.021, subdivisions 6, 7; 446A.085; 466.03, by adding a subdivision; 473.13, by adding a subdivision; 473.146, subdivision 4; 473.399, by adding a subdivision; 473.859, subdivision 2; 480.182; 518B.01, subdivisions 2, 3, 6, 14, 18; 609.02, by adding a subdivision; 609.035, subdivision 2; 609.117; 609.224, subdivisions 2, 4; 609.2242, subdivisions 2, 4; 609.2244, subdivision 2; 609.487, subdivision 4; 609.495, subdivisions 1, 3; 609.521; 609.748, subdivisions 6, 8; 609.749, subdivisions 4, 5; 611.272; 611A.201, subdivision 2; 611A.25, subdivision 3; 611A.361, subdivision 3; 611A.74, subdivision 1; 617.247, subdivision 3, as amended; 626.52, by adding a subdivision; 629.471, subdivision 2; 629.72; Laws 1996, chapter 408, article 2, section 16; Laws 1997, chapter 159, article 2, section 4; Laws 1999, chapter 238, article 1, section 2, subdivision 7; Laws 2000, chapter 479, article 1, section 3, subdivision 3; Laws 2000, chapter 490, article 7, section 3; Laws 2001, chapter 161, section 58; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 168A; 169A; 174; 219; 299A; 299C; 347; 473; 518B; 609; 626; repealing Minnesota Statutes 2000, sections 174.22, subdivision 9; 243.166, subdivision 10; 347.51, subdivision 6; 609.2244, subdivision 4; 626.55, subdivision 2.

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

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

ARTICLE 1

**TRANSPORTATION AND OTHER AGENCIES
APPROPRIATIONS**

Section 1. TRANSPORTATION AND OTHER AGENCIES APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "2001," "2002," and "2003," where used in this article, mean that the appropriations listed under them are available for the year ending June 30, 2002, or June 30, 2003, respectively. If the figures are not used, the appropriations are available for the year ending June 30, 2002, or June 30, 2003, respectively. The term "first year" means the year ending June 30, 2002, and the term "second year" means the year ending June 30, 2003.

SUMMARY BY FUND

| | 2001 | 2002 | 2003 | TOTAL |
|-----------------|---------------------|------------------------|------------------------|------------------------|
| General | \$13,725,000 | \$ 98,398,000 | \$ 98,680,000 | \$210,803,000 |
| Airports | | 20,807,000 | 20,548,000 | 41,355,000 |
| C.S.A.H. | | 405,330,000 | 418,113,000 | 823,443,000 |
| Highway User | 875,000 | 11,753,000 | 11,386,000 | 24,014,000 |
| M.S.A.S. | | 106,469,000 | 109,827,000 | 216,296,000 |
| Special Revenue | | 979,000 | 994,000 | 1,973,000 |
| Trunk Highway | 445,000 | 1,130,974,000 | 1,140,591,000 | 2,272,010,000 |
| TOTAL | \$15,045,000 | \$1,774,710,000 | \$1,800,139,000 | \$3,589,894,000 |

APPROPRIATIONS
Available for the Year
Ending June 30

| | 2001 | 2002 | 2003 |
|--|------|------|------|
|--|------|------|------|

Sec. 2. TRANSPORTATION

| | | | |
|------------------------------------|--------------|-----------------|-----------------|
| Subdivision 1. Total Appropriation | \$ 2,000,000 | \$1,592,195,000 | \$1,614,393,000 |
|------------------------------------|--------------|-----------------|-----------------|

The appropriations in this section are from the trunk highway fund, except when another fund is named.

Summary by Fund

| | 2001 | 2002 | 2003 |
|---------------|---------------|-------------|---------------|
| General | 2,000,000 | 18,507,000 | 18,533,000 |
| Airports | | 20,757,000 | 20,498,000 |
| C.S.A.H. | | 405,330,000 | 418,113,000 |
| M.S.A.S. | | 106,469,000 | 109,827,000 |
| Trunk Highway | 1,041,132,000 | | 1,047,422,000 |

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

| | | |
|----------------------|------------|------------|
| Subd. 2. Aeronautics | 20,748,000 | 20,489,000 |
|----------------------|------------|------------|

Summary by Fund

| | | |
|---------------|------------|------------|
| Airports | 20,687,000 | 20,428,000 |
| General | 50,000 | 50,000 |
| Trunk Highway | 11,000 | 11,000 |

Except as otherwise provided, the appropriations in this subdivision are from the state airports fund.

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Airport Development and Assistance

14,298,000 14,298,000

These appropriations must be spent according to Minnesota Statutes, section 360.305, subdivision 4.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(b) Aviation Support

6,315,000 6,053,000

\$65,000 the first year and \$65,000 the second year are for the civil air patrol.

\$600,000 each year is for GPS navigation systems. Of this amount, \$250,000 each year adds to the agency's budget base.

\$400,000 the first year and \$50,000 the second year are for the development of on-line aircraft registration capabilities.

(c) Air Transportation Services

135,000 138,000

Summary by Fund

| | | |
|---------------|--------|--------|
| Airports | 74,000 | 77,000 |
| General | 50,000 | 50,000 |
| Trunk Highway | 11,000 | 11,000 |

The commissioner shall take all feasible actions to seek a waiver from the appropri-

ate federal authorities that would allow the commissioner to sell the airplane described in Laws 1997, chapter 159, article 1, section 2, subdivision 2, clause (c). Any proceeds from the sale of the airplane must be deposited in the general fund.

| | | | |
|------------------|--|------------|------------|
| Subd. 3. Transit | | 18,339,000 | 18,360,000 |
|------------------|--|------------|------------|

Summary by Fund

| | | | |
|---------|------------|------------|--|
| General | 17,999,000 | 18,012,000 | |
|---------|------------|------------|--|

| | | | |
|---------------|---------|---------|--|
| Trunk Highway | 340,000 | 348,000 | |
|---------------|---------|---------|--|

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Greater Minnesota Transit Assistance

| | | | |
|------------|------------|--|--|
| 17,501,000 | 17,501,000 | | |
|------------|------------|--|--|

This appropriation is from the general fund. Any unencumbered balance the first year does not cancel but is available for the second year.

(b) Transit Administration

| | | | |
|---------|---------|--|--|
| 838,000 | 859,000 | | |
|---------|---------|--|--|

Summary by Fund

| | | | |
|---------|---------|---------|--|
| General | 498,000 | 511,000 | |
|---------|---------|---------|--|

| | | | |
|---------------|---------|---------|--|
| Trunk Highway | 340,000 | 348,000 | |
|---------------|---------|---------|--|

| | | | |
|----------------------------------|-----------|-----------|-----------|
| Subd. 4. Railroads and Waterways | 2,000,000 | 1,758,000 | 1,804,000 |
|----------------------------------|-----------|-----------|-----------|

Summary by Fund

| | | | |
|---------------|-----------|-----------|-----------|
| General | 2,000,000 | 273,000 | 280,000 |
| Trunk Highway | | 1,485,000 | 1,524,000 |

\$1,000,000 is appropriated in fiscal year 2001 for the purposes defined under the rail service improvement program under Minnesota Statutes, sections 222.46 to 222.63. This appropriation is available until spent.

\$1,000,000 is appropriated in fiscal year 2001 for port development assistance grants under Minnesota Statutes, chapter 457A. Any improvement made with the proceeds of these grants must be owned by a public body. This appropriation is available until spent.

| | | | |
|-----------------------------------|--|-----------|-----------|
| Subd. 5. Motor Carrier Regulation | | 4,024,000 | 4,123,000 |
|-----------------------------------|--|-----------|-----------|

Summary by Fund

| | | |
|---------------|-----------|-----------|
| General | 122,000 | 126,000 |
| Trunk Highway | 3,902,000 | 3,997,000 |

\$500,000 each year is for commercial vehicle information systems. Of this amount, \$325,000 adds to the agency's budget base.

| | | | |
|----------------------|--|-------------|-------------|
| Subd. 6. Local Roads | | 511,799,000 | 527,940,000 |
|----------------------|--|-------------|-------------|

Summary by Fund

| | | |
|----------|-------------|-------------|
| C.S.A.H. | 405,330,000 | 418,113,000 |
| M.S.A.S. | 106,469,000 | 109,827,000 |

The amounts that may be spent from this appropriation for each activity are as follows:

(a) County State Aids

405,330,000 418,113,000

This appropriation is from the county state-aid highway fund and is available until spent.

(b) Municipal State Aids

106,469,000 109,827,000

This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the chair of the transportation finance committee of the house of representatives and the chair of the transportation budget division of the senate of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

(c) Study of Local Road Program

(1) The commissioner shall conduct a study of alternative methods of establishing a local road improvement program for distributing appropriations made for local road improvements.

(2) In conducting the study, the commissioner shall consider the feasibility and desirability of:

(i) distributing money by formula among counties and cities; and

(ii) distributing money to counties and cities on a competitive-grant basis.

(3) In conducting the study, the commissioner shall prepare and analyze alternative methods of distributing money that do not involve the existing program framework of the county state-aid highway system or municipal state-aid street system, although streets and highways on state-aid systems may be included in any alternative included in the study.

(4) As part of the study, the commissioner shall consult with representatives of local government, city and county highway engineers, and highway users. The commissioner shall report the results of the study to the governor and legislature by February 15, 2002.

| | | | |
|----------------------|--|-------------|-------------|
| Subd. 7. State Roads | | 975,975,000 | 988,878,000 |
|----------------------|--|-------------|-------------|

Summary by Fund

| | | | |
|---------|-------|-------|--|
| General | 9,000 | 9,000 | |
|---------|-------|-------|--|

| | | | |
|---------------|-------------|-------------|--|
| Trunk Highway | 975,966,000 | 988,869,000 | |
|---------------|-------------|-------------|--|

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Road Construction

| | |
|-------------|-------------|
| 564,707,000 | 564,707,000 |
|-------------|-------------|

It is estimated that these appropriations will be funded as follows:

Federal Highway Aid

| | |
|-------------|-------------|
| 275,000,000 | 300,000,000 |
|-------------|-------------|

Highway User Taxes

| | |
|-------------|-------------|
| 289,707,000 | 264,707,000 |
|-------------|-------------|

The commissioner of transportation shall notify the chair of the transportation budget division of the senate and chair of the transportation finance committee of the house of representatives quarterly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

\$1,000,000 the first year and \$1,000,000 the second year are for trunk highway advantages to bus transit in conjunction with highway construction or reconstruction projects in the commissioner's state-wide transportation improvement program. For purposes of this appropriation, "advantages to transit" includes shoulder bus lanes, bus park-and-ride facilities, and bus passenger waiting facilities, but does not include (1) any facility relating to light rail transit or commuter rail or (2) bus facilities or operating costs in a light rail transit or commuter rail corridor.

\$5,000,000 the first year and \$5,000,000 the second year are for acquisition of right-of-way for trunk highway construction and reconstruction projects in advance of final design work for those projects.

The commissioner may not spend any money from the trunk highway fund to pay the operating costs of bus service intended solely or primarily to mitigate the effects of trunk highway construction projects.

Until July 1, 2002, the commissioner may not cancel, or remove from the commissioner's statewide transportation improvement program, the trunk highway project that would construct a new bridge across the St. Croix river at or near the terminus of marked trunk highway No. 36.

(b) Highway Debt Service

19,235,000 24,228,000

\$9,235,000 the first year and \$14,228,000 the second year are for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on state government finance of the senate and the committee on ways and means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

(c) Research and Investment
Management

12,187,000 12,211,000

\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available to (1) regional development commissions, and (2) in regions where no regional development commission is functioning, joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, the department's district office for that region.

\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area, including the Mankato area.

\$200,000 the first year is for an update of the statewide transportation plan. This is a onetime appropriation and may not be added to the agency's budget base.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$100,000 in the first year is for a study of the feasibility and desirability of allowing all vehicles to use lanes on marked interstate highways No. 394 and No. 35W presently restricted to high-occupancy vehicles only. The commissioner shall determine a time during which such use shall be

allowed, and take all necessary steps to permit such use for the period of the study. The commissioner shall contract with an independent consultant to study the effects of opening the lanes to all vehicles on traffic flow, traffic congestion, transit and high-occupancy vehicle use, and highway safety on interstate highways No. 394 and No. 35W and other affected highways. The commissioner shall report to the legislature on the results of the study by February 1, 2002. The commissioner shall take no actions with respect to this study that would result in a loss of federal funds to the state or significant delay to a state or local transportation project financed partly with federal funds.

(d) Central Engineering Services

65,031,000 66,338,000

(e) Design and Construction
Engineering

89,335,000 91,046,000

\$500,000 the first year is for planning, environmental studies, and preliminary engineering for major river crossings, other than rail, on the trunk highway system.

(f) State Road Operations

219,863,000 224,602,000

\$2,750,000 the first year and \$2,750,000 the second year are for facilities' maintenance.

\$2,000,000 the first year and \$2,000,000 the second year are for improved highway striping.

\$3,000,000 the first year and \$3,000,000 the second year are for road equipment and fabrication of auxiliary equipment for snowplow trucks.

\$875,000 the first year and \$875,000 the second year are to support highway signal and lighting maintenance activities.

The commissioner shall spend all money available to the department of transportation under Public Law Number 105-206, section 164 (repeat offender transfer program), for hazard elimination activities under United States Code, title 23, section 152, and shall not transfer any part of these funds to any other agency.

(g) Electronic Communications

| | |
|-----------|-----------|
| 5,617,000 | 5,746,000 |
|-----------|-----------|

Summary by Fund

| | | |
|---------------|-----------|-----------|
| General | 9,000 | 9,000 |
| Trunk Highway | 5,608,000 | 5,737,000 |

\$9,000 the first year and \$9,000 the second year are from the general fund for equipment and operation of the Roosevelt signal tower for Lake of the Woods weather broadcasting.

| | | |
|--------------------------|------------|------------|
| Subd. 8. General Support | 51,836,000 | 52,799,000 |
|--------------------------|------------|------------|

Summary by Fund

| | | |
|---------------|------------|------------|
| General | 54,000 | 56,000 |
| Airports | 70,000 | 70,000 |
| Trunk Highway | 51,712,000 | 52,673,000 |

The amounts that may be spent from this appropriation for each activity are as follows:

(a) General Management

39,148,000 39,865,000

\$6,600,000 each year is for preservation and improvement of the agency's information technology infrastructure.

(b) General Services

12,688,000 12,934,000

Summary by Fund

| | | |
|---------------|------------|------------|
| General | 54,000 | 56,000 |
| Airports | 70,000 | 70,000 |
| Trunk Highway | 12,564,000 | 12,808,000 |

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$1,000,000 each year is for information technology development activities. This appropriation adds to the agency budget base.

Subd. 9. Buildings 7,716,000 -0-

This appropriation is available until June 30, 2003.

Subd. 10. Transfers

(a) The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriation for state road construction. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers under this paragraph may not be made

between funds. Transfers must be reported immediately to the chair of the transportation budget division of the senate and the chair of the transportation finance committee of the house of representatives.

(b) The commissioner of finance shall transfer from the flexible account in the county state-aid highway fund \$6,400,000 the first year and \$2,400,000 the second year to the municipal turnback account in the municipal state-aid street fund, and the remainder in each year to the county turnback account in the county state-aid highway fund.

Subd. 11. Use of State Road Construction Appropriations

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before fiscal year 2001 is available to the commissioner during fiscal years 2002 and 2003 to the extent that the commissioner spends the money on the state road construction project for which the money was originally encumbered during the fiscal year for which it was appropriated.

The commissioner of transportation shall report to the commissioner of finance by August 1, 2001, and August 1, 2002, on a form the commissioner of finance provides, on expenditures made during the previous fiscal year that are authorized by this subdivision.

Subd. 12. Contingent Appropriation

The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission under Minnesota Statutes, section 3.30, may transfer all or part of the unap-

propriated balance in the trunk highway fund to an appropriation (1) for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund, (2) for trunk highway maintenance in order to meet an emergency, or (3) to pay tort or environmental claims. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. METROPOLITAN COUNCIL
TRANSIT

68,101,000

68,101,000

The council may not spend more than \$42,200,000 for metro mobility in the 2002-2003 fiscal biennium except for proceeds from bond sales when use of those proceeds for metro mobility capital expenditures is authorized by law.

The agency's budget base for fiscal years 2004 and 2005 is \$65,601,000 each year.

Sec. 4. PUBLIC SAFETY

Subdivision 1. Total
Appropriation

1,320,000

113,439,000

116,670,000

Summary by Fund

General

11,790,000

12,046,000

Trunk
Highway

445,000

89,042,000

92,369,000

Highway
User

875,000

11,628,000

11,261,000

Special
Revenue

979,000

994,000

| | | | |
|---|--|------------|------------|
| Subd. 2. Administration and Related Services | | 13,169,000 | 13,365,000 |
|---|--|------------|------------|

Summary by Fund

| | | |
|---------------|-----------|-----------|
| General | 4,578,000 | 4,603,000 |
| Trunk Highway | 7,206,000 | 7,377,000 |
| Highway User | 1,385,000 | 1,385,000 |

(a) Office of Communications

| | |
|---------|---------|
| 390,000 | 398,000 |
|---------|---------|

Summary by Fund

| | | |
|---------------|---------|---------|
| General | 20,000 | 20,000 |
| Trunk Highway | 370,000 | 378,000 |

(b) Public Safety Support

| | |
|-----------|-----------|
| 7,903,000 | 7,995,000 |
|-----------|-----------|

Summary by Fund

| | | |
|---------------|-----------|-----------|
| General | 3,086,000 | 3,087,000 |
| Trunk Highway | 3,451,000 | 3,542,000 |
| Highway User | 1,366,000 | 1,366,000 |

\$326,000 the first year and \$326,000 the second year are for payment of public safety officer survivor benefits under Min-

nesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$314,000 the first year and \$314,000 the second year are to be deposited in the public safety officer's benefit account. This money is available for reimbursements under Minnesota Statutes, section 299A.465.

\$508,000 the first year and \$508,000 the second year are for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

\$1,830,000 the first year and \$1,830,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2001, and December 31, 2002, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

\$610,000 the first year and \$610,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2001, and December 31, 2002, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user tax distribution fund purposes in the administration and related services program.

Of this appropriation, \$1,212,000 the first year and \$3,082,000 the second year from the trunk highway fund are for 65 new patrol positions and the recruit training academy.

(b) Commercial Vehicle Enforcement

6,295,000 6,474,000

This appropriation is from the trunk highway fund.

(c) Capitol Security

3,517,000 3,610,000

Summary by Fund

| | | |
|--------------|-----------|-----------|
| General | 3,317,000 | 3,410,000 |
| Highway User | 200,000 | 200,000 |

The commissioner may not (1) spend any money from the trunk highway fund for capital security, or (2) permanently transfer any state trooper from the patrolling highways activity to capitol security.

The commissioner may not transfer any money appropriated for department of public safety administration, the patrolling of highways, commercial vehicle enforcement, or driver and vehicle services to capitol security.

The budget base for this activity for the 2004-2005 biennium is \$3,610,000 each year from the general fund.

| | | | |
|---|-----------|------------|------------|
| Subd. 4. Driver and Vehicle Services | 1,320,000 | 38,257,000 | 37,792,000 |
|---|-----------|------------|------------|

Summary by Fund

| | | | |
|------------------|-----------|------------|------------|
| General | 3,858,000 | 3,996,000 | |
| Trunk Highway | 445,000 | 24,448,000 | 24,212,000 |
| Highway User | 875,000 | 9,951,000 | 9,584,000 |

(a) Vehicle Registration and Title

| | | |
|---------|------------|------------|
| 875,000 | 13,754,000 | 13,524,000 |
|---------|------------|------------|

Summary by Fund

| | | |
|-----------------|-----------|-----------|
| General | 3,803,000 | 3,940,000 |
| Highway User | 875,000 | 9,584,000 |

\$875,000 from the highway user fund is added to the appropriation for fiscal year 2001 in Laws 1999, chapter 238, article 1, section 4, subdivision 4a, for increased license plate costs, and is available until June 30, 2003.

The commissioner shall conduct a study of the effect of increased authorization and use of special license plates on (1) department of public safety costs and revenues, and (2) law enforcement and public safety. The commissioner shall report to the legislature by February 1, 2002, on the results of the study.

(b) Licensing Drivers

445,000 24,503,000 24,268,000

Summary by Fund

| | | | |
|---------------|---------|------------|------------|
| General | | 55,000 | 56,000 |
| Trunk Highway | 445,000 | 24,448,000 | 24,212,000 |

\$800,000 the first year is for unanticipated costs relating to the production of drivers' licenses. This appropriation is from the trunk highway fund. The commissioner may spend money from this appropriation only after obtaining approval from the commissioner of finance and notifying the chair of the transportation budget division of the senate and the chair of the transportation finance committee of the house of representatives. This appropriation is available until June 30, 2003.

\$445,000 from the trunk highway fund is added to the appropriation for fiscal year 2001 in Laws 1999, chapter 238, article 1, section 4, subdivision 4c, for increased driver's license card production costs, and is available until June 30, 2003.

| | | | |
|-------------------------|--|---------|---------|
| Subd. 5. Traffic Safety | | 317,000 | 324,000 |
|-------------------------|--|---------|---------|

This appropriation is from the trunk highway fund.

| | | | |
|--------------------------|--|---------|---------|
| Subd. 6. Pipeline Safety | | 979,000 | 994,000 |
|--------------------------|--|---------|---------|

This appropriation is from the pipeline safety account in the special revenue fund.

| | | |
|--|---------|---------|
| Sec. 5. GENERAL CONTINGENT AC- COUNTS | 375,000 | 375,000 |
|--|---------|---------|

Summary by Fund

| | | |
|---------------|---------|---------|
| Trunk Highway | 200,000 | 200,000 |
| Highway User | 125,000 | 125,000 |
| Airports | 50,000 | 50,000 |

The appropriations in this section may only be spent with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

| | | |
|---------------------|---------|---------|
| Sec. 6. TORT CLAIMS | 600,000 | 600,000 |
|---------------------|---------|---------|

To be spent by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 7. OFFICE OF PIPELINE SAFETY ASSESSMENTS.

Assessments by the office of pipeline safety under Minnesota Statutes, sections 299F.631 and 299J.12, for purposes of section 4, subdivision 6, are deemed approved under Minnesota Statutes, section 16A.1283.

Sec. 8. DEPARTMENT OF TRANSPORTATION DISTRICT 1 CONSTRUCTION BUDGET.

The commissioner of transportation shall reduce the construction budget of the department of transportation construction district 1 by \$35,000,000 over the period from fiscal year 2003 through fiscal year 2007, in order to repay the advance of highway construction funds in fiscal years 2001 and 2002. The reduction in each year of the period must equal the cost of trunk highway construction projects that were originally scheduled to be constructed during that year that were constructed in fiscal year 2001 or 2002 instead.

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

Sec. 9. IMPLEMENTATION OF 2001 LEGISLATION.

In meeting the requirements of article 1, section 2, subdivision 22, clause (2), of a law enacted at the 2001 First Special Session and styled as House File No. 1, the commissioner of finance shall also give effect to other legislation enacted at the 2001 regular session and First Special Session that affects the projected unrestricted general budgetary balance on June 30, 2001.

Sec. 10. Laws 1999, chapter 238, article 1, section 2, subdivision 7, is amended to read:

| | | |
|----------------------|-------------|-------------|
| Subd. 7. State Roads | 912,625,000 | 923,769,000 |
|----------------------|-------------|-------------|

Summary by Fund

| | | |
|---------|--------|-------|
| General | 59,000 | 9,000 |
|---------|--------|-------|

| | | |
|---------------|-------------|-------------|
| Trunk Highway | 912,566,000 | 923,760,000 |
|---------------|-------------|-------------|

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Road Construction

| | |
|-------------|-------------|
| 516,684,000 | 521,707,000 |
|-------------|-------------|

It is estimated that these appropriations will be funded as follows:

Federal Highway Aid

| | |
|-------------|-------------|
| 275,000,000 | 275,000,000 |
|-------------|-------------|

Highway User Taxes

| | |
|-------------|-------------|
| 241,684,000 | 246,707,000 |
|-------------|-------------|

The commissioner of transportation shall notify the chair of the transportation budget division of the senate and chair of the transportation finance committee of the house of representatives quarterly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement

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of trunk highways. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner may transfer up to \$15,000,000 each year to the trunk highway revolving loan account.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

(b) Highway Debt Service

13,949,000 13,175,000

\$3,949,000 the first year and \$3,175,000 the second year are for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on state government finance of the senate and the committee on ways and means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

(c) Research and Investment
Management

12,450,000 12,597,000

\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available to (1) regional development commissions, and (2) in regions where no

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regional development commission is functioning, joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, the department's district office for that region.

\$216,000 the first year and \$216,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 the first year and \$25,000 the second year are for transportation planning relating to the 2000 census. This appropriation may not be added to the agency's budget base.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(d) Central Engineering Services

68,563,000 70,940,000

(e) Design and Construction
Engineering

80,592,000 83,246,000

\$1,000,000 the first year and \$500,000 the second year are for transportation planning relating to the 2000 census. This appropriation may not be added to the agency's budget base.

(f) State Road Operations

214,703,000 216,561,000

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

\$1,000,000 each year are for enhancements to the freeway operations program in the metropolitan area.

\$1,000,000 the first year and \$1,000,000 the second year are for maintenance services including rest area maintenance, vehicle insurance, ditch assessments, and tort claims.

\$3,000,000 the first year and \$1,000,000 the second year are for improved highway striping.

\$500,000 the first year and \$500,000 the second year are for safety technology applications.

\$150,000 the first year and \$150,000 the second year are for statewide asset preservation and repair.

\$750,000 the first year and \$750,000 the second year are for the implementation of the transportation worker concept.

The commissioner shall establish a task force to study seasonal road restrictions and report to the legislature its findings and any recommendations for legislative action. The commissioner shall appoint members representing:

- (1) aggregate and ready-mix producers;
- (2) solid waste haulers;
- (3) liquid waste haulers;
- (4) the logging industry;
- (5) the construction industry; and

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

(6) agricultural interests.

The task force shall report to the legislature by February 1, 2000, on its findings and recommendations.

(g) Electronic Communications

5,684,000 5,543,000

Summary by Fund

| | | |
|---------------|-----------|-----------|
| General | 59,000 | 9,000 |
| Trunk Highway | 5,625,000 | 5,534,000 |

\$9,000 the first year and \$9,000 the second year are from the general fund for equipment and operation of the Roosevelt signal tower for Lake of the Woods weather broadcasting.

\$50,000 the first year from the general fund is for purchase of equipment for the 800 MHz public safety radio system.

\$200,000 the first year is from the trunk highway fund for costs resulting from the termination of agreements made under article 2, sections 31 and 89, and Minnesota Statutes, section 174.70, subdivision 2. This appropriation does not cancel but is available until spent.

In each year of the biennium the commissioner shall request the commissioner of administration to request bids for the purchase of digital mobile and portable radios to be used on the metropolitan regional public safety radio communications system.

Sec. 11. Laws 2000, chapter 479, article 1, section 3, subdivision 3, is amended to read:

| | |
|---------------------------|-----------|
| Subd. 3. Bus Transit Ways | 6,300,000 |
|---------------------------|-----------|

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For engineering, design, and construction of bus transit ways, including, but not limited to, acquisition of land and rights-of-way. This appropriation is available until spent.

Notwithstanding Minnesota Statutes, chapter 398A, relating to regional railroad authorities, the metropolitan council may conduct a study of bus transit ways in the northwest light rail transit corridor in Hennepin county, and in that part of the southwest light rail transit corridor in and between the cities of Hopkins and Minneapolis. The study must consider alternative alignments of the bus transit ways, using existing roads, highways, and transportation facilities in conjunction with the light rail transit corridors. The metropolitan council must not study, engineer, design, or construct a bus transit way in (1) any part of the southwest light rail transit corridor that is in the city of Minnetonka, Eden Prairie, or Chanhassen, or (2) the Midtown Greenway or Kenilworth corridors in Minneapolis.

Sec. 12. Laws 2000, chapter 490, article 7, section 3, is amended to read:

Sec. 3. **APPROPRIATION.**

For fiscal year 2001, \$149,804,000 ~~\$161,529,000~~ is appropriated from the general fund to the highway user tax distribution fund. For fiscal year 2002, \$161,723,000 is appropriated from the general fund to the highway user tax distribution fund.

Sec. 13. **EFFECTIVE DATE.**

This article is effective July 1, 2001.

ARTICLE 2

TRANSPORTATION POLICY

Section 1. **TOWER CONSTRUCTION.**

The commissioner of transportation shall construct a differential global positioning system tower in Hubbard county, township 139, range 32, in the south half of

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section 10. The commissioner of natural resources shall negotiate a long-term lease of the property with the United States coast guard for purposes of erecting, operating, and maintaining the tower.

Sec. 2. **CROSSTOWN PROJECT MORATORIUM.**

Subdivision 1. RESTRICTION. The commissioner of transportation may not contract for construction of the marked interstate highway I-35W/marked trunk highway No. 62 interchange improvement project, involving separation of the two roadways in the commons area, replacement of ramps, construction of a high-occupancy vehicle lane, and changes in access until after May 1, 2002. This does not prohibit the commissioner from contracting for pavement preservation work including: resurfacing or patching road surfaces and bridges; repair, replacement, and installation of safety appurtenances; and other necessary preservation activities. This restriction does not affect decisions by either the commissioner of transportation or the metropolitan council involving the enhancement of transit in the I-35W corridor north of 50th Street.

Subd. 2. REPORT. The commissioner of transportation shall contract for a consultant to prepare a report and recommendations on issues surrounding the trunk highway project described in subdivision 1. This contract is not subject to the provisions of Minnesota Statutes, chapter 16C. The report and recommendations must be submitted by the commissioner to the house of representatives and senate committees with jurisdiction over transportation policy and finance by January 15, 2002. The report and recommendations must include:

(1) 20-year projections for growth in population, economic development, and traffic for the marked interstate I-35W and marked trunk highway corridors;

(2) a discussion of the adequacy of marked interstate I-35W and marked trunk highway No. 62 under current conditions and after a full reconstruction, to carry present and predicted traffic levels, including the extent to which traffic problems in the corridors will be addressed by the project;

(3) alternative feasible designs, including stacked mainlines and tunneling, for the project described in subdivision 1 that will:

- (i) increase capacity;
- (ii) limit construction to the right-of-way proposed for the current project;
- (iii) not limit Lyndale access to less than proposed for the current project; and
- (iv) include a transit component, which may require buses, busways, rail, or high-occupancy vehicle lanes;

(4) a discussion of the availability of funding for the proposed project, how the funding relates to funding for other metropolitan projects, and feasible alternatives;

(5) an evaluation of the applicability of road pricing in the corridor;

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(6) the present and predicted levels of traffic on all segments of marked interstate I-35W, marked trunk highway No. 62, and on trunk highway corridors that would be significantly affected by any long-term closing of lanes as a part of construction on marked interstate I-35W or marked trunk highway No. 62;

(7) a plan, developed in consultation with the metropolitan council, to provide adequate public transit during the period of highway closure among and within the affected communities, and specific plans for detours;

(8) a discussion of the extent to which the project will be coordinated with other construction or reconstruction projects on trunk highways that will be affected by the marked interstate I-35W/marked trunk highway No. 62 project; and

(9) methods for completing the project in the most timely manner and costs and impacts with accelerating completion of the project.

Sec. 3. PORT OF MINNEAPOLIS; FINDINGS.

The legislature finds that the continued use of the upper harbor of the Mississippi river in the city of Minneapolis for commercial navigation relieves transportation demand on highways and railroads in the metropolitan area, is a necessary element of the transportation system of the region, and is therefore of statewide significance.

Sec. 4. COMMISSIONER OF TRANSPORTATION; METROPOLITAN COUNCIL RESTRICTIONS.

Subdivision 1. DEPARTMENT OF TRANSPORTATION. The commissioner of transportation may not refuse to program or construct a trunk highway improvement project, or make any other decision concerning the location, design, or timing of a trunk highway improvement project, on the grounds that a statutory or home rule charter city or county in which the project is wholly or partly located (1) has enacted a zoning ordinance or determination not approved by the commissioner or metropolitan council, or failed to enact a zoning ordinance or determination requested by the commissioner or metropolitan council, or (2) has failed to impose housing density requirements requested by the commissioner or metropolitan council. This section does not apply to local zoning ordinances or determinations that relate to access to a trunk highway.

Subd. 2. METROPOLITAN COUNCIL. Neither the metropolitan council nor the council's transportation advisory board may, in the allocation or the approval of any allocation of funds for highway projects, or in approving or disapproving a project under Minnesota Statutes, section 473.166, withhold or redirect funds or fail to approve a project on the grounds that a city or county in which the project is wholly or partly located (1) has enacted a zoning ordinance or determination not approved by the council or the commissioner of transportation, or failed to enact a zoning ordinance or determination requested by the council or the commissioner of transportation, or (2) has failed to impose housing density requirements requested by the council or the commissioner of transportation. This section does not apply to local zoning ordinances or determinations that relate to access to a trunk highway.

EFFECTIVE DATE. This section is effective the day following final enactment.

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

Sec. 5. STATE TROOPER TRAINING REPORT.

On or before February 15, 2002, the commissioner of public safety shall present to the committees having jurisdiction over transportation policy and finance in the house of representatives and the senate an evaluation of the efficiency and cost-effectiveness of the present recruit training program, and a comparison of the effectiveness and potential cost-savings of alternative training formats with the current academy format.

Sec. 6. STATE AID FOR CITIES.

A city that has previously been classified as having a population of 5,000 or more for the purposes of Minnesota Statutes, chapter 162, and that has a population greater than 4,900 but less than 5,000 according to the 2000 federal census, is deemed to have a population of 5,000 for purposes of Minnesota Statutes, chapter 162, until June 30, 2004.

Sec. 7. Laws 2001, chapter 161, section 58, is amended to read:

Sec. 58. REPEALER.

Minnesota Statutes 2000, sections 15.059, subdivision 5a, as amended by Laws 2001, chapter 7, section 7; 17.49, subdivision 1; 17.703; 17.76; 40A.14, subdivision 3; 52.061; 60K.19, subdivision 4; 93.002; 97A.055, subdivision 4a; 124D.894; 124D.95, subdivision 6; 134.31, subdivision 5; 137.342, subdivision 2; 144A.31; ~~162.09, subdivision 2~~; 256B.071, subdivision 5; 256B.0911, subdivision 8; 256B.434, subdivision 13; 299A.295, subdivision 2; and 299K.03, subdivision 4, are repealed.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2000, section 16A.641, subdivision 8, is amended to read:

Subd. 8. APPROPRIATION OF PROCEEDS. (a) The proceeds of bonds issued under each law are appropriated for the purposes described in the law and in this subdivision. This appropriation may never be canceled.

(b) Before the proceeds are received in the proper special fund, the commissioner may transfer to that fund from the general fund amounts not exceeding the expected proceeds from the next bond sale. The commissioner shall return these amounts to the general fund by transferring proceeds when received. The amounts of these transfers are appropriated from the general fund and from the bond proceeds.

(c) Actual and necessary travel and subsistence expenses of employees and all other nonsalary expenses incidental to the sale, printing, execution, and delivery of bonds must be paid from the proceeds. The proceeds are appropriated for this purpose. Bond proceeds must not be used to pay any part of the salary of a state employee involved in the sale, printing, execution, or delivery of the bonds.

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

(d) Bond proceeds remaining in a special fund after the purposes for which the bonds were issued are accomplished or abandoned, as certified by the head of the agency administering the special fund, or as determined by the commissioner, unless devoted under the appropriation act to another purpose designated in the act, shall must be transferred to the state bond fund.

(e) Before the proceeds of state highway bonds are received in the trunk highway fund, the commissioner may either:

(1) transfer funds to the trunk highway fund from the general fund; or

(2) authorize the use of funds in the trunk highway fund, in an amount not exceeding the expected proceeds from the next state highway bond sale.

These funds must be used in accordance with the legislative authorization to sell state highway bonds. The commissioner shall return these funds to the general fund or replace the funds used from the trunk highway fund by transferring proceeds when received. The amounts of these transfers are appropriated from the general fund and from the state highway bond proceeds.

Sec. 9. Minnesota Statutes 2000, 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

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color chart provided by the manufacturer each year. The commissioner may further provide for the use of motor vehicles without marking by:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the division of criminal apprehension, the division of alcohol and gambling enforcement, and arson investigators of the division of fire marshal in the department of public safety;
- (4) the financial institutions division of the department of commerce;
- (5) the division of disease prevention and control of the department of health;
- (6) the state lottery;
- (7) criminal investigators of the department of revenue;
- (8) state-owned community service facilities in the department of human services;
- (9) the investigative staff of the department of economic security; and
- (10) the office of the attorney general; and
- (11) the investigative staff of the gambling control board.

Sec. 10. Minnesota Statutes 2000, section 16C.05, subdivision 2, is amended to read:

Subd. 2. **CREATION AND VALIDITY OF CONTRACTS.** (a) A contract is not valid and the state is not bound by it unless:

- (1) it has first been executed by the head of the agency or a delegate who is a party to the contract;
- (2) it has been approved by the commissioner;
- (3) it has been approved by the attorney general or a delegate as to form and execution;
- (4) the accounting system shows an obligation in an expense budget or encumbrance for the amount of the contract liability; and
- (5) the combined contract and amendments shall not exceed five years without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law. The term of the original contract must not exceed two years unless the commissioner determines that a longer duration is in the best interest of the state.

(b) Grants, interagency agreements, purchase orders, and annual plans need not, in the discretion of the commissioner and attorney general, require the signature of the commissioner and/or the attorney general. A signature is not required for work orders and amendments to work orders related to department of transportation contracts. Bond

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purchase agreements by the Minnesota public facilities authority do not require the approval of the commissioner.

(c) A fully executed copy of every contract must be kept on file at the contracting agency.

Sec. 11. Minnesota Statutes 2000, section 16C.06, subdivision 1, is amended to read:

Subdivision 1. **PUBLICATION REQUIREMENTS.** Notices of solicitations for acquisitions estimated to be more than \$25,000, or \$100,000 in the case of a department of transportation acquisition, must be publicized in a manner designated by the commissioner.

Sec. 12. Minnesota Statutes 2000, section 16C.06, subdivision 2, is amended to read:

Subd. 2. **SOLICITATION PROCESS.** (a) A formal solicitation must be used to acquire all goods, service contracts, and utilities estimated at or more than \$25,000, or in the case of a department of transportation solicitation, at or more than \$100,000, unless otherwise provided for. All formal responses must be sealed when they are received and must be opened in public at the hour stated in the solicitation. Formal responses must be authenticated by the responder in a manner specified by the commissioner.

(b) An informal solicitation may be used to acquire all goods, service contracts, and utilities that are estimated at less than \$25,000, or in the case of a department of transportation solicitation, at or less than \$100,000. The number of vendors required to receive solicitations may be determined by the commissioner. Informal responses must be authenticated by the responder in a manner specified by the commissioner.

Sec. 13. Minnesota Statutes 2000, section 117.51, is amended to read:

117.51 COOPERATION WITH FEDERAL AUTHORITIES.

In all acquisitions undertaken by any acquiring authority and in all voluntary rehabilitation carried out by a person pursuant to acquisition or as a consequence thereof, the acquiring authority shall cooperate to the fullest extent with federal departments and agencies, and it shall take all necessary action in order to insure, to the maximum extent possible, federal financial participation in any and all phases of acquisition, including the provision of relocation assistance, services, payments and benefits to displaced persons. An acquiring authority may consider reimbursing up to \$50,000 in relocation or reestablishment expenses of a displaced business.

Sec. 14. Minnesota Statutes 2000, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. **TOWN BRIDGES AND CULVERTS; TOWN ROAD ACCOUNT.** (a) Money in the town bridge account must be expended on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town

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road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds.

(b) In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the board of water and soil resources and the department of natural resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge.

(c) The expenditures on a bridge structure or culvert may be paid from the county turnback account and may be for 100 percent of the cost of the replacement structure or culvert or for 100 percent of the cost of rehabilitating the existing structure.

(d) The town bridge account may be used to pay the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made. It may also be used to pay the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost efficient than replacing the existing bridge.

(e) When bridge approach construction work exceeds \$10,000 in costs, or when the county engineer determines that the cost of the replacement culverts alone will not exceed \$20,000, or engineering costs exceed \$10,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000; or

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the department of transportation; or

(3) 100 percent of all related engineering costs that exceed \$10,000, or in the case of towns with a net tax capacity of less than \$200,000, 100 percent of the engineering costs.

(f) Money in the town road account must be distributed as provided in section 162.081.

Sec. 15. Minnesota Statutes 2000, section 161.14, is amended by adding a subdivision to read:

Subd. 50. KING OF TRAILS. (a) The following described route, signed as trunk highway No. 75 on the effective date of this subdivision, is designated the "King of

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Trails": Constitutional Route No. 6 from its intersection with the Minnesota-Canada border southerly to its intersection with Legislative Route No. 175 at or near the city of Crookston, then Legislative Route No. 175 southwesterly and southerly to its intersection with Constitutional Route No. 6 between the cities of Halstad and Hendrum, then Constitutional Route No. 6 southerly to its intersection with the Minnesota-Iowa border.

(b) The commissioner shall adopt a suitable marking design to mark the highway and erect appropriate signs, subject to section 161.139.

Sec. 16. Minnesota Statutes 2000, section 161.23, subdivision 3, is amended to read:

Subd. 3. **LEASING.** The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon such terms and conditions as the commissioner deems proper, any excess real estate acquired under the provisions of this section, and any real estate acquired in fee for trunk highway purposes and not presently needed therefor for those purposes. All rents received from the leases shall must be paid into the state treasury. Seventy percent of the rents shall must be credited to the trunk highway fund. The remaining 30 percent shall must be paid to the county treasurer where the real estate is located, and shall be distributed in the same manner as real estate taxes. This subdivision does not apply to real estate leased for the purpose of providing commercial and public service advertising pursuant to franchise agreements as provided in sections 160.276 to 160.278 or to fees collected under section 174.70, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 17. Minnesota Statutes 2000, section 161.32, subdivision 1, is amended to read:

Subdivision 1. **ADVERTISEMENT FOR BIDS.** The commissioner may conduct the work or any part thereof of the work incidental to the construction and maintenance of the trunk highways by labor employed therefor to do the work or by contract. In cases of construction work, the commissioner shall first advertise for bids for contracts, and if no satisfactory bids are received, may either reject all bids and readvertise, or do the work by labor employed therefor to do the work. Except as hereinafter provided in subdivision 3 or 4, when work is to be done under contract, the commissioner shall advertise for bids once each week for three successive weeks prior to the date such the bids are to be received. The advertisement for bids shall must be published in a newspaper or other periodical of general circulation in the state and may be placed on the Internet. The plans and specifications for the proposed work shall must be on file in the commissioner's office prior to the first call for bids.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 18. Minnesota Statutes 2000, section 161.32, subdivision 1a, is amended to read:

New language is indicated by underline, deletions by strikeout.

Subd. 1a. **STANDARD SPECIFICATIONS, SECURITY.** Contracts under this section must be based on specifications prescribed by the commissioner. Each bidder for a contract must shall furnish security approved by the commissioner to ensure completion of the contract. The commissioner may require that bid, performance or payment bonds, or other security be furnished electronically.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 19. Minnesota Statutes 2000, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. **LOWEST RESPONSIBLE BIDDER.** Bidders may submit bids electronically in a form and manner required by the commissioner. Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life-cycle costing, where when appropriate, in determining the lowest overall bid. Any or all bids may be rejected. In a case where When competitive bids are required and where all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 20. Minnesota Statutes 2000, section 161.32, subdivision 1e, is amended to read:

Subd. 1e. **RECORD.** A record must be kept of all bids, including names of bidders, amounts of bids, and each successful bid. After the contract is awarded, this record is open to public inspection and may be posted on the Internet.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 21. [161.3205] **PROFESSIONAL AND TECHNICAL SERVICES CONTRACTS.**

Subdivision 1. SCOPE; AUTHORITY GENERALLY. (a) Notwithstanding other law to the contrary, this section applies to professional and technical services contracts entered into by the commissioner of transportation.

(b) The commissioner has the authority and duty to:

- (1) approve state transportation project plans and specifications;
- (2) award transportation construction and maintenance contracts;
- (3) approve, select, and award professional and technical consultant contracts for state transportation projects; and
- (4) approve utility and municipal agreements affecting state transportation projects.

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Subd. 2. DEFINITION OF PROFESSIONAL OR TECHNICAL SERVICES.

For purposes of this section, "professional or technical services" means services that are intellectual in character, including consultative, analytical, evaluative, predictive, planning, programming, or recommendatory, and that result in the production of a report or the completion of a task. Professional or technical contracts do not include the provision of supplies or materials, except (1) by the approval of the commissioner or (2) as incidental to providing professional or technical services.

Subd. 3. DUTIES OF COMMISSIONER. Before entering into a professional or technical services contract with a value exceeding \$100,000, the commissioner shall certify that:

(1) no current state employee is able and available to perform the services called for by the contract;

(2) the normal competitive bidding mechanisms do not provide for adequate performance of the services;

(3) the contractor has certified that the product of the services will be original in character;

(4) reasonable efforts were made to publicize the availability of the contract to the public;

(5) the agency has received, reviewed, and accepted a detailed work plan from the contractor for performance under the contract, if applicable;

(6) the commissioner has developed and will implement a written plan providing for the assignment of specific agency personnel to a monitoring and liaison function, the periodic review of interim reports or other indications of past performance, and the ultimate utilization of the final product of the services; and

(7) the department will not allow the contractor to begin work before funds are fully encumbered.

Subd. 4. CONTRACT PROCEDURES. Before approving a proposed contract for professional or technical services, the commissioner shall determine, at least, that:

(1) the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the contract;

(2) the contract does not establish an employment relationship between the state or the agency and any persons performing under the contract;

(3) the contractor and agents are not employees of the state;

(4) no agency has previously performed or contracted for the performance of tasks that would be substantially duplicated under the proposed contract;

(5) the commissioner has specified a satisfactory method of evaluating and using the results of the work to be performed; and

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(6) the combined contract and amendments will not exceed five years, unless otherwise provided for by law. The term of the original contract must not exceed two years, unless the commissioner determines that a longer duration is in the best interest of the state.

Subd. 5. CONTRACT TERMINATION AND PAYMENT TERMS. (a) A professional or technical services contract must by its terms permit the commissioner to unilaterally terminate the contract prior to completion, upon payment of just compensation, if the commissioner determines that further performance under the contract would not serve agency purposes.

(b) The commissioner shall approve and make final payment on all professional and technical services contracts within six months after the contractor delivers the final documents and invoice. Overdue payments are subject to the applicable prompt payment provisions of section 16A.124.

(c) The terms of a contract must provide that no more than 90 percent of the amount due under the contract may be paid until the final product has been reviewed by the head of the agency entering into the contract and the head of the agency has certified that the contractor has satisfactorily fulfilled the terms of the contract, unless specifically excluded in writing by the commissioner. This paragraph does not apply to contracts for professional services as defined in sections 326.02 to 326.15.

Subd. 6. REPORTS. (a) The commissioner shall submit to the governor, the chair of the ways and means committee of the house of representatives, the chair of the senate state government finance committee, and the legislative reference library a yearly listing of all contracts for professional or technical services executed. The report must identify the contractor, contract amount, duration, and services to be provided. The commissioner shall also issue yearly reports summarizing the contract review activities of the department by fiscal year.

(b) The fiscal year report must be submitted by September 1 of each year and must:

- (1) be sorted by contractor;
- (2) show the aggregate value of contracts issued to each contractor;
- (3) distinguish between contracts that are being issued for the first time and contracts that are being extended;
- (4) state the termination date of each contact; and
- (5) identify services by commodity code, including topics such as contracts for training and contracts for research.

(c) Within 30 days of final completion of a contract over \$100,000 covered by this subdivision, the commissioner must submit a one-page report to the legislative reference library. The report must:

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(1) summarize the purpose of the contract, including why it was necessary to enter into a contract;

(2) state the amount spent on the contract; and

(3) explain why this amount was a cost-effective way to enable the agency to provide its services or products better or more efficiently.

Subd. 7. **PROCUREMENT FROM SMALL BUSINESS.** This section is subject to section 16C.16.

Sec. 22. [161.362] ADVANCE FUNDING FOR INTERREGIONAL CORRIDOR DEVELOPMENT.

Subdivision 1. **CORRIDOR DEVELOPMENT.** By agreement with the commissioner, a road authority other than the commissioner or two or more road authorities that have entered into a joint powers agreement under section 471.59 may make advances from any available funds to the commissioner to expedite development of an interregional transportation corridor, including funds for design consultants, for right-of-way purchases, for construction, or for other related expenditures.

Subd. 2. **REPAYMENT.** Subject to the availability of state money, the commissioner shall repay the amount advanced under this section, up to the state's share of costs, under terms of the agreement. The agreement may provide for payment of interest on the amount of advanced funds. The maximum interest rate that may be paid is the rate earned by the state on invested treasurer's cash for the month before the date the agreement is executed or the actual interest paid by the road authority in borrowing for the amount advanced, whichever rate is less. The total amount of annual repayment to road authorities under this section and section 161.361 must never exceed the amount stated in the department's debt management policy or \$10,000,000, whichever is less.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 23. [161.366] TRANSPORTATION CONSTRUCTION CONTRACT; TACONITE RELIEF AREA.

The commissioner of transportation, as a condition of awarding a transportation construction contract in the taconite tax relief area, may require the contractor to hire a certain percentage of workers for that contract whose principal place of residence is in the taconite tax relief area. Taconite tax relief area means the tax relief area defined in section 273.134.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 24. Minnesota Statutes 2000, section 162.06, subdivision 3, is amended to read:

Subd. 3. **DISASTER ACCOUNT.** (a) After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money equal to one percent of the remaining money in the county state-aid highway fund to

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provide for a disaster account; provided that the total amount of money in the disaster account shall ~~must~~ never exceed ~~one~~ two percent of the total sums to be apportioned to the counties. This sum shall ~~must~~ be used to provide aid to any county encountering disasters or unforeseen events affecting its county state-aid highway system, and resulting in an undue and burdensome financial hardship.

(b) Any county desiring aid by reason of such disaster or unforeseen event shall request the aid in the form required by the commissioner. Upon receipt of the request, the commissioner shall appoint a board consisting of two representatives of the counties, who must be either a county engineer or member of a county board, from counties other than the requesting county, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner.

(c) Final determination of the amount of aid, if any, to be paid to the county from the disaster account shall ~~must~~ be made by the commissioner. Upon determining to aid any such a requesting county, the commissioner shall certify to the commissioner of finance the amount of the aid, and the commissioner of finance shall ~~thereupon then~~ issue a warrant in that amount payable to the county treasurer of the county. Money so paid shall ~~must~~ be expended on the county state-aid highway system in accordance with the rules of the commissioner.

Sec. 25. Minnesota Statutes 2000, section 162.12, subdivision 3, is amended to read:

Subd. 3. **DISASTER ACCOUNT.** (a) After deducting administrative costs as provided in subdivision 2, the commissioner shall set aside each year a sum of money equal to two percent of the remaining money in the municipal state-aid street fund to provide for a disaster account; provided, that the total amount of money in the disaster account shall ~~must~~ never exceed ~~five~~ three percent of the total sums to be apportioned to the statutory and home rule charter cities having a population of 5,000 or more. The disaster account shall ~~must~~ be used to provide aid to any such city encountering disaster or unforeseen event affecting the municipal state-aid street system of the city, and resulting in an undue and burdensome financial hardship.

(b) Any such city desiring aid by reason of such disaster or unforeseen event shall request aid in the form required by the commissioner. Upon receipt of the request the commissioner shall appoint a board consisting of two representatives of the cities, who must be either a city engineer or member of the governing body of a city, from cities other than the requesting city, and a representative of the commissioner. The board shall investigate the matter and report its findings and recommendations in writing to the commissioner.

(c) Final determination of the amount of aid, if any, to be paid to the city from the disaster account shall ~~must~~ be made by the commissioner. Upon determining to aid the city, the commissioner shall certify to the commissioner of finance the amount of aid, and the commissioner of finance shall ~~thereupon then~~ issue a warrant in that amount

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payable to the fiscal officer of the city. Money so paid shall must be expended on the municipal state-aid street system in accordance with rules of the commissioner.

Sec. 26. [167.46] PROPERTY PURCHASED WITH HIGHWAY BOND PROCEEDS.

Subdivision 1. DEFINITIONS. (a) The definitions in this subdivision apply to this section.

(b) "State trunk highway bond-financed property" means property acquired, improved, or maintained in whole or in part with the proceeds of state trunk highway bonds authorized to be issued under the Minnesota Constitution, article XIV, section 11.

(c) "Outstanding state trunk highway bonds" means the dollar amount of state trunk highway bonds, including any refunding state trunk highway bonds, issued with respect to state trunk highway bond-financed property, less the principal amount of state trunk highway bonds paid or defeased.

Subd. 2. LEASES. (a) State trunk highway bond-financed property may only be leased (1) for those purposes authorized by law, (2) in accordance with the requirements of all other laws and duly adopted rules applicable thereto, and orders, if any, of the commissioner of finance intended to ensure the legality and tax-exempt status of outstanding state trunk highway bonds, and (3) with the approval of the commissioner of finance. A lease of state trunk highway bond-financed property, including any renewals that are solely at the option of the lessee, must be for a term substantially less than the useful life of the state trunk highway bond-financed property, but may allow renewal beyond that term upon a determination by the commissioner of transportation that the use continues to be authorized by law and that the additional term is authorized by law. A lease of state trunk highway bond-financed property must be terminable by the commissioner of transportation if the other contracting party defaults under the contract and must provide for oversight by the commissioner of transportation.

(b) Notwithstanding the provisions of any other law, money received by the state under a lease of state trunk highway bond-financed property must be paid to the commissioner of transportation, deposited in the state trunk highway fund, and used to pay or redeem or defease any outstanding state trunk highway bonds in accordance with the commissioner of finance's order authorizing their issuance. The money paid to the commissioner of transportation is appropriated for this purpose. Money in excess of the foregoing requirement must be applied as otherwise required by law.

Subd. 3. SALES. (a) State trunk highway bond-financed property must not be sold unless the sale (1) is for a purpose authorized by law, (2) is conducted in accordance with applicable law and duly adopted rules, (3) is made in accordance with orders, if any, of the commissioner of finance intended to ensure the legality and tax-exempt status of outstanding state trunk highway bonds, and (4) is approved by the commissioner of finance.

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(b) Notwithstanding any other law, the net proceeds of a sale of any state trunk highway bond-financed property must be paid to the commissioner of transportation, deposited in the state trunk highway fund, and used to pay or redeem or defease any outstanding trunk highway bonds in accordance with the commissioner of finance's order authorizing their issuance. The net proceeds of sale paid to the commissioner of transportation are appropriated for these purposes. Any net proceeds of sale in excess of the foregoing requirement must be applied as otherwise required by law. When all of the net proceeds of sale have been applied as provided in this subdivision, the sold property is no longer considered state trunk highway bond-financed property.

Subd. 4. RELATION TO OTHER LAWS. This section applies to all state trunk highway bond-financed property unless otherwise provided by law.

Sec. 27. Minnesota Statutes 2000, section 167.51, subdivision 2, is amended to read:

Subd. 2. **TRANSFERS.** All money transferred from the trunk highway fund or from any other source to the Minnesota trunk highway bond account and all income from the investment thereof shall be available for the payment of outstanding state trunk highway bonds and interest thereon, whether or not issued pursuant to section 167.50, in the same manner as the proceeds of taxes paid into the trunk highway fund, and so much thereof as may be necessary is appropriated for such payments. The legislature may appropriate and transfer to the Minnesota trunk highway bond account, for the payment of such trunk highway bonds and interest thereon, any other moneys in the state treasury not otherwise appropriated. The commissioner of finance and the state treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Sec. 28. Minnesota Statutes 2000, section 168.011, subdivision 7, is amended to read:

Subd. 7. **PASSENGER AUTOMOBILE.** "Passenger automobile" means any motor vehicle designed and used for the carrying of not more than 15 persons including the driver. "Passenger automobile" does not include motorcycles, motor scooters, and buses described in subdivision 9, paragraph (a), clause (2). For purposes of taxation only, "passenger automobile" includes pickup trucks and vans, ~~other than including those vans designed to carry passengers with a manufacturer's nominal rated carrying capacity of one ton, but does not include~~ commuter vans as defined in section 168.126.

Sec. 29. Minnesota Statutes 2000, section 168.012, subdivision 1, is amended to read:

Subdivision 1. **VEHICLES EXEMPT FROM TAX AND REGISTRATION FEES.** (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

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(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from ~~such~~ those institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes;

(5) vehicles owned and used by honorary consul;

(6) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable; and

(7) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Vehicles owned by the federal government, municipal fire apparatuses including fire-suppression support vehicles, police patrols, and ambulances, the general appearance of which is unmistakable, ~~shall~~ are not be required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the department of corrections shall, must be registered and shall must display appropriate license number plates ~~which shall be~~, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the departments of revenue and labor and industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates ~~which shall be~~, furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the division of disease prevention and control of the department of health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The

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certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the division of disease prevention and control.

(f) Unmarked vehicles used by staff of the gambling control board in gambling investigations and reviews must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the board chair. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the gambling control board.

(g) All other motor vehicles shall must be registered and display tax-exempt number plates which shall be, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates shall must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, or licensed commercial driving school, on the vehicle plainly displayed on both sides of the vehicle; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and vulnerable adult protective services without the required identification on the sides of the vehicle. Such This identification shall must be in a color giving contrast with that of the part of the vehicle on which it is placed and shall must endure throughout the term of the registration. The identification must not be on a removable plate or placard and shall must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 30. Minnesota Statutes 2000, section 168.013, subdivision 1d, is amended to read:

Subd. 1d. **TRAILER.** (a) On trailers registered at a gross vehicle weight of greater than 3,000 pounds, the annual tax is based on total gross weight and is 30 percent of the Minnesota base rate prescribed in subdivision 1e, when the gross weight is 15,000 pounds or less, and when the gross weight of a trailer is more than 15,000 pounds, the tax for the first eight years of vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life the tax is 75 percent of the Minnesota base rate prescribed by subdivision 1e, but in no event less than \$5, provided, that the tax on trailers with a total gross weight of 3,000 pounds or less is payable biennially.

(b) Farm trailers with a gross weight in excess of 10,000 pounds and as described in section 168.011, subdivision 17, are taxed as farm trucks as prescribed in subdivision 1c.

(c) Effective on and after July 1, 2001, trailers registered at a gross vehicle weight of 3,000 pounds or less must display a distinctive plate. The registration on the license

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plate is valid for the life of the trailer only if it remains registered at the same gross vehicle weight. The onetime registration tax for trailers registered for the first time in Minnesota is \$55. For trailers registered in Minnesota before July 1, 2001, and for which:

(1) registration is desired for the remaining life of the trailer, the registration tax is \$25; or

(2) permanent registration is not desired, the biennial registration tax is \$10 for the first renewal if registration is renewed between and including July 1, 2001, and June 30, 2003. These trailers must be issued permanent registration at the first renewal on or after July 1, 2003, and the registration tax is \$20.

For trailers registered at a gross weight of 3,000 pounds or less before July 1, 2001, but not renewed until on or after July 1, 2003, the registration tax is \$20 and permanent registration must be issued.

Sec. 31. Minnesota Statutes 2000, section 168.09, subdivision 7, is amended to read:

Subd. 7. **DISPLAY OF TEMPORARY PERMIT; SPECIAL PLATES.** (a) A vehicle that displays a special plate issued under section 168.021; 168.12, subdivision 2, 2a, 2b, 2c, or 2d; 168.123; 168.124; 168.125; 168.126; 168.128; or 168.129 may display a temporary permit in conjunction with expired registration if:

- (1) the current registration tax and all other fees have been paid in full; and
- (2) the plate requires replacement under section 168.12, subdivision 1, paragraph (b), clause (3).

(b) A vehicle that is registered under section 168.10 may display a temporary permit in conjunction with expired registration, with or without a registration license plate, if:

(1) the license plates have been applied for and the registration tax has been paid in full, as provided for in section 168.10; and

(2) the vehicle is used solely as a collector vehicle while displaying the temporary permit and not used for general transportation purposes.

(b) (c) The permit is valid for a period of 60 days. The permit must be in a form prescribed by the commissioner of public safety and whenever practicable must be posted upon the driver's side of the rear window on the inside of the vehicle. The permit is valid only for the vehicle for which it was issued to allow a reasonable time for the new license plates to be manufactured and delivered to the applicant.

Sec. 32. Minnesota Statutes 2000, section 168.12, subdivision 1, is amended to read:

Subdivision 1. **NUMBER PLATES; DESIGN, VISIBILITY, PERIODS OF ISSUANCE.** (a) The registrar, upon the approval and payment, shall issue to the applicant the number plates required by law, bearing the state name and the number

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assigned. The number assigned may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned shall be in marked contrast. The plates shall be lettered, spaced, or distinguished to suitably indicate the registration of the vehicle according to the rules of the registrar, and when a vehicle is registered on the basis of total gross weight, the plates issued shall clearly indicate by letters or other suitable insignia the maximum gross weight for which the tax has been paid. These number plates shall be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, these number plates, when viewed from a vehicle equipped with standard headlights, shall be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

(b) The registrar shall issue these number plates for the following periods:

(1) New number plates issued pursuant to section 168.012, subdivision 1, shall be issued to a vehicle for as long as it is owned by the exempt agency and shall not be transferable from one vehicle to another but may be transferred with the vehicle from one tax-exempt agency to another.

(2) Plates issued for passenger automobiles as defined in section 168.011, subdivision 7, shall be issued for a seven-year period. All plates issued under this paragraph must be replaced if they are seven years old or older at the time of annual registration or will become so during the registration period.

(3) Number plates issued under sections 168.053 and 168.27, subdivisions 16 and 17, shall be for a seven-year period.

(4) Number plates issued under subdivisions 2c and 2d and section 168.123 shall be issued for the life of the veteran under section 169.79.

(5) Plates for any vehicle not specified in clauses (1) to (3), except for trailers as hereafter provided, shall be issued for the life of the vehicle. Beginning with number plates issued for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or less shall be issued for the life of the trailer and shall be not more than seven inches in length and four inches in width.

(c) In a year in which plates are not issued, the registrar shall issue for each registration a tab or sticker to designate the year of registration. This tab or sticker shall show the calendar year or years for which issued, and is valid only for that period. The number plates, number tabs, or stickers issued for a motor vehicle may not be transferred to another motor vehicle during the period for which it is issued, except a motor vehicle registered under section 168.187.

(d) Notwithstanding any other provision of this subdivision, number plates issued to a vehicle which is used for behind-the-wheel instruction in a driver education course in a public school may be transferred to another vehicle used for the same purpose without payment of any additional fee. The registrar shall be notified of each transfer of number plates under this paragraph and may prescribe a form for notification.

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Sec. 33. Minnesota Statutes 2000, section 168.1291, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** For purposes of this section “special license plates” means license plates issued under sections 168.12, subdivisions 2b to and 2e; ~~168.123~~; 168.1235; and 168.129.

Sec. 34. Minnesota Statutes 2000, section 168.27, subdivision 12a, is amended to read:

Subd. 12a. **GROUND FOR CANCELLATION WITHOUT HEARING; NOTICE REQUIRED.** (a) A license may be canceled by the registrar after notice to the dealer, upon satisfactory proof that the dealer: (1) has failed to provide or maintain the required surety bond; or that the dealer; (2) has failed to provide or maintain the insurance required under chapter 65B; or (3) is no longer operating at the dealer’s licensed location.

(b) Surety companies and insurers providing required coverages shall promptly notify the registrar upon canceling any surety bond or required insurance. The registrar shall notify the dealer of the reason or reasons for cancellation before the cancellation occurs.

Sec. 35. Minnesota Statutes 2000, section 168.27, subdivision 20, is amended to read:

Subd. 20. **APPLICATION TO SALE OF OTHER VEHICLES.** (a) This section ~~shall~~ does not apply:

(1) to any person, copartnership, or corporation engaged in the business of selling vehicles designed to operate exclusively over snow, motor scooters, motorized wheelchairs, utility trailers, farm wagons, farm trailers, or farm tractors or other farm implements, whether self-propelled or not; and even though such wagons, trailers, tractors or implements a vehicle listed in this clause may be equipped with a trailer hitch; or

(2) to any person licensed as a real estate broker or salesperson pursuant to chapter 82, who engages in the business of selling, or who offers to sell, or who solicits or advertises the sale of manufactured homes affixed to land; unless such.

(b) However, this section does apply to a person, copartnership, or corporation shall described in paragraph (a) who is also be engaged in the business of selling other motor vehicles or manufactured homes within the provisions of this section.

(b) (c) As used in this subdivision the term “utility trailer” has the following meaning; “utility trailer” means a motorless vehicle, other than a boat trailer or snowmobile trailer, equipped with one or two wheels and, having a carrying capacity of 2000 gross vehicle weight of 4,000 pounds or less, and used for carrying property on its own structure while being drawn by a motor vehicle.

Sec. 36. Minnesota Statutes 2000, section 168.33, subdivision 7, is amended to read:

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

Subd. 7. **FILING FEE.** (a) In addition to all other statutory fees and taxes, a filing fee of \$3.50 is imposed on every application:

(i) \$4.50 is imposed on every motor vehicle registration renewal, excluding pro rate transactions; and

(ii) \$7 is imposed on every other type of vehicle transaction, including pro rate transactions;

except that a filing fee may not be charged for a document returned for a refund or for a correction of an error made by the department of public safety, a licensed auto dealer, or a deputy registrar. The filing fee shall must be shown as a separate item on all registration renewal notices sent out by the department of public safety. No filing fee or other fee may be charged for the permanent surrender of a certificate of title and license plates for a motor vehicle.

(b) Filing fees collected under this subdivision by the registrar department must be paid into the state treasury and credited to the highway user tax distribution fund, except fees for registrations of motor vehicles. Filing fees collected for registrations of motor vehicles in conjunction with a title transfer or first application in this state must be paid into the state treasury with 50 percent of the money credited to the general fund and 50 percent credited to the highway user tax distribution fund.

(c) A motor vehicle dealer shall retain \$2.50 of each filing fee imposed under this subdivision for a completed transaction involving the sale of a motor vehicle to or by a licensed dealer, if the dealer electronically transmits the transaction to the department or deputy registrar. The department shall develop procedures to implement this subdivision in consultation with Minnesota Deputy Registrar Association and Minnesota Automobile Dealers Association. Deputy registrars shall not be prohibited from receiving and processing required documents supporting an electronic transaction.

Sec. 37. Minnesota Statutes 2000, section 168.381, is amended to read:

168.381 MANUFACTURE OF VEHICLE LICENSE NUMBER PLATES; APPROPRIATIONS.

Subdivision 1. CORRECTIONAL FACILITIES; OTHER MANUFACTURERS. (a) License number plates required by law may be manufactured by the Minnesota correctional facility-St. Cloud, the Minnesota correctional facility-Stillwater, or other facility established by law for the confinement of persons convicted of felony, upon order from the registrar of motor vehicles, such The order to must state the quality of material desired in such the plates, the plate specifications thereof, and the amount or number desired.

(b) Should the commissioner of corrections decide not to supply the required quantity of license plates, or discontinue the manufacture of plates, the commissioner of public safety is authorized to seek other suppliers on a competitive basis.

Subd. 2. LABORATORY TESTING; COSTS. (a) Materials purchased to be used in the manufacture of such motor vehicle number plates shall must be tested as

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to conformance with specifications established by the commissioner of public safety in a privately operated laboratory service to be designated by the commissioner. The cost of ~~such~~ the laboratory shall must be included in the cost of materials purchased.

(b) The cost of delivery of ~~such~~ number plates to the commissioner of public safety at places which designated by the commissioner may ~~designate~~ shall must be included in the expenses incurred in their manufacture.

Subd. 3. SPECIFICATIONS. The commissioner of public safety shall establish new or revised specifications for the material and equipment used in the manufacture of number plates ordered for manufacture after August 1, 1975, and may from time to time revise ~~such~~ the specifications; provided that ~~such~~ the specifications conform to the requirements of section 168.12. In establishing new or revised specifications, the commissioner shall consult with and give consideration to the advice and recommendations of representatives of the Minnesota state patrol, local police officers' associations, and the county sheriffs' association.

(e) **Subd. 4. APPROPRIATIONS.** (a) Money appropriated to the department of public safety to procure the plates for any fiscal year or years ~~shall be~~ are available for allotment, encumbrance, and expenditure from and after the date of the enactment of ~~such~~ the appropriation. Materials and equipment used in the manufacture of ~~such~~ number plates are subject only to the approval of the commissioner of public safety.

(d) (b) This section contemplates that money to be appropriated to the department of public safety in order to carry out the terms and provisions of this section will be appropriated by the legislature from the highway user tax distribution fund.

(c) A sum sufficient is appropriated annually from the highway user tax distribution fund to the commissioner of public safety to pay the costs of purchasing, delivering, and mailing motor vehicle license number plates, license plate registration tabs or stickers, and license plate registration notices.

Sec. 38. [168A.101] CANCELLATION OF MOTOR VEHICLE SALE.

Subdivision 1. REQUIRED DOCUMENTATION. If the parties cancel a purchase of a motor vehicle after the transfer of interest, they must submit within 90 days of the original purchase date the following items:

- (1) the outstanding certificate of title with proper assignment; and
- (2) an affidavit correcting ownership signed by the parties.

Subd. 2. REFUNDS. A party may be eligible for a refund of taxes and fees only if the items indicated in subdivision 1 are submitted within the 90-day time frame unless otherwise provided by law.

Sec. 39. Minnesota Statutes 2000, section 169.09, subdivision 8, is amended to read:

Subd. 8. OFFICER TO REPORT ACCIDENT TO COMMISSIONER. Every A law enforcement officer who, in the regular course of duty, investigates a motor

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vehicle accident of which report must be made as required in that must be reported under this section; either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses; shall, within ten days after the date of such the accident, forward a an electronic or written report of such the accident to the commissioner of public safety.

Sec. 40. Minnesota Statutes 2000, section 169.09, subdivision 9, is amended to read:

Subd. 9. **ACCIDENT REPORT FORMS.** The department of public safety shall prepare, and electronic or written forms for accident reports required under this section. Upon request the department shall supply the forms to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident reports required hereunder. The forms must be appropriate with respect to the persons required to make such the reports and the purposes to be served. The electronic or written reports report forms to be made completed by persons involved in accidents and by investigating officers shall must call for sufficiently detailed information to disclose with reference to a traffic accident the causes, conditions then existing, and the persons and vehicles involved.

Sec. 41. Minnesota Statutes 2000, section 169.09, subdivision 10, is amended to read:

Subd. 10. **USE OF FORM REQUIRED.** ~~Every~~ A required accident report required to be made in writing shall must be made on the an appropriate form approved by the department of public safety and contain all of the information required therein unless not available.

Sec. 42. Minnesota Statutes 2000, section 169.18, subdivision 1, is amended to read:

Subdivision 1. **KEEP TO THE RIGHT.** Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) when the right half of a roadway is closed to traffic while under construction or repair;
- (3) upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) upon a roadway designated and signposted for one-way traffic as a one-way roadway; or
- (5) as necessary to comply with subdivision 11 when approaching an authorized emergency vehicle parked or stopped on the roadway.

EFFECTIVE DATE. This section is effective June 1, 2001.

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Sec. 43. Minnesota Statutes 2000, section 169.18, is amended by adding a subdivision to read:

Subd. 11. PASSING PARKED EMERGENCY VEHICLE. When approaching and before passing an authorized emergency vehicle that is parked or otherwise stopped on or next to a street or highway having two or more lanes in the same direction, the driver of a vehicle shall safely move the vehicle to a lane away from the emergency vehicle.

EFFECTIVE DATE. This section is effective June 1, 2001.

Sec. 44. Minnesota Statutes 2000, section 169.67, subdivision 3, is amended to read:

Subd. 3. TRAILER, SEMITRAILER. (a) No trailer or semitrailer with a gross weight of 3,000 or more pounds, or a gross weight that exceeds the empty weight of the towing vehicle, may be drawn on a highway unless it is equipped with brakes that are adequate to control the movement of and to stop and hold the trailer or semitrailer. A surge brake on a trailer or semitrailer meets the requirement of this paragraph for brakes adequate to stop and hold the trailer or semitrailer.

(b) No trailer or semitrailer that is required to have brakes and that has a gross weight of more than 6,000 pounds may be drawn on a highway unless it is equipped with brakes that are so constructed that they are adequate to stop and hold the trailer or semitrailer whenever it becomes detached from the towing vehicle.

(c) Except as provided in paragraph (d), paragraph (a) does not apply to:

(1) a trailer used by a farmer while transporting farm products produced on the user's farm, or supplies back to the farm of the trailer's user;

(2) a towed custom service vehicle drawn by a motor vehicle that is equipped with brakes that meet the standards of subdivision 5, provided that such a towed custom service vehicle that exceeds 30,000 pounds gross weight may not be drawn at a speed of more than 45 miles per hour;

(3) a trailer or semitrailer operated or used by retail dealers of implements of husbandry while engaged exclusively in the delivery of implements of husbandry;

(4) a motor vehicle drawn by another motor vehicle that is equipped with brakes that meet the standards of subdivision 5;

(5) a tank trailer of not more than 12,000 pounds gross weight owned by a distributor of liquid fertilizer while engaged exclusively in transporting liquid fertilizer, or gaseous fertilizer under pressure;

(6) a trailer of not more than 12,000 pounds gross weight owned by a distributor of dry fertilizer while engaged exclusively in the transportation of dry fertilizer; and

(7) a disabled vehicle while being towed to a place of repair.

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(d) Vehicles described in paragraph (c), clauses (1), (3), and (4), may be operated without complying with paragraph (a) only if the trailer or semitrailer does not exceed the following gross weights:

(1) 3,000 pounds while being drawn by a vehicle registered as a passenger automobile, other than a pickup truck as defined in section 168.011, subdivision 29;

(2) 12,000 pounds while being drawn by any other motor vehicle except a self-propelled implement of husbandry.

Sec. 45. Minnesota Statutes 2000, section 169.79, is amended to read:

169.79 VEHICLE REGISTRATION.

(a) No person shall operate, drive, or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates ~~for the current year only or permit confirming that valid registration or operating authority has been obtained,~~ except as provided in sections 168.10 and 168.12, subdivision 2f, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate or permit is not obstructed. A plate issued under section 168.27 or a permit issued under chapter 168 may be displayed on a vehicle in conjunction with expired registration whether or not it displays the license plate to which the last registration was issued.

(b) If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the certificate of title documentation on file with the department and shall not display a year indicator.

(c) If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer, semitrailer, or vehicle displaying a dealer plate, one plate ~~shall~~ must be displayed on the rear ~~thereof of the vehicle.~~

(d) If the vehicle is (1) a collector's vehicle with a pioneer, classic car, collector, or street rod license; (2) a vehicle that meets the requirements of a pioneer, classic, or street rod vehicle except that the vehicle is used for general transportation purposes; or (3) a vehicle that is of model year 1972 or earlier, not registered under section 168.10, subdivision 1c, and is used for general transportation purposes, one plate ~~shall~~ must be displayed on the rear of the vehicle, or one plate on the front and one on the rear, at the discretion of the owner.

(e) If the vehicle is a truck-tractor, road-tractor or farm truck, as defined in section 168.011, subdivision 17, but excluding from that definition semitrailers and trailers, one plate ~~shall~~ must be displayed on the front ~~thereof of the vehicle.~~

(f) If the motor vehicle is any kind of motor vehicle other than those provided for in paragraphs (b) to (d), one plate ~~shall~~ must be displayed on the front and one on the rear ~~thereof of the vehicle.~~

(g) All plates ~~shall~~ must be securely fastened so as to prevent them from swinging. The person driving the motor vehicle shall keep the plate legible and unobstructed and

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free from grease, dust, or other blurring material so that the lettering shall be is plainly visible at all times. It is unlawful to cover any assigned letters and numbers or the name of the state of origin of a license plate with any material whatever, including any clear or colorless material that affects the plate's visibility or reflectivity.

(h) License plates issued to vehicles registered under section 168.017 must display the month of expiration in the lower left corner as viewed facing the plate and the year of expiration in the lower right corner as viewed facing the plate. License plates issued to vehicles registered under section 168.127 must display either fleet registration validation stickers in the lower right corner as viewed facing the plates or distinctive license plates, issued by the registrar, with "FLEET REG" embossed on the bottom center portion of the plate.

Sec. 46. Minnesota Statutes 2000, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **LICENSE; CONTENTS.** ~~The department shall,~~ Upon the payment of the required fee, the department shall issue to every qualifying applicant ~~qualifying therefor~~ a license designating the type or class of vehicles the applicant is authorized to drive as applied for, ~~which.~~ This license shall ~~must~~ bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the licensee in such manner as the commissioner deems necessary, and a space upon which the licensee shall write the usual signature and the date of birth of the licensee ~~with pen and ink.~~ No license ~~shall be~~ is valid until it has been ~~so~~ signed by the licensee. Except in the case of an instruction permit, every license ~~shall must~~ bear thereon a colored photograph or an electronically produced image of the licensee. Every license issued to an applicant under the age of 21 ~~shall must~~ be of a distinguishing color and plainly marked "Under-21." The department shall use such process or processes in the issuance of licenses that prohibits, as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a photograph or electronically produced image on ~~such~~ the licenses, without ready detection. A license issued to an applicant of age 65 or over shall must be plainly marked "senior" if requested by the applicant.

Sec. 47. Minnesota Statutes 2000, section 171.183, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** For the purposes of sections 171.182 to 171.184, a judgment is satisfied if:

(1) ~~\$25,000~~ \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(2) subject to the limit of ~~\$25,000~~ \$30,000 because of bodily injury to or death of one person, the sum of ~~\$50,000~~ \$60,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of

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two or more persons as the result of any one accident; or

(3) \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident.

Sec. 48. Minnesota Statutes 2000, section 171.29, subdivision 2, is amended to read:

Subd. 2. **FEES, ALLOCATION.** (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52 or 169A.54, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 or 169A.54 shall pay a \$250 fee plus a \$40 surcharge before the driver's license is reinstated. The \$250 fee is to be credited as follows:

(1) Twenty percent must be credited to the trunk highway fund.

(2) Fifty-five percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent must be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) the first \$200,000 in a fiscal year 2002:

(A) the first \$200,000 to the commissioner of children, families, and learning for programs for elementary and secondary school students; and

(ii) (B) the remainder credited in a fiscal year to the commissioner of ~~transportation~~ public safety to be spent as grants through March 31, 2002, to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools and then from April 1, 2002, through June 30, 2002, for programs described in item (ii); and

(ii) after June 30, 2002, to the commissioner of public safety for grants for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families

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to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

(iv) the establishment of education programs for persons with traumatic brain injury; and

(v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

(c) The \$40 surcharge must be credited to a separate account to be known as the remote electronic alcohol monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(d) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

Sec. 49. Minnesota Statutes 2000, section 171.39, is amended to read:

171.39 EXEMPTIONS.

(a) The provisions of sections 171.33 to 171.41 shall do not apply to any person giving driver training lessons without charge; to employers maintaining driver training schools without charge for their employees only; to a home-school within the meaning of sections 120A.22 and 120A.24; or to schools or classes conducted by colleges, universities, and high schools as a part of the normal program for such those institutions; nor to these schools or persons described in section 171.05, subdivision 2.

(b) Any person who is a certificated driver training instructor in a high school driver training program may give driver training instruction to persons over the age of 18 without acquiring a driver training school license or instructor's license, and such

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those instructors may make a charge for that instruction, if there is no private commercial driver training school licensed under this statute sections 171.33 to 171.41 within ten miles of the municipality where such driver training instruction is given and there is no adult drivers training program in effect in the schools of the school district in which the trainee resides.

Sec. 50. [174.026] PAVEMENT STRIPING.

The commissioner of transportation may bill highway maintenance operating units of the department and local road authorities for the costs of a centrally managed, pavement marking program. These costs may include equipment acquisition and rental, labor, materials, and other costs as determined by the commissioner. Receipts must be credited to a special account, which is established in the trunk highway fund, and are appropriated to the commissioner to pay the costs for which the billings are made. Amounts credited to the account are exempt from statewide and agency indirect costs payments.

Sec. 51. Minnesota Statutes 2000, section 174.24, subdivision 3b, is amended to read:

Subd. 3b. **OPERATING ASSISTANCE.** (a) The commissioner shall determine the total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles. To be eligible for financial assistance, an applicant or recipient shall provide to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine total operating cost and correspondingly the amount of assistance which may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system, the commissioner shall identify one as lead agency for the purpose of receiving moneys money under this section.

(b) Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: ~~large urbanized area service~~, urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification, except as provided in an undue hardship case. The percentages shall be: ~~for large urbanized area service, 50 percent;~~ for urbanized area service and small urban area service, 40 percent; for rural area service, 35 percent; and for elderly and handicapped service, 35 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost. Total operating costs of the Duluth transit authority or a

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successor agency shall not include costs related to the Superior, Wisconsin service contract and the independent school district No. 709 service contract.

(c) If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources by one or more other recipients inside or outside the classification, provided that no recipient shall have its percentage thus reduced or increased for more than two years successively. If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary.

Sec. 52. Minnesota Statutes 2000, section 174.35, is amended to read:

174.35 LIGHT RAIL TRANSIT.

The commissioner of transportation may exercise the powers granted in this chapter and chapter 473, as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the metropolitan area as defined in section 473.121, subdivision 2. The commissioner shall not spend state funds to study light rail transit unless the funds are appropriated in legislation that identifies the route, including the origin and destination.

Sec. 53. [174.36] NOTICE OF STUDIES OF HIGH-SPEED RAIL.

The commissioner shall notify the chairs of the senate and house of representatives committees with jurisdiction over transportation finance whenever the commissioner spends state funds to study high-speed intercity passenger rail service.

Sec. 54. Minnesota Statutes 2000, section 174.55, subdivision 4, is amended to read:

Subd. 4. **COMMISSIONER REPORT.** The commissioner of transportation shall report to the commission not later than July 15 of each year. The report must consist of a listing of candidate projects that meet the criteria of major transportation projects within the definition in subdivision 5, and a listing of proposed projects for study that the commissioner believes have the potential of being major transportation projects ~~but do not have draft environmental impact statements.~~ The report must include the commissioner's plan for funding and implementation of each project.

Sec. 55. Minnesota Statutes 2000, section 174.55, subdivision 5, is amended to read:

Subd. 5. **MAJOR TRANSPORTATION PROJECT.** A major transportation project is a project that meets each of the following criteria:

- (1) involves the department of transportation;

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(2) has a total cost of more than \$5,000,000 has a construction cost, in the year in which construction is expected to begin, that exceeds 25 percent of the estimated annual construction program of the department division or construction district in which the project is located; and

(3) is a critical element of the transportation system of its region and the state; and

(4) has a completed draft environmental impact statement.

Sec. 56. Minnesota Statutes 2000, section 174.70, subdivision 2, is amended to read:

Subd. 2. **IMPLEMENTATION.** In order to facilitate construction and maintenance of the initial backbone of the the state's communications system described in subdivision 1 systems and to reduce the proliferation of communications towers, the commissioner shall may, by purchase, lease, gift, exchange, or other means, obtain sites for the erection of towers and the location of equipment and shall may construct buildings and structures needed for developing the system state's communications systems. The commissioner may negotiate with commercial wireless service providers and other tower owners to obtain sites, towers, and equipment. Notwithstanding sections 161.433, 161.434, 161.45, and 161.46, the commissioner may by agreement lease, allow, or permit commercial wireless service providers or other tower owners to install privately owned equipment on state-owned lands, buildings, and other structures under the jurisdiction of the commissioner when it is practical and feasible to do so. The commissioner shall annually publish a list of state-owned tower sites that are available to commercial wireless service providers and other tower owners for installation of their equipment on a first-come, first-served basis for each tower or site. The commissioner may not make agreements that grant the exclusive use of towers. After the commissioner has agreed to make space available on a specific tower or at a specific site, the commissioner shall charge a site use fee for the value of the real property or structure made available. In lieu of a site use fee, the commissioner may make agreements with commercial wireless service providers or other tower owners to place state equipment on privately owned towers and may accept (1) improvements such as tower reinforcement, reconstruction, site development, or other site improvements to state-owned public safety the state's communications system facilities or real or personal property; or (2) services provided by a commercial wireless service provider. This section does not create a right to install privately owned towers on the trunk highway right-of-way.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 57. Minnesota Statutes 2000, section 174.70, subdivision 3, is amended to read:

Subd. 3. **DEPOSIT OF FEES; APPROPRIATION.** Fees collected under subdivision 2 must be deposited in the trunk highway fund. The fees so collected are appropriated to the commissioner to pay for the commissioner's share and state patrol's share of the costs of constructing developing and maintaining the communication

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system sites communications systems that serve state agencies.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 58. Minnesota Statutes 2000, section 174.88, subdivision 2, is amended to read:

Subd. 2. **EXPENDITURE OF STATE FUNDS.** The commissioner shall not spend any state funds for construction or equipment of commuter rail facilities unless the funds have been appropriated by law specifically for those purposes. The commissioner shall not spend state funds to study commuter rail unless the funds are appropriated in legislation that identifies the route, including origin and destination.

Sec. 59. [219.166] **ESTABLISHMENT OF QUIET ZONES.**

A county, statutory or home rule charter city, or town may by ordinance establish a defined "quiet zone" in which the sounding of horns, whistles, or other audible warnings by locomotives is regulated or prohibited. A quiet zone established under this section must consist of at least one-half mile of railroad right-of-way. All quiet zones, regulations, and ordinances adopted under this section must conform to federal law and the regulations of the Federal Railroad Administration.

Sec. 60. Minnesota Statutes 2000, section 222.63, subdivision 4, is amended to read:

Subd. 4. **DISPOSITION PERMITTED.** (a) The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or governmental subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or governmental subdivision;

(3) after the sale, the rail bank corridor will continue to meet the future public and commercial transportation and transmission needs of the state; and

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(4) the conveyance will not reduce the width of the rail bank corridor to less than 50 feet.

(d) The commissioner may lease previously acquired state rail bank right-of-way to a state agency or governmental subdivision or to a private entity for nontransportation purposes when:

(1) the portion to be leased is in excess of that needed for the purposes stated in subdivision 2;

(2) the lease will not reduce the useable width of the rail bank corridor to less than 50 feet;

(3) the cost of the lease is based on the fair market value of the portion to be leased, as determined by appraisal;

(4) the lease allows the commissioner to terminate the lease on 90 days' written notice to the lessee; and

(5) the lease prohibits the construction or erection of any permanent structure within the 50-foot rail bank corridor and requires any structure erected on the leased property to be removed and the land restored to its original condition on 90 days' written notice to the lessee.

(e) Proceeds from a sale shall or lease must be deposited in the rail bank maintenance account described in subdivision 8.

Sec. 61. Minnesota Statutes 2000, section 237.04, is amended to read:

237.04 WIRE CROSSING OR PARALLELING UTILITY LINE; RULES.

(a) The department shall determine and promulgate reasonable rules covering the maintenance and operation, also the nature, location, and character of the construction to be used, where telephone, telegraph, electric light, power, or other electric wires of any kind, or any natural gas pipelines, cross, or more or less parallel the lines of any railroad, ~~interurban railway~~, or any other similar public service corporation; and, to this end, shall formulate and from time to time, issue general rules covering each class of construction, maintenance, and operation of such telephone, telegraph, telecommunications, cable, fiber optic, electric wire, or natural gas pipeline crossing, or paralleling, under the various conditions existing; and the department, upon the complaint of any person, railroad, ~~interurban railway~~, municipal utility, cooperative electric association, telephone company, telecommunications carrier, cable company, fiber optic carrier, or other public utility claiming to be injuriously affected or subjected to hazard by any such crossing or paralleling lines constructed or about to be constructed, shall, after a hearing, make such order and prescribe such terms and conditions for the construction, maintenance, and operation of the lines in question as may be just and reasonable.

(b) The department may, upon request of any municipal utility, electric cooperative association, or public utility, telephone company, telecommunications carrier, cable company, or fiber optic carrier determine the just and reasonable charge which

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a railroad, or owner of an abandoned railroad right-of-way, other than the state or a regional railroad authority, can prescribe for a new or existing crossing of a railroad right-of-way by an any telephone, telegraph, telecommunications, cable, fiber optic, electric, or gas line, or new or existing telephone, telegraph, telecommunications, cable, fiber optic, electric, or gas lines more or less paralleling a railroad right-of-way, based on the diminution in value caused by the crossing or paralleling of the right-of-way by the telephone, telegraph, telecommunications, cable, fiber optic, electric, or gas line. This section shall not be construed to eliminate the right of a public utility, municipal utility, or electric cooperative association to have any of the foregoing issues determined pursuant to an eminent domain proceeding commenced under chapter 117. Unless the railroad, or owner of an abandoned railroad right-of-way, other than the state or a regional railroad authority, asserts in writing that the proposed crossing or paralleling is a serious threat to the safe operations of the railroad or to the current use of the railroad right-of-way, a crossing can be constructed following filing of the requested action with the department, pending review of the requested action by the department.

(c) The department shall assess the cost of reviewing the requested action, and of determining a just and reasonable charge, equally among the parties.

(d) For the purposes of this section, "parallel" or "paralleling" means that the relevant utility facilities run adjacent to and alongside the lines of a railroad for no more than one mile, or another distance agreed to by the parties, before the utility facilities cross the railroad lines, terminate, or exit the railroad right-of-way.

Sec. 62. Minnesota Statutes 2000, section 296A.18, subdivision 3, is amended to read:

Subd. 3. **SNOWMOBILE.** ~~Approximately one percent in fiscal years 1998, 1999, and 2000, and three-fourths of one percent thereafter, of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than for aviation purposes, one percent in fiscal years 1998, 1999, and 2000, and three-fourths of one percent thereafter, of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.~~

Sec. 63. Minnesota Statutes 2000, section 297A.70, subdivision 2, as amended by H.F. No. 1, article 12, section 57, if enacted by the First Special Session of the 2001 legislature, is amended to read:

Subd. 2. **SALES TO GOVERNMENT.** (a) All sales, except those listed in paragraph (b), to the following governments and political subdivisions, or to the listed agencies or instrumentalities of governments and political subdivisions, are exempt:

(1) the United States and its agencies and instrumentalities;

(2) school districts, the University of Minnesota, state universities, community colleges, technical colleges, state academies, the Perpich Minnesota center for arts

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education, and an instrumentality of a political subdivision that is accredited as an optional/special function school by the North Central Association of Colleges and Schools;

(3) hospitals and nursing homes owned and operated by political subdivisions of the state;

(4) the metropolitan council, for its purchases of ~~materials, supplies, and equipment~~ vehicles and repair parts to equip operations provided for in section 473.4051.

(5) other states or political subdivisions of other states, if the sale would be exempt from taxation if it occurred in that state; and

(6) sales to public libraries, public library systems, multicounty, multitype library systems as defined in section 134.001, county law libraries under chapter 134A, state agency libraries, the state library under section 480.09, and the legislative reference library.

(b) This exemption does not apply to the sales of the following products and services:

(1) building, construction, or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration, or repair of a building or facility;

(2) construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(3) the leasing of a motor vehicle as defined in section 297B.01, subdivision 5, except for leases entered into by the United States or its agencies or instrumentalities; or

(4) meals and lodging as defined under section 297A.61, subdivision 3, paragraphs (d) and (g), clause (2), except for meals and lodging purchased directly by the United States or its agencies or instrumentalities.

(c) As used in this subdivision, "school districts" means public school entities and districts of every kind and nature organized under the laws of the state of Minnesota, and any instrumentality of a school district, as defined in section 471.59.

EFFECTIVE DATE. This section is effective at the same time H.F. No. 1, article 12, section 57, if enacted by the first special session of the 2001 legislature, takes effect.

Sec. 64. Minnesota Statutes 2000, section 297B.09, subdivision 1, is amended to read:

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Subdivision 1. ~~GENERAL FUND SHARE DEPOSIT OF REVENUES.~~ (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

(b) From July 1, 2001, to June 30, 2002, 30.86 percent of the money collected and received must be deposited in the highway user tax distribution fund, and the remaining money must be deposited in the general fund.

~~Thirty-two~~ (c) On and after June 30, 2003, 32 percent of the money collected and received must be deposited in the highway user tax distribution fund, and the remaining 68 percent of the money must be deposited in the general fund.

Sec. 65. Minnesota Statutes 2000, section 299A.01, subdivision 1b, is amended to read:

Subd. 1b. **DEPARTMENT ADVERTISING SALES; APPROPRIATION.** The commissioner may accept paid advertising for departmental publications, media productions, or other informational materials. Advertising revenues received are appropriated to the commissioner to be used to defray costs of publications, media productions, or other informational materials. The commissioner may not accept paid advertising from an elected official or candidate for elective office.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 66. Minnesota Statutes 2000, section 299A.41, subdivision 4, is amended to read:

Subd. 4. **PUBLIC SAFETY OFFICER.** "Public safety officer" includes:

- (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (f);
- (2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;
- (3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
 - (i) firefighting;
 - (ii) emergency motor vehicle operation;
 - (iii) investigation into the cause and origin of fires;
 - (iv) the provision of emergency medical services; or
 - (v) hazardous material responder;
- (4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

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(5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;

(6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;

(7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care; and

(8) a first responder who is certified by the ~~commissioner of health~~ emergency medical services regulatory board to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance; and

(9) a person, other than a state trooper, employed by the commissioner of public safety and assigned to the state patrol, whose primary employment is the enforcement of commercial motor vehicle laws and regulations.

Sec. 67. Minnesota Statutes 2000, section 446A.085, is amended to read:

446A.085 TRANSPORTATION REVOLVING LOAN FUND.

Subdivision 1. **DEFINITIONS.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) ~~ACT.~~ (b) "Act" means the National Highway System Designation Act of 1995, Public Law Number 104-59, as amended.

(b) ~~BORROWER.~~ (c) "Borrower" means the state, counties, cities, and other governmental entities eligible under the act and state law to apply for and receive loans from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account.~~

(e) ~~DEPARTMENT.~~ "Department" means the department of transportation.

(d) ~~LOAN.~~ "Loan" means financial assistance provided for all or part of the cost of a project including money disbursed in anticipation of reimbursement or repayment, loan guarantees, lines of credit, credit enhancements, equipment financing leases, bond insurance, or other forms of financial assistance.

(e) ~~TRANSPORTATION COMMITTEE.~~ "Transportation committee" means a committee of the Minnesota public facilities authority, acting on behalf of the Minnesota public facilities authority, consisting of the commissioner of the department of trade and economic development, the commissioner of finance, and the commissioner of transportation.

Subd. 2. **PURPOSE.** The purpose of the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account~~ is to provide loans

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and matching money for public transportation projects eligible for financing or aid under any federal act or program or state law, including, without limitation, the study of the feasibility of construction, reconstruction, resurfacing, restoring, rehabilitation, or replacement of transportation facilities; acquisition of right-of-way; and maintenance, repair, improvement, or construction of city, town, county, or state highways, roads, streets, rights-of-way, bridges, tunnels, railroad-highway crossings, drainage structures, signs, maintenance and operation facilities, guardrails, and protective structures used in connection with highways or transit projects. Enhancement items, including without limitation bicycle paths, ornamental lighting, and landscaping, are eligible for financing provided they are an integral part of overall project design and construction of a federal-aid highway. Money in the fund may not be used for any toll facilities project or congestion-pricing project.

Subd. 3. **ESTABLISHMENT OF FUND.** A transportation revolving loan fund is established to make loans for the purposes described in subdivision 2. A highway account is established in the fund for highway projects eligible under United States Code, title 23. A transit account is established in the fund for transit capital projects eligible under United States Code, title 49. A state funds general loan account is established in the fund for transportation projects eligible under state law. Other accounts may be established in the fund as necessary for its management and administration. The transportation revolving loan fund ~~shall receive~~ receives federal money under the act and money from any source. Money received under this section must be paid to the state treasurer and credited to the transportation revolving loan fund. Money in the fund is annually appropriated to the ~~commissioner~~ authority and does not lapse. The fund must be credited with investment income, and with repayments of principal and interest, except for servicing fees assessed under sections 446A.04, subdivision 5, and 446A.11, subdivision 8.

Subd. 4. **MANAGEMENT OF FUND AND ACCOUNTS.** The authority shall manage and administer the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, and the municipal state-aid street revolving loan account and individual accounts in the fund.~~ For those purposes, the authority may exercise all powers provided in this chapter.

Subd. 5. **TRANSFER OF MONEY.** ~~With the consent of the transportation committee, the commissioner of transportation may transfer money from the trunk highway revolving loan account to the trunk highway fund, from the county state-aid highway revolving loan account to the county state-aid highway fund, and from the municipal state-aid street revolving loan account to the municipal state-aid street fund.~~

Subd. 6. **TRANSPORTATION COMMITTEE.** The transportation committee may authorize the making of loans to borrowers by the authority for transportation purposes authorized by the act or this section, without further action by the authority. The authority may not make loans for transportation purposes without the approval of the transportation committee. Each project must be certified by the commissioner of transportation before its consideration by the transportation committee.

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Subd. 7. **APPLICATIONS.** Applicants for loans must submit an application to the transportation committee on forms prescribed by the transportation committee. The applicant must provide the following information:

- (1) the estimated cost of the project and the amount of the loan sought;
- (2) other possible sources of funding in addition to loans sought from the transportation revolving loan fund; ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account;~~
- (3) the proposed methods and sources of funds to be used for repayment of loans received; and
- (4) information showing the financial status and ability of the borrower to repay loans.

Subd. 8. **CERTIFICATION OF PROJECTS.** The commissioner of transportation shall consider the following information when evaluating projects to certify for funding to the transportation committee:

- (1) a description of the nature and purpose of the proposed transportation project including an explanation of the need for the project and the reasons why it is in the public interest;
- (2) the relationship of the project to the area transportation improvement program, the approved statewide transportation improvement program, and to any other transportation plans required under state or federal law;
- (3) the estimated cost of the project and the amount of loans sought;
- (4) proposed sources of funding in addition to loans sought from the transportation revolving loan fund; ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or municipal state-aid street revolving loan account;~~
- (5) the need for the project as part of the overall transportation system;
- (6) the overall economic impact of the project; and
- (7) the extent to which completion of the project will improve the movement of people and freight.

Subd. 9. **LOAN CONDITIONS.** When making loans from the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account,~~ the transportation committee shall comply with the conditions applicable provisions of the act and state law. In addition, a loan made under this section must:

- (1) bear interest at or below market rates or as otherwise specified in federal law;
- (2) have a repayment term not longer than 30 years;

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(3) be fully amortized no later than 30 years after project completion;

(4) be subject to repayment of principal and interest beginning not later than five years after the facility financed with a loan has been completed, or in the case of a highway project, five years after the facility has opened to traffic; and

(5) be made disbursed for specific project elements only after all federal applicable environmental requirements applicable to the project have been complied with and all federal environmental requirements have been met.

Subd. 10. LOANS IN ANTICIPATION OF FUTURE APPORTIONMENTS.

A loan may be made to a county, or to a statutory or home rule charter city having a population of 5,000 or more, in anticipation of repayment of the loan from sums that will be apportioned to a county from the county state-aid highway fund under section 162.07 or to a city from the municipal state-aid street fund under section 162.14.

Subd. 11. PAYMENT BY COUNTY OR CITY. Notwithstanding the allocation provisions of section 162.08 for counties, and the apportionment provisions of section 162.14 for cities, sums apportioned under section 162.13 to a statutory or home rule charter city, or under section 162.07 to a county, that has loan repayments due to the transportation revolving loan fund, ~~the trunk highway revolving loan account, the county state-aid highway revolving loan account, or the municipal state-aid street revolving loan account~~ shall be paid by the commissioner of transportation to the appropriate loan fund ~~or account~~ to offset the loan repayments that are due.

Subd. 12. RULES OF TRANSPORTATION COMMITTEE AND AUTHORITY. The commissioner of the department of trade and economic development shall adopt administrative rules specifying the procedures that will be used for the administration of the duties of the transportation committee and authority. The rules must include criteria, standards, and procedures that will be used for making loans, determining interest rates to be charged on loans, the amount of project financing to be provided, the collateral that will be required, the requirements for dedicated sources of revenue or income streams to ensure repayment of loans, and the length of repayment terms.

Subd. 13. AUTHORITY AND RULES OF DEPARTMENT. The commissioner of transportation shall establish, adopt rules for, and implement a program to identify, assist with the development of, and certify projects eligible for loans under the act to the transportation committee. Until rules are adopted by the commissioner of transportation, the commissioner of transportation may certify to the transportation committee any project that has been reviewed through an approved planning process that qualifies the project to be included in the statewide transportation program or amended into the statewide transportation improvement program.

Subd. 14. JOINT RULES. The commissioner of the department of trade and economic development and the commissioner of transportation may adopt a single set of rules.

EFFECTIVE DATE. This section is effective the day following final enactment.

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Sec. 68. Minnesota Statutes 2000, section 466.03, is amended by adding a subdivision to read:

Subd. 22. HIGHWAY RIGHT-OF-WAY. Any claim for a loss involving or arising out of the use or operation of a recreational motor vehicle, as defined in section 84.90, subdivision 1, within the right-of-way of a road or highway as defined in section 160.02, subdivision 7, except that the municipality is liable for conduct that would entitle a trespasser to damages against a private person.

Sec. 69. Minnesota Statutes 2000, section 473.13, is amended by adding a subdivision to read:

Subd. 1b. LIGHT RAIL TRANSIT OPERATING COSTS. If the council submits to the legislature or governor a budget that includes proposed operating assistance for one or more light rail transit lines operated by the council, the budget must show the proposed operating assistance for each light rail transit line separately from all other transit operating assistance in that budget.

Sec. 70. Minnesota Statutes 2000, section 473.146, subdivision 4, is amended to read:

Subd. 4. TRANSPORTATION PLANNING. (a) The metropolitan council is the designated planning agency for any long-range comprehensive transportation planning required by section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and other federal transportation laws. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties, and municipalities; and.

(b) The council shall establish an advisory body consisting of citizens, and representatives of municipalities, counties, and state agencies in fulfillment of the planning responsibilities of the council. The membership of the advisory body must consist of:

- (1) the commissioner of transportation or the commissioner's designee;
- (2) the commissioner of the pollution control agency or the commissioner's designee;
- (3) one member of the metropolitan airports commission appointed by the commission;
- (4) one person appointed by the council to represent nonmotorized transportation;
- (5) one person appointed by the commissioner of transportation to represent the freight transportation industry;
- (6) two persons appointed by the council to represent public transit;
- (7) ten elected officials of cities within the metropolitan area, including one representative from each first-class city, appointed by the association of metropolitan municipalities;

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(8) one member of the county board of each county in the seven-county metropolitan area, appointed by the respective county boards;

(9) eight citizens appointed by the council, one from each council precinct; and

(10) one member of the council, appointed by the council.

The council shall appoint a chair from among the members of the advisory body.

Sec. 71. Minnesota Statutes 2000, section 473.399, is amended by adding a subdivision to read:

Subd. 4. EXPENDITURE OF STATE FUNDS. No state funds may be expended by the metropolitan council to study light rail transit or commuter rail unless the funds are appropriated in legislation that identifies route, including the origin and destination.

Sec. 72. [473.4461] ADDITIONS TO TRANSIT TAXING DISTRICT.

Notwithstanding any provision of section 473.446 or any other law, the metropolitan council may not levy a tax under section 473.446, subdivision 1, in any city or town not included in the transit taxing district as it existed on January 1, 2001, unless the council and the governing body of that city or town have agreed on a service expansion plan.

Sec. 73. Minnesota Statutes 2000, section 473.859, subdivision 2, is amended to read:

Subd. 2. LAND USE PLAN. A land use plan shall include the water management plan required by section 103B.235, and shall designate the existing and proposed location, intensity and extent of use of land and water, including lakes, wetlands, rivers, streams, natural drainage courses, and adjoining land areas that affect water natural resources, for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites, the matters listed in the water management plan required by section 103B.235, and an element for protection and development of access to direct sunlight for solar energy systems. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing. A land use plan shall also include the local government's goals, intentions, and priorities concerning aggregate and other natural resources, transportation infrastructure, land use compatibility, habitat, agricultural preservation, and other planning priorities, considering information regarding supply from the Minnesota geological survey information circular No. 46.

Sec. 74. [473.859] [Subd. 2a.] APPLICATION.

Section 73 applies only to land use plans adopted or amended by the governing body in relation to aggregate or when the governing body is presented with a written

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application for adoption or amendment of a land use plan relating to aggregate, from a landowner after August 1, 2001, in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 75. Laws 1997, chapter 159, article 2, section 4, is amended to read:

Sec. 4. DEMONSTRATION PROGRAM PERFORMANCE-BASED FUNDING PROGRAM FOR CERTAIN PROVIDERS.

Notwithstanding Minnesota Statutes, section 473.384, subdivision 6, regarding percentages of total operating costs to be subsidized by the metropolitan council, ~~until June 30, 2001,~~ the metropolitan council may establish the appropriate percentage operating subsidy to be granted to individual recipients under the subdivision. The metropolitan council must establish the percentage annually, based on available transit funds and the council's determination of a reasonable subsidy per passenger trip in comparison to similar transit or paratransit service in the metropolitan area. The council may provide a subsidy up to 100 percent of a recipient's operating costs for all or any portion of the transit or paratransit service and may require recipients to pay up to ~~100~~ 41.5 percent of their own operating costs for all or any portion of the service.

Sec. 76. REPEALER.

Minnesota Statutes 2000, section 174.22, subdivision 9, is repealed.

Sec. 77. EFFECTIVE DATE.

Unless any particular section specifies otherwise, the sections in this article are effective July 1, 2001.

ARTICLE 3

DESIGN-BUILD

Section 1. [161.3410] DESIGN-BUILD CONTRACTS; DEFINITIONS.

Subdivision 1. SCOPE. The terms used in sections 161.3410 to 161.3428 have the meanings given in this section.

Subd. 2. COMMISSIONER. "Commissioner" means the commissioner of transportation.

Subd. 3. DESIGN-BUILD CONTRACT. "Design-build contract" means a single contract between the department of transportation and a design-build company or firm to furnish the architectural or engineering and related design services as well as the labor, material, supplies, equipment, and construction services for the transportation project.

Subd. 4. DESIGN-BUILD FIRM. "Design-build firm" means a proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited

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liability company, professional corporation, or any legal entity.

Subd. 5. DESIGN PROFESSIONAL. “Design professional” means a person who holds a license under chapter 326 that is required to be registered under Minnesota law.

Subd. 6. DESIGN-BUILD TRANSPORTATION PROJECT. “Design-build transportation project” means the procurement of both the design and construction of a transportation project in a single contract with a company or companies capable of providing the necessary engineering services and construction.

Subd. 7. DESIGN-BUILDER. “Design-builder” means the design-build firm that proposes to design and build a transportation project governed by the procedures of this section.

Subd. 8. REQUEST FOR PROPOSALS OR RFP. “Request for proposals” or “RFP” means the document by which the commissioner solicits proposals from prequalified design-build firms to design and construct the transportation project.

Subd. 9. REQUEST FOR QUALIFICATIONS OR RFQ. “Request for qualifications” or “RFQ” means a document to prequalify and short-list potential design-build firms.

Sec. 2. [161.3412] DESIGN-BUILD AUTHORITY.

Subdivision 1. BEST VALUE SELECTION. Notwithstanding sections 16C.25, 161.32, and 161.321, or any other law to the contrary, the commissioner may solicit and award a design-build contract for a project on the basis of a best value selection process. Section 16C.08 does not apply to design-build contracts to which the commissioner is a party.

Subd. 2. COMPETITIVE, OPEN PROCESS. Sections 161.3410 to 161.3428 apply only to transportation projects using the two-step competitive process utilizing public solicitation for design-build services.

Subd. 3. RESTRICTION; REPORTS. (a) The number of design-build contracts awarded by the commissioner in any fiscal year may not exceed ten percent of the total number of transportation construction contracts awarded by the commissioner in the previous fiscal year.

(b) The commissioner shall notify the chairs of the senate and house of representatives committees with jurisdiction over transportation policy and transportation finance each time the commissioner decides to use the design-build method of procurement and explain why that method was chosen.

Subd. 4. MUNICIPAL CONSENT. Use of the design-build method of state transportation project delivery is subject to state law concerning municipal consent to highways in municipalities.

Sec. 3. [161.3414] DETERMINATION TO USE DESIGN-BUILD SELECTION METHOD.

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Subdivision 1. GENERAL CRITERIA. A design-build contracting procedure authorized under sections 161.3410 to 161.3428 may be used for a specific project only after the commissioner determines that awarding a design-build contract will serve the public interest.

Subd. 2. SPECIFIC CRITERIA. The commissioner shall use the following criteria as the minimum basis for determining when to use the design-build method of project delivery:

(1) the extent to which it can adequately define the project requirements in a proposed scope of the design and construction desired;

(2) the time constraints for delivery of the project;

(3) the capability and experience of potential contractors with the design-build method of project delivery or similar experience;

(4) the suitability of the project for use of the design-build method of project delivery with respect to time, schedule, costs, and quality factors;

(5) the capability of the department of transportation to manage the project, including the employment of experienced personnel or outside consultants;

(6) the capability of the department of transportation to oversee the project with individuals or design-build firms who are familiar and experienced with the design-build method of project delivery or similar experience;

(7) the lack of ability and availability of any current state employee to perform the services called for by the contract;

(8) the original character of the product or the services;

(9) the work to be performed on the project is necessary to the agency's achievement of its statutory responsibilities and there is statutory authority to enter into the contract; and

(10) other criteria the commissioner deems relevant and states in writing in its determination to utilize the design-build method of project delivery.

Sec. 4. [161.3416] DESIGN-BUILD NOTICE; REPORT.

Subdivision 1. SUMMARY REPORT OF REASONS FOR DETERMINATION. The commissioner shall summarize in a written statement its reasons for using the design-build construction contracting procedure. This statement, along with other relevant information describing the project, must be made available upon request to interested parties.

Subd. 2. FINAL DETERMINATION AUTHORITY. Final determination to use a design-build construction contracting procedure may be made only by the commissioner.

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Sec. 5. [161.3418] LICENSING REQUIREMENTS.

Subdivision 1. LICENSED PROFESSIONAL REQUIRED. Each design-builder shall employ, or have as a partner, member, officer, coventurer, or subcontractor a person duly licensed and registered to provide the design services required to complete the project and do business in the state.

Subd. 2. CONTRACTING FOR LICENSED PROFESSIONAL. A design-builder may enter into a contract to provide professional or construction services for a project that the design-builder is not licensed, registered, or qualified to perform, so long as the design-builder provides those services through subcontractors with duly licensed, registered, or otherwise qualified individuals in accordance with sections 161.3410 to 161.3428.

Subd. 3. LIABILITY. (a) Nothing in this section authorizing design-build contracts is intended to limit or eliminate the responsibility or liability owed by a professional on a design-build project to the state, county, or city, or other third parties under existing law.

(b) The design service portion of a design-build contract must be considered a service and not a product.

Sec. 6. [161.3420] DESIGN-BUILD RFQ; SELECTION TEAM; EVALUATION.

Subdivision 1. TWO-PHASE PROCEDURE. If the commissioner determines that the design-build best value method of project delivery is appropriate for a project, the commissioner shall establish a two-phase procedure for awarding the design-build contract, as described in this subdivision and section 161.3422.

Subd. 2. TECHNICAL REVIEW COMMITTEE. During the phase-one request for qualifications (RFQ) and before solicitation, the commissioner shall appoint a technical review committee of at least five individuals. The technical review committee must include an individual whose name and qualifications are submitted to the commissioner by the Minnesota chapter of the Associated General Contractors, after consultation with other commercial contractor associations in the state. Members of the technical review committee who are not state employees are subject to the Minnesota Government Data Practices Act and section 16C.06 to the same extent that state agencies are subject to those provisions. A technical review committee member may not participate in the review or discussion of responses to a request for qualifications or request for proposals when the member has a financial interest in any of the design-build firms that respond to that request for qualifications or request for proposals. "Financial interest" includes, but is not limited to, being or serving as an owner, employee, partner, limited liability partner, shareholder, joint venturer, family member, officer, or director of a design-build firm responding to a request for qualifications or request for proposals for a specific project, or having any other economic interest in that design-build firm. The members of the technical review committee must be treated as state employees in the event of litigation resulting from any action arising out of their service on the committee.

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Subd. 3. **CONTENTS.** The commissioner shall prepare or have prepared a request for qualifications. The request for qualifications must include the following:

- (1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;
- (2) a scope of work statement and schedule;
- (3) documents defining the project requirements;
- (4) the form of contract to be awarded;
- (5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;
- (6) a description of the RFP requirements;
- (7) the maximum time allowed for design and construction;
- (8) the commissioner's estimated cost of design and construction;
- (9) requirements for construction experience, design experience, financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build transportation projects or similar projects, provided that these requirements may not unduly restrict competition; and
- (10) a statement that "past performance" or "experience" does not include the exercise or assertion of a person's legal rights.

Subd. 4. **EVALUATION.** The selection team shall evaluate the design-build qualifications of responding firms and shall compile a short list of no more than five most highly qualified firms in accordance with qualifications criteria described in the RFQ. If only one design-build firm responds to the RFQ or remains on the short list, the commissioner may readvertise or cancel the project as the commissioner deems necessary.

Sec. 7. [161.3422] RFP FOR DESIGN-BUILD.

During phase two, the commissioner shall issue a request for proposals (RFP) to the design-builders on the short list. The request must include:

- (1) the scope of work, including (i) performance and technical requirements, (ii) conceptual design, (iii) specifications, and (iv) functional and operational elements for the delivery of the completed project, which must be prepared by a registered or licensed professional engineer;
- (2) a description of the qualifications required of the design-builder and the selection criteria, including the weight or relative order, or both, of each criterion;
- (3) copies of the contract documents that the successful proposer will be expected to sign;
- (4) the maximum time allowable for design and construction;

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- (5) the road authority's estimated cost of design and construction;
- (6) the requirement that a submitted proposal be segmented into two parts, a technical proposal and a price proposal;
- (7) the requirement that each proposal be in a separately sealed, clearly identified package and include the date and time of the submittal deadline;
- (8) the requirement that the technical proposal include a critical path method; bar schedule of the work to be performed, or similar schematic; design plans and specifications; technical reports; calculations; permit requirements; applicable development fees; and other data requested in the request for proposals;
- (9) the requirement that the price proposal contain all design, construction, engineering, inspection, and construction costs of the proposed project;
- (10) the date, time, and location of the public opening of the sealed price proposals; and
- (11) other information relevant to the project.

Sec. 8. [161.3424] REPLACING TEAM MEMBERS.

An individual or a design-build firm identified in a response to a request for qualifications or a request for proposals may not be replaced without the written approval of the commissioner. The commissioner may revoke an awarded contract if an individual or a design-build firm identified in a response to an RFQ or RFP is replaced without the commissioner's written approval. To qualify for the commissioner's approval, the written request must document that the proposed replacement individual or design-build firm will be equal to or better than that described in the response to the request for qualifications or request for proposals. The commissioner shall use the criteria specified in the request for qualifications or request for proposals to evaluate the request.

Sec. 9. [161.3426] DESIGN-BUILD AWARD.

Subdivision 1. AWARD; COMPUTATION; ANNOUNCEMENT. Except as provided in subdivision 2, a design-build contract shall be awarded as follows:

(a) The technical review committee shall score the technical proposals using the selection criteria in the request for proposals (RFP). The technical review committee shall then submit a technical proposal score for each design-builder to the commissioner. The technical review committee shall reject any proposal it deems nonresponsive.

(b) The commissioner shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals and shall divide each design-builder's price by the technical score that the technical review committee has given to it to obtain an adjusted score. The design-builder selected must be that responsive and responsible design-builder whose adjusted score is the lowest.

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

(c) If a time factor is included with the selection criteria in the request for proposals package, the commissioner may also adjust the bids using a value of the time factor established by the commissioner. The value of the time factor must be expressed as a value per day. The adjustment must be based on the total time value. The total time value is the design-builder's total number of days to complete the project multiplied by the factor. The time-adjusted price is the total time value plus the bid amount. This adjustment must be used for selection purposes only, and must not affect the department of transportation's liquidated damages schedule or incentive or disincentive program. An adjusted score must then be obtained by dividing each design-builder's time-adjusted price by the score given by the technical review team. The commissioner shall select the responsive and responsible design-builder whose adjusted score is the lowest.

(d) Unless all proposals are rejected, the commissioner shall award the contract to the responsive and responsible design-builder with the lowest adjusted score. The commissioner shall reserve the right to reject all proposals.

Subd. 2. ALTERNATIVE PROCESS FOR CERTAIN CONTRACTS. (a) The commissioner may elect to use the process in paragraph (b) for a design-build contract for a project with an estimated project cost of less than \$5,000,000.

(b) The commissioner shall give the lowest cost proposal the full number of price points defined in the request for proposals. The commissioner shall award each of the other proposals a percentage of the price points based on a ratio of the lowest price divided by the responder's price. The commissioner shall add the technical score and price score and award the contract to the responder with the highest total score.

Subd. 3. STIPULATED FEE. The commissioner shall award a stipulated fee not less than two-tenths of one percent of the department's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. If the commissioner does not award a contract, all short-listed proposers must receive the stipulated fee. If the commissioner cancels the contract before reviewing the technical proposals, the commissioner shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the commissioner's estimated cost of design and construction. The commissioner shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract. In consideration for paying the stipulated fee, the commissioner may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the commissioner may not use ideas and information contained in that proposer's proposal. Upon the request of the commissioner, a proposer who waived a stipulated fee may withdraw the waiver, in which case the commissioner shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

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

Subd. 4. **LOW-BID DESIGN-BUILD PROCESS.** (a) The commissioner may also use low-bid, design-build procedures to award a design-build contract where the scope of the work can be clearly defined.

(b) Low-bid design-build projects may require an RFQ and short-listing, and must require an RFP.

(c) Submitted proposals under this subdivision must include separately a technical proposal and a price proposal. The low-bid, design-build procedures must follow a two-step process for review of the responses to the RFP as follows:

(1) The first step is the review of the technical proposal by the technical review committee as provided in section 161.3420, subdivision 2. The technical review committee must open the technical proposal first and must determine if it complies with the requirements of the RFP and is responsive. The technical review committee may not perform any ranking or scoring of the technical proposals.

(2) The second step is the determination of the low bidder based on the price proposal. The commissioner may not open the price proposal until the review of the technical proposal is complete.

(d) The contract award under low-bid, design-build procedures must be made to the proposer whose sealed bid is responsive to the technical requirements as determined by the technical review committee and that is also the lowest bid.

(e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build projects only when the commissioner has required an RFQ and short-listed the most highly qualified responsive bidders.

Subd. 5. **REJECTION OF BIDS.** The commissioner may reject all bids under this section.

Sec. 10. [161.3428] LIST OF DESIGN-BUILD CONTRACTS.

Beginning September 1, 2002, and every subsequent year on September 1, the commissioner shall submit to the governor, to the chairs of the house ways and means and senate finance committees, to the chairs of the house and senate committees having jurisdiction over transportation policy and finance, and the legislative reference library, a yearly listing of all executed design-build contracts. The report must identify the contractor, contract amount, duration, and services to be provided. The list and summary must:

(1) be sorted by contractor;

(2) show the aggregate value of contracts issued by the commissioner of transportation and issued to each contractor; and

(3) state the termination date of each contract.

Sec. 11. **EFFECTIVE DATE.**

Sections 1 to 10 are effective the day following final enactment.

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

ARTICLE 4

CRIMINAL JUSTICE APPROPRIATIONS

Section 1. APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "2002" and "2003," where used in this article, mean that the appropriations listed under them are available for the year ending June 30, 2002, or June 30, 2003, respectively. The term "first year" means the year ending June 30, 2002, and the term "second year" means the year ending June 30, 2003.

| | |
|------------------------|------|
| APPROPRIATIONS | |
| Available for the Year | |
| Ending June 30 | |
| 2002 | 2003 |

Sec. 2. SUPREME COURT

| | | |
|------------------------------------|---------------|---------------|
| Subdivision 1. Total Appropriation | \$ 37,561,000 | \$ 39,891,000 |
|------------------------------------|---------------|---------------|

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

Subd. 2. Supreme Court Operations

| | |
|-----------|-----------|
| 4,985,000 | 5,444,000 |
|-----------|-----------|

CONTINGENT ACCOUNT. \$5,000 each year is 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

| | |
|-----------|-----------|
| 7,734,000 | 7,734,000 |
|-----------|-----------|

LEGAL SERVICES TO LOW-INCOME CLIENTS AND FAMILY LAW LEGAL ASSISTANCE. This appropriation is for legal services to low-income clients and for family farm legal assistance under Minnesota Statutes, sec-

tion 480.242. Any unencumbered balance remaining in the first year does not cancel but is available for the second year. 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.

LEGAL SERVICES TO LOW-INCOME CLIENTS IN FAMILY LAW MATTERS. Of this appropriation, \$877,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation 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.

Subd. 4. State Court Administration

22,815,000 24,570,000

JUDICIAL BRANCH TRANSFORMATION AND INFRASTRUCTURE. \$1,054,000 the first year and \$1,905,000 the second year are for judicial branch transformation and infrastructure.

CONTINUE REDEVELOPMENT OF COURT INFORMATION SYSTEM. \$7,500,000 each year is to continue redevelopment of the court information system to be used by all counties to integrate court information with other criminal justice information. Of this amount, \$225,000 the first year must be transferred to the board of public defense for hardware and software necessary to redesign information

systems to accommodate changes to the criminal justice information system. This is a onetime transfer. This appropriation may not be used for any other purpose. Any unencumbered balances remaining from the first year do not cancel but are available for the second year.

This appropriation is available only pursuant to a budget approved by the criminal and juvenile justice information policy group that is consistent with technology and project management analyses of the office of technology.

Up to 20 percent of this appropriation may be released on July 1, 2001. The remaining funds shall be released upon approval of the criminal and juvenile justice information policy group, under advisement from the office of technology. The policy group shall approve the release of funding for each project to ensure (1) that the project is in compliance with the statewide criminal justice information system standards, (2) that each project remains feasible according to plans established pursuant to Minnesota Statutes, sections 16E.04, subdivision 3, and 299C.65, subdivision 6 or 7, or that an updated plan has been approved by the policy group and the project is progressing according to the revised plan, (3) that the project is fully integrated with existing information and communications networks, and (4) that it complies with technology standards and protocols established by the office of technology for statewide connectivity and interoperability.

Subd. 5. Law Library Operations

| | |
|-----------|-----------|
| 2,027,000 | 2,143,000 |
|-----------|-----------|

LEGAL RESEARCH MATERIAL INFLATION. \$80,000 the first year and

\$90,000 the second year are for legal research material inflation.

| | | |
|--------------------------|-----------|-----------|
| Sec. 3. COURT OF APPEALS | 7,580,000 | 8,113,000 |
|--------------------------|-----------|-----------|

LEGAL RESEARCH ASSISTANCE. \$172,000 the first year and \$158,000 the second year are for legal research assistance.

| | | |
|-------------------------|-------------|-------------|
| Sec. 4. DISTRICT COURTS | 118,470,000 | 128,842,000 |
|-------------------------|-------------|-------------|

CARLTON COUNTY EXTRAORDINARY EXPENSES. \$300,000 the first year is to reimburse Carlton county for extraordinary expenses related to homicide trials. This is a onetime appropriation.

NEW JUDGE UNITS. \$774,000 the first year and \$1,504,000 the second year are for an increase in judgeship units, including one trial court judge unit beginning October 1, 2001, in the tenth judicial district, one trial court judge unit beginning April 1, 2002, in the third judicial district, one trial court judge unit beginning July 1, 2002, in the tenth judicial district, one trial court judge unit beginning January 1, 2003, in the seventh judicial district, and one trial court judge unit beginning January 1, 2003, in the first judicial district. Each judge unit consists of a judge, law clerk, and court reporter.

ALTERNATIVE DISPUTE RESOLUTION PROGRAMS. A portion of this appropriation may be used for the alternative dispute resolution programs authorized by article 5, section 18.

SUPPLEMENTAL FUNDING FOR CERTAIN MANDATED COSTS. \$4,533,000 the first year and \$6,032,000 the second year are to supplement funding for guardians ad litem, interpreters, rule 20

and civil commitment examinations, and in forma pauperis costs in the fifth, seventh, eighth, and ninth judicial districts.

TRIAL COURT INFRASTRUCTURE STAFF. \$684,000 the first year and \$925,000 the second year are for infrastructure staff.

COURT EFFECTIVENESS INITIATIVES; COMMUNITY COURTS AND SCREENER COLLECTORS. \$835,000 the first year and \$765,000 the second year are for court effectiveness initiatives. Of this amount, \$125,000 each year is for continued funding of the community court in the fourth judicial district and \$125,000 each year is for continued funding of the community court in the second judicial district. These are onetime appropriations.

The second judicial district and fourth judicial district shall each report quarterly to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over criminal justice funding on:

- (1) how money appropriated for this initiative was spent; and
- (2) the cooperation of other criminal justice agencies and county units of government in the community courts' efforts.

The first report is due on October 1, 2001. None of this appropriation may be used for the purpose of complying with these reporting requirements.

Of this amount, \$585,000 the first year and \$515,000 the second year are for screener collector programs.

The fifth, seventh, and ninth judicial district courts shall implement screener collector programs to enhance the collection of overdue fine revenue by at least ten percent in each location serviced by a screener collector. By August 15, 2002, and annually thereafter, the state court administrator shall report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over criminal justice policy and funding issues on the total amount of fines collected, the amount of overdue fines collected for the two preceding fiscal years, and the expenditures associated with the screener collector program.

NINTH DISTRICT CUSTODY AND SUPPORT PILOT PROJECTS. Up to \$99,000 each year may be used for the ninth judicial district to implement the pilot projects on the six-month review of child custody, parenting time, and support orders, and on the accounting for child support by obligees.

| | | |
|-------------------------------------|-----------|-----------|
| Sec. 5. BOARD ON JUDICIAL STANDARDS | 245,000 | 252,000 |
| Sec. 6. TAX COURT | 735,000 | 751,000 |
| Sec. 7. HUMAN RIGHTS | 4,032,000 | 4,148,000 |

CASELOAD ANALYSIS. The commissioner of human rights must conduct a comparative analysis of the caseloads of human rights departments in the other states. By February 15, 2002, the commissioner must report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over judiciary finance issues on the analysis and must propose budget recommendations to make the caseloads in the Minnesota department of human rights consistent with other states.

| | | |
|------------------------------------|------------|------------|
| Sec. 8. UNIFORM LAWS COMMISSION | 39,000 | 40,000 |
| Sec. 9. CRIME VICTIM OMBUDSMAN | 400,000 | 411,000 |
| Sec. 10. PUBLIC SAFETY | | |
| Subdivision 1. Total Appropriation | 88,001,000 | 84,299,000 |

Summary by Fund

| | 2002 | 2003 |
|-------------------------------------|------------|------------|
| General | 84,919,000 | 81,195,000 |
| Special Revenue | 2,674,000 | 2,687,000 |
| State Government Special Revenue | 7,000 | 7,000 |
| Environmental | 47,000 | 49,000 |
| Trunk Highway | 354,000 | 361,000 |

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

DWI PENALTY FUNDS. The commissioners of public safety and transportation must jointly report annually to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation and public safety finance issues on the expenditure of any federal funds available under the repeat offender transfer program, Public Law Number 105-206, section 164.

Subd. 2. Emergency Management

Summary by Fund

| | | |
|---------------|-----------|-----------|
| General | 7,198,000 | 3,835,000 |
| Environmental | 47,000 | 49,000 |

MATCHING FUNDS BASE BUDGET.

Beginning in fiscal year 2004, the budget for the state match of federal disaster assistance money under Minnesota Statutes, section 12.221, is \$5,000,000 each year.

GRANITE FALLS TORNADO ASSISTANCE. \$3,000,000 the first year is for a grant to the city of Granite Falls to assist with tornado-related costs that are not eligible for reimbursement under the Federal Emergency Management Agency (FEMA) disaster relief programs, including acquisition and cleanup costs of ineligible properties; costs of lost interest earnings; and costs of damage assessment, repair, replacement, extension, or improvement of publicly owned wastewater and municipal utility services and drinking water systems, and is available until June 30, 2003. Up to \$500,000 of this appropriation may be used for Project Turnabout.

FLOOD RECOVERY FUNDING.

\$400,000 the first year is for grants to the cities of Ada, Breckenridge, East Grand Forks, and Warren. Of that amount, \$174,200 is to reimburse Ada for bond interest expenses in connection with temporary financing in anticipation of financing by FEMA for 1997 flood recovery work in that city. \$60,000 is to reimburse Breckenridge, \$127,400 is to reimburse East Grand Forks, and \$38,400 is to reimburse Warren for lost interest in connection with expenditures in anticipation of financing by

FEMA for 1997 flood recovery work in those cities.

CHEMICAL ASSESSMENT TEAMS.

The commissioner must convert three of the combination hazardous materials emergency response/chemical assessment teams to stand-alone chemical assessment teams. The remaining combination team must be based in St. Paul. The commissioner must also establish one additional stand-alone chemical assessment team. The commissioner must staff all stand-alone chemical assessment teams in a manner that ensures up to four people per team are available for response.

BOMB DISPOSAL UNITS. \$50,000 each year is for training and equipment for bomb disposal units.

\$60,000 each year must be reallocated within the base budget to reimburse bomb disposal units under Minnesota Statutes, section 299C.063.

Subd. 3. Criminal Apprehension

Summary by Fund

| | | |
|-------------------------------------|------------|------------|
| General | 33,450,000 | 33,736,000 |
| Special Revenue | 544,000 | 557,000 |
| State Government Special Revenue | 7,000 | 7,000 |
| Trunk Highway | 354,000 | 361,000 |

COOPERATIVE INVESTIGATION OF CROSS-JURISDICTIONAL CRIMINAL ACTIVITY. \$99,000 each year from the bureau of criminal apprehension account in the special revenue fund is for grants to local officials for the cooperative investigation of cross-jurisdictional crimi-

nal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

LABORATORY ACTIVITIES. \$445,000 in the first year and \$458,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for laboratory activities.

DWI LAB ANALYSIS; GENERAL FUND. \$1,332,000 the first year and \$1,357,000 the second year from the general fund are for laboratory analysis related to driving while impaired cases.

DWI LAB ANALYSIS; TRUNK HIGHWAY FUND. Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$354,000 the first year and \$361,000 the second year from the trunk highway fund are for laboratory analysis related to driving while impaired cases.

CRIMNET POLICY GROUPS; NEW POSITIONS. \$750,000 each year is for new positions to support the criminal and juvenile justice information policy group in fulfilling its responsibilities relating to criminal justice information system improvements.

CRIMNET BACKBONE. \$2,000,000 each year is for the planning, development, and implementation of an integration backbone consistent with the criminal justice information architecture (CrimNet).

CRIMNET; LOCAL PLANNING AND IMPLEMENTATION. \$1,500,000 the first year and \$1,500,000 the second year are onetime appropriations for grants under Minnesota Statutes, section 299C.65, subdivisions 6 and 7, to plan and implement

for criminal justice information integration and are available until June 30, 2003. Notwithstanding Minnesota Statutes, section 16A.28, appropriations encumbered under contract on or before June 30 each year are available until the following June 30.

CRIMNET; FEDERAL FUNDS. Any federal funds received under the Crime Identification Technology Act must be distributed under the same criteria and for the same purposes as grants under Minnesota Statutes, section 299C.65, subdivision 7, to implement criminal justice information integration plans for entities that have completed integration plans under Minnesota Statutes, section 299C.65, subdivision 6. Within those criteria, the funds must be distributed as recommended by the criminal and juvenile justice information policy group established under Minnesota Statutes, section 299C.65, subdivision 1. The commissioner must attempt to acquire additional federal funds under the Crime Identification Technology Act and any other similar federal funds for these and related purposes.

CRIMNET; SUSPENSE FILE REDUCTIONS. \$1,000,000 each year is for the CrimNet project component to work on eliminating records currently in the criminal history suspense file and to assist local agencies in changing their business practices to prevent inaccurate and incomplete data from being submitted. In utilizing this appropriation, the commissioner must have the goal of reducing the number of dispositions entering the suspense file from the current, approximately 50 percent to 30 percent in the first year, 20 percent the second year, and ten percent in future years. Additionally, the commissioner must

have the goal of reducing the existing suspense file by 50 percent the first year and 90 percent the second year. This appropriation must not be used for any other purpose.

CRIMNET; POLICY GROUP BUDGET APPROVAL. Appropriations in this article related to the criminal and juvenile justice information policy group, the CrimNet integration backbone, criminal justice information integration plans, and the elimination or prevention of suspense file records are available only pursuant to a budget approved by the criminal and juvenile justice information policy group that is consistent with technology and project management analyses of the office of technology. Up to 20 percent of these appropriations may be released on July 1, 2001. The remaining funds shall be released upon approval of the criminal and juvenile justice information policy group, under advisement from the office of technology. The policy group shall approve the release of funding for each project to ensure (1) that the project is in compliance with the statewide criminal justice information system standards, (2) that each project remains feasible according to plans established pursuant to Minnesota Statutes, sections 16E.04, subdivision 3, and 299C.65, subdivision 6 or 7, or that an updated plan has been approved by the policy group and the project is progressing according to the revised plan, (3) that the project is fully integrated with existing information and communications networks, and (4) that it complies with technology standards and protocols established by the office of technology for statewide connectivity and interoperability.

OVERTIME EXPENSES. \$150,000 the first year and \$150,000 the second year are for overtime expenses.

Subd. 4. Fire Marshal

| | |
|-----------|-----------|
| 3,280,000 | 3,363,000 |
|-----------|-----------|

Subd. 5. Alcohol and Gambling Enforcement

| | |
|-----------|-----------|
| 1,822,000 | 1,864,000 |
|-----------|-----------|

Subd. 6. Crime Victim Services Center

| | |
|------------|------------|
| 32,227,000 | 32,261,000 |
|------------|------------|

UNENCUMBERED BALANCES. Any unencumbered balances remaining in the first year do not cancel but are available for the second year.

PER DIEM FUNDING FOR SHELTERS. \$1,000,000 each year is a onetime appropriation for an increase in per diem funding for shelters under Minnesota Statutes, section 611A.32, and for safe homes. Per diem funds under this section shall be available only for shelter and safe home programs designated by the center as of June 30, 2001.

PROHIBITION ON USE OF FUNDING FOR NEW SHELTERS OR SAFE HOMES. None of this appropriation shall be used to fund construction of new shelters or safe homes.

GRANTS FOR SUPPORT SERVICES FOR CERTAIN VICTIMS. \$75,000 each year is for grants to the city of St. Paul to provide support services to the surviving family members of homicide, suicide, and accidental death victims. If funds are available, the commissioner may expand the grants to other cities or counties. Grant

recipients must provide a 25 percent match. The commissioner must report to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice funding and policy by January 15, 2002, on the specific services provided under these grants, the outcomes achieved, and the number of persons served.

Subd. 7. Law Enforcement and Community Grants

Summary by Fund

| | | |
|-----------------|-----------|-----------|
| General | 6,942,000 | 6,136,000 |
| Special Revenue | 2,130,000 | 2,130,000 |

UNENCUMBERED BALANCES. Any unencumbered balances remaining in the first year do not cancel but are available for the second year.

ENCUMBERED BALANCES. Notwithstanding Minnesota Statutes, section 16A.28, appropriations encumbered under contract on or before June 30 each year are available until the following June 30.

SPECIAL REVENUE; RACIAL PROFILING. The appropriation from the special revenue account must be spent according to article 7, section 14.

FUNDING TO COMBAT METHAMPHETAMINE TRAFFICKING AND PRODUCTION. \$471,000 the first year is a onetime appropriation for grants under Minnesota Statutes, section 299C.065, subdivision 1, clause (1), including grants to the bureau of criminal apprehension for increased law enforcement costs relating to methamphetamine trafficking and production. Grant recipients must be chosen by

the office of drug policy and violence prevention after consulting with the narcotics enforcement coordinating committee. Grants to drug task force agencies must be allocated in a balanced manner among rural, suburban, and urban agencies. Grants may be awarded and used for the following items relating to clandestine methamphetamine labs:

- (1) increased general law enforcement costs;
- (2) training materials and public awareness publications;
- (3) peace officer training courses, certification, and equipment; and
- (4) reimbursements to law enforcement agencies for extraordinary or unusual overtime and investigative expenses.

Grants must not be used for methamphetamine lab site cleanup or disposal of seized equipment or chemicals. Additionally, grants must not supplant current local spending or other state or federal grants allocated by the commissioner for similar purposes.

GANG STRIKE FORCE GRANTS. \$750,000 the first year and \$750,000 the second year are onetime appropriations for criminal gang strike force grants under Minnesota Statutes, section 299A.66. The commissioner of public safety must provide direct administrative and fiscal oversight for all grants awarded under Minnesota Statutes, section 299A.66.

USE OF BYRNE GRANTS. The commissioner must consider using a portion of federal Byrne grant funds for grants to:

- (1) the center for reducing rural violence;
- (2) organizations or agencies that provide gang prevention services, such as the boys and girls club, the youth experiencing alternatives (YEA) program, the police athletic league, agencies eligible for Asian-American juvenile crime intervention and prevention grants under Minnesota Statutes, section 299A.2994, subdivision 3, clause (2), or other similar organizations; and
- (3) continue funding the pilot project to provide neighborhood-based services to crime victims and witnesses funded in Laws 1999, chapter 216, article 1, section 8, subdivision 3, and described in Laws 1999, chapter 216, article 2, section 23.

JOINT DOMESTIC ABUSE PROSECUTION UNIT. \$197,000 the first year is a onetime appropriation for a grant to the Ramsey county attorney's office to continue funding the joint domestic abuse prosecution unit. This appropriation is available until June 30, 2003.

The Ramsey county attorney's office and the St. Paul city attorney's office shall continue the joint domestic abuse prosecution unit pilot project established by the legislature under Laws 2000, chapters 471, section 3; and 488, article 6, section 10. The appropriation must be used to continue the pilot project beyond its first year of operation and allow a meaningful evaluation that will benefit other jurisdictions in Minnesota. The unit has authority to prosecute misdemeanors, gross misdemeanors, and felonies. The unit shall also coordinate efforts with child protection attorneys. The unit may include four cross-deputized assistant city attorneys and assistant county

attorneys and a police investigator. A victim/witness advocate, a law clerk, a paralegal, and a secretary may provide support.

The goals of this pilot project are to:

- (1) recognize children as both victims and witnesses in domestic abuse situations;
- (2) recognize and respect the interests of children in the prosecution of domestic abuse; and
- (3) reduce the exposure to domestic violence for both adult and child victims.

By January 15, 2002, the Ramsey county attorney's office and the St. Paul city attorney's office shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on the pilot project. The report may include the number and types of cases referred, the number of cases charged, the outcome of cases, and other relevant outcome measures.

COPS, HEAT, AND FINANCIAL CRIMES INVESTIGATION UNIT GRANTS. \$300,000 for the fiscal year ending June 30, 2001, \$250,000 the first year, and \$250,000 the second year are onetime appropriations for grants under either Minnesota Statutes, section 299A.62 or 299A.68. Grants awarded from this appropriation under Minnesota Statutes, section 299A.62, are for overtime for peace officers. Of the total grants awarded from this appropriation under Minnesota Statutes, section 299A.62, 50 percent must go to the St. Paul and Minneapolis police

departments and 50 percent must go to other law enforcement agencies statewide. Any amounts from this appropriation awarded to the St. Paul police department must be used to increase the current degree of implementation of the HEAT law enforcement strategy. The HEAT law enforcement strategy must be a community-driven strategic initiative that is used to target criminal conduct in specific areas of St. Paul with higher crime rates than the city average. It must target offenders based upon their criminal behavior and not other factors and be planned and implemented taking into consideration the wishes of the targeted communities. Grants awarded under Minnesota Statutes, section 299A.68, may be used to cover costs for salaries, equipment, office space, and other necessary services or expenses of a financial crimes investigation task force. The commissioner must distribute the grants in a manner designed to be equitable to the grantees given their contributions to the investigation task force and to encourage their continued participation. Participating local units of government must provide a 25 percent match from nonstate funds or in-kind contributions either directly from their budgets or from businesses directly donating support in order for the financial crimes investigation task force to obtain any grant funding under Minnesota Statutes, section 299A.68. This appropriation is available until June 30, 2003. * (The text "\$300,000 for the fiscal year ending June 30, 2001," was indicated as vetoed by the governor.)

**MODEL POLICING PROGRAM;
MENTAL ILLNESS CALLS.** \$150,000 the first year is a onetime appropriation for developing and implementing up to four model policing program pilot projects re-

quired under Minnesota Statutes, section 626.8441, subdivision 1, and to produce required reports.

AUTOMOBILE THEFT PREVENTION GRANTS. The commissioner may make grants under Minnesota Statutes 2000, section 299A.75, to past grantees during the time period before which the changes made to that section in article 5, sections 6 to 8, become operational.

ADMINISTRATION COSTS. Up to 2.5 percent of the grant funds appropriated in this subdivision may be used to administer the grant programs.

Sec. 11. BOARD OF PEACE
OFFICER STANDARDS AND
TRAINING

4,692,000

4,724,000

PEACE OFFICER TRAINING ACCOUNT. This appropriation is from the peace officer 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 \$4,692,000 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 \$4,724,000 must be transferred and credited to the general fund.

Sec. 12. BOARD OF PRIVATE
DETECTIVE AND PROTECTIVE
AGENT SERVICES

144,000

148,000

Sec. 13. CORRECTIONS

750,000

750,000

CRIMNET AND RELATED FUNDING.
\$750,000 each year is for:

(1) detention grants for the statewide supervision system;

(2) out-of-home placement system development;

(3) electronic probation file transfers; and

(4) maintaining and conforming the department's systems to the CrimNet standards and backbone, including the corrections operational management system (COMS), statewide supervision system (SSS), detention information system (DIS), court services tracking system (CSTS), and the sentencing guidelines worksheet system.

This money may not be used by the commissioner for any other purpose.

This appropriation is available only pursuant to a budget approved by the criminal and juvenile justice information policy group that is consistent with technology and project management analyses of the office of technology.

Up to 20 percent of this appropriation may be released on July 1, 2001. The remaining funds shall be released upon approval of the criminal and juvenile justice information policy group, under advisement from the office of technology. The policy group shall approve the release of funding for each project to ensure (1) that the project is in compliance with the statewide criminal justice information system standards, (2) that each project remains feasible according to plans established pursuant to Minnesota Statutes, sections 16E.04, subdivision 3, and 299C.65, subdivision 6 or 7, or that an updated plan has been approved by the policy group and the project is progressing according to the revised plan, (3) that the project is fully integrated with existing information and communications networks, and (4) that it complies with tech-

nology standards and protocols established by the office of technology for statewide connectivity and interoperability.

**Sec. 14. DEFICIENCY
APPROPRIATIONS**

**Subdivision 1. Emergency Management
Deficiency**

Fiscal Year 2001

General 8,600,000

FEMA MATCHING FUNDS. This appropriation for fiscal year 2001 is added to the appropriation in Laws 1999, chapter 216, article 1, section 7, subdivision 2, to provide matching funds for FEMA funds received for natural disaster assistance payments. This appropriation is available the day following final enactment and is available until June 30, 2003.

Subd. 2. Tax Court Deficiency

Fiscal Year 2001

General 14,000

UNANTICIPATED SEVERANCE COSTS. This appropriation for fiscal year 2001 is added to the appropriation in Laws 1999, chapter 216, article 1, section 6, for unanticipated severance costs. This appropriation is available the day following final enactment.

**Sec. 15. SUNSET OF UNCODIFIED
LANGUAGE**

All uncodified language contained in this article expires on June 30, 2003, unless a different expiration date is explicit.

Sec. 16. EFFECTIVE DATE.

This article is effective July 1, 2001, unless otherwise noted.

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

ARTICLE 5

PUBLIC SAFETY AND JUDICIARY POLICY PROVISIONS

Section 1. Minnesota Statutes 2000, 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; ~~32~~ 33 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; 26 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; ~~22~~ 23 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 60 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 16 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; ~~24~~ 25 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, Mahnomens, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 22 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; ~~39~~ 41 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

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Sec. 2. Minnesota Statutes 2000, section 2.724, subdivision 3, is amended to read:

Subd. 3. **RETIRED JUSTICES AND JUDGES.** (a) The chief justice of the supreme court may assign a retired justice of the supreme court to act as a justice of the supreme court pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a retired judge of any court to act as a judge of any court except the supreme court. A judge acting pursuant to this paragraph shall receive pay and expenses in the amount and manner provided by law for judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving The chief justice of the supreme court shall determine the pay and expenses to be received by a judge acting pursuant to this paragraph.

(b) A judge who has been elected to office and who has retired as a judge in good standing and is not practicing law may also be appointed to serve as judge of any court except the supreme court. A retired judge acting under this paragraph will receive pay and expenses in the amount established by the supreme court.

Sec. 3. Minnesota Statutes 2000, section 13.87, is amended by adding a subdivision to read:

Subd. 3. **INTERNET ACCESS.** (a) Notwithstanding section 13.03, subdivision 3, paragraph (a), the bureau of criminal apprehension may charge a fee for Internet access to public criminal history data provided through August 1, 2003. The fee may not exceed \$5 per inquiry or the amount needed to recoup the actual cost of implementing and providing Internet access, whichever is less.

(b) The Web site must include a notice to the subject of data of the right to contest the accuracy or completeness of data, as provided under section 13.04, subdivision 4, and provide a telephone number and address that the subject may contact for further information on this process.

(c) The Web site must include the effective date of data that is posted.

(d) The Web site must include a description of the types of criminal history data not available on the site, including arrest data, juvenile data, criminal history data from other states, federal data, data on convictions where 15 years have elapsed since discharge of the sentence, and other data that are not accessible to the public.

(e) A person who intends to access the Web site to obtain information regarding an applicant for employment, housing, or credit should disclose to the applicant the intention to do so. The Web site must include a notice that a person obtaining such access should notify the applicant that a background check using this Web site may be conducted. This paragraph does not create a civil cause of action on behalf of the data subject.

Sec. 4. Minnesota Statutes 2000, section 299A.64, subdivision 1, is amended to read:

Subdivision 1. **MEMBERSHIP OF COUNCIL.** The criminal gang oversight council consists of the following individuals or their designees: the commissioner of public safety; the commissioner of corrections; the superintendent of the bureau of

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

criminal apprehension; the attorney general; the chief law enforcement officers for Minneapolis, St. Paul, St. Cloud, and Duluth; a chief of police selected by the president of the Minnesota chiefs of police association; two sheriffs, one from a county in the seven-county metropolitan area other than Hennepin or Ramsey county and the other from a county outside the metropolitan area, both selected by the president of the Minnesota sheriffs association; ~~the executive director of the Minnesota police and peace officers association;~~ and the Hennepin, Ramsey, St. Louis, and Olmsted county sheriffs. The council may select a chair from among its members.

Sec. 5. [299A.68] FINANCIAL CRIMES INVESTIGATION TASK FORCE ESTABLISHED.

Subdivision 1. INVESTIGATION TASK FORCE ESTABLISHED. A group of two or more local governmental units may enter into an agreement to establish a major financial crimes investigation task force.

Subd. 2. INVESTIGATION TASK FORCE'S DUTIES. The investigation task force shall investigate consumer identity theft cases and reported financial crimes from individuals and businesses who are victims of such crimes. The investigation task force shall focus on financial crimes including, but not limited to, statewide crimes such as: theft, fraud, and forgery crimes, including identity theft, check forgery, fraud in obtaining credit, financial transaction card fraud, theft from merchants, possession or sale of stolen or counterfeit checks, issuance of dishonored checks, creation or use of counterfeit state identification, obtaining counterfeit state identification, fraudulent Internet transactions, fraudulent merchandise returns, and other related financial crimes. In particular, the investigation task force shall investigate individuals, based on their criminal activity, who:

- (1) commit multiple cross-jurisdictional financial crimes;
- (2) employ computers and other sophisticated technology to counterfeit documents or commit fraud; or
- (3) illegally obtain consumer information for identity theft.

Subd. 3. ROLE OF PARTICIPATING LOCAL GOVERNMENTAL UNITS. The local governmental units that agree to form and participate in a single centralized financial crimes investigation task force shall oversee the investigation task force's operation by establishing procedures and guidelines in their agreement. The agreement must be addressed in a memorandum of understanding and signed by the person in charge of each participating local unit of government. The memorandum of understanding shall address the following:

- (1) the command structure of the investigation task force;
- (2) acquisition and liquidation of equipment, office space, and transportation;
- (3) procedures for contracting for necessary administrative support;
- (4) selection and assignment of members;

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- (5) transfer of investigation task force members;
- (6) resolution of disputes between participating local governmental units;
- (7) requirements and procedures for all workers' compensation and other liability to remain the responsibility of each member's employing agency; and
- (8) all other issues deemed pertinent by the participating local governmental units.

Subd. 4. COMMANDER. The participating local governmental units shall select a commander to direct the investigation task force. The commander shall make tactical decisions regarding the commencement, continuation, and conclusion of investigations of crimes within the investigation task force's jurisdiction. The commander shall also report annually to the bureau of criminal apprehension as required in subdivision 10.

Subd. 5. MEMBERS. The investigation task force may include law enforcement officers, prosecutors, federal law enforcement officers, and investigators from local governmental units who are selected by their supervisors to participate in the investigation task force. All law enforcement officers selected to join the investigation task force must be licensed peace officers under section 626.84, subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453. Members shall remain employees of the same entity that employed them before joining the investigation task force. Compensation, personnel evaluations, grievances, merit increases, and liability insurance coverage, such as general, personal, vehicle, and professional liability insurance, shall be covered by each member's employing agency. Members of the financial crimes task force are not employees of the state.

Subd. 6. JURISDICTION. Law enforcement officers who are members of the investigation task force shall have statewide jurisdiction to conduct criminal investigations into financial crimes as described in subdivision 2 and possess the same powers of arrest as those possessed by a sheriff.

Officers assigned to the financial crimes task force shall follow their county arrest procedures, booking processes, reporting processes, county attorney charging requirements, and appropriate notification protocols to local and county sheriff agencies where arrests are made and search warrants executed. The commander of the task force is responsible for ensuring compliance with applicable local practices and procedures.

Subd. 7. COLLABORATION WITH OTHER PROSECUTORS AND LAW ENFORCEMENT OFFICERS. To the greatest degree possible, the investigation task force shall cooperate and collaborate with existing prosecutorial offices and law enforcement agencies.

Subd. 8. PROSECUTOR. A participating local governmental unit may seek a grant for reimbursement for the time and resources that a prosecutor and the prosecutor's staff dedicate to the investigation task force. In order to receive a grant under this subdivision, a participating local governmental unit must provide a 25 percent match in nonstate funds or in-kind contributions either directly from its budget

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or from businesses directly donating support. A participating prosecutor shall remain an employee of the contributing county.

Subd. 9. FORFEITURE. Property seized by the investigation task force is subject to forfeiture pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The investigation task force shall receive the proceeds from the sale of all property that it properly seizes and that is forfeited.

Subd. 10. REQUIRED REPORTS. (a) Beginning June 30, 2002, the commander of the investigation task force shall report annually to the commissioner on the activities of the investigation task force and the use of grants awarded under article 1, section 10, subdivision 7, paragraph (d).

(b) By March 1, 2003, the commissioner of public safety shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions having jurisdiction over criminal justice policy and funding on the activities of the investigation task force and the use of grants awarded under article 1, section 10, subdivision 7, paragraph (d).

Subd. 11. EXPIRATION. This section expires on June 30, 2003.

Sec. 6. Minnesota Statutes 2000, section 299A.75, subdivision 1, is amended to read:

Subdivision 1. **PROGRAM DESCRIBED; COMMISSIONER'S DUTIES.** (a) The commissioner of public safety shall:

(1) develop and sponsor the implementation of statewide plans, programs, and strategies to combat automobile theft, improve the administration of the automobile theft laws, and provide a forum for identification of critical problems for those persons dealing with automobile theft;

(2) coordinate the development, adoption, and implementation of plans, programs, and strategies relating to interagency and intergovernmental cooperation with respect to automobile theft enforcement;

(3) annually audit the plans and programs that have been funded in whole or in part to evaluate the effectiveness of the plans and programs and withdraw funding should the commissioner determine that a plan or program is ineffective or is no longer in need of further financial support from the fund;

(4) develop a plan of operation including an assessment of the scope of the problem of automobile theft, including areas of the state where the problem is greatest; an analysis of various methods of combating the problem of automobile theft; a plan for providing financial support to combat automobile theft; a plan for eliminating car hijacking; and an estimate of the funds required to implement the plan; and

(5) distribute money pursuant to subdivision 3 from the automobile theft prevention special revenue account for automobile theft prevention activities, including:

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- (i) paying the administrative costs of the program;
- (ii) providing financial support to the state patrol and local law enforcement agencies for automobile theft enforcement teams;
- (iii) providing financial support to state or local law enforcement agencies for programs designed to reduce the incidence of automobile theft and for improved equipment and techniques for responding to automobile thefts;
- (iv) providing financial support to local prosecutors for programs designed to reduce the incidence of automobile theft;
- (v) providing financial support to judicial agencies for programs designed to reduce the incidence of automobile theft;
- (vi) providing financial support for neighborhood or community organizations or business organizations for programs designed to reduce the incidence of automobile theft, and to educate people about the common methods of auto theft, the models of automobiles most likely to be stolen, and the times and places automobile theft is most likely to occur; and
- (vii) providing financial support for automobile theft educational and training programs for state and local law enforcement officials, driver and vehicle services exam and inspections staff, and members of the judiciary; ~~and~~
- (viii) ~~conducting educational programs designed to inform automobile owners of methods of preventing automobile theft and to provide equipment, for experimental purposes, to enable automobile owners to prevent automobile theft.~~

(b) The commissioner may not spend in any fiscal year more than ten percent of the money in the fund for the program's administrative and operating costs. The commissioner must distribute the full amount of the proceeds credited to the automobile theft prevention special revenue account each year.

Sec. 7. Minnesota Statutes 2000, section 299A.75, is amended by adding a subdivision to read:

Subd. 3. CRITERIA; APPLICATION. (a) A county attorney's office, law enforcement agency, neighborhood organization, community organization, or business organization may apply for a grant under this section. Multiple offices or agencies within a county may apply for a grant under this section.

(b) The commissioner must develop criteria for the fair distribution of grants from the automobile theft prevention account that address the following factors:

- (1) the number of reported automobile thefts per capita in a city, county, or region, not merely the total number of automobile thefts;
- (2) the population of the jurisdiction of the applicant office or agency;
- (3) the total funds distributed within a county or region; and

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(4) the statewide interest in automobile theft reduction.

(c) The commissioner may give priority to:

(1) offices and agencies engaged in a collaborative effort to reduce automobile theft; and

(2) counties or regions with the greatest rates of automobile theft.

(d) The minimum amount of a grant award is \$5,000. After considering the automobile theft rate and total population of an applicant's jurisdiction, if a grant award, as determined under the criteria and priorities in this subdivision, would be less than \$5,000, it must not be awarded.

Sec. 8. Minnesota Statutes 2000, section 299A.75, is amended by adding a subdivision to read:

Subd. 4. **ADVISORY BOARD; CREATION; MEMBERSHIP.** An automobile theft prevention advisory board is established to advise the commissioner on the distribution of grants under this section. The board must consist of seven members appointed by the commissioner and must include representatives of law enforcement, prosecuting agencies, automobile insurers, and the public. The commissioner must annually select a chair from among its members.

Sec. 9. Minnesota Statutes 2000, section 299F.058, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP.** (a) The arson strike force consists of representatives from the following agencies and organizations:

(1) the division of fire marshal;

(2) the bureau of criminal apprehension;

(3) the office of attorney general;

(4) the Minnesota county attorneys association;

(5) the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department;

(6) the Minneapolis police and fire arson unit;

(7) the St. Paul police and fire arson unit;

(8) licensed private detectives selected by the state fire marshal or the attorney general or their designees; and

(9) any other arson experts the arson strike force deems appropriate to include.

(b) The arson strike force, as necessary, may consult and work with representatives of property insurance agencies and organizations and any other private organizations that have expertise in arson investigations and prosecutions.

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(c) Representatives from the attorney general's office and the county attorneys association who are members of the arson strike force may assist in administering the strike force.

(d) The strike force expires June 30, ~~2001~~ 2003.

Sec. 10. Minnesota Statutes 2000, section 480.182, is amended to read:

480.182 STATE ASSUMPTION OF CERTAIN COURT COSTS.

(a) Notwithstanding any law to the contrary, the state courts will pay for the following court-related programs and costs:

- (1) court interpreter program costs, including the costs of hiring court interpreters;
- (2) guardian ad litem program and personnel costs;
- (3) examination costs, not including hospitalization or treatment costs, for mental commitments and related proceedings under chapter 253B;
- (4) examination costs under rule 20 of the Rules of Criminal Procedure;
- (5) in forma pauperis costs;
- (6) costs for transcripts mandated by statute, except in appeal cases and postconviction cases handled by the board of public defense; and
- (7) jury program costs, not including personnel.

(b) In counties in a judicial district under section 480.181, subdivision 1, paragraph (b), the state courts shall pay the witness fees and mileage fees specified in sections 253B.23, subdivision 1; 260B.152, subdivision 2; 260C.152, subdivision 2; 260B.331, subdivision 3, clause (a); 260C.331, subdivision 3, clause (a); 357.24; 357.32; 525.012, subdivision 5; and 627.02.

Sec. 11. Minnesota Statutes 2000, section 611.272, is amended to read:

611.272 ACCESS TO GOVERNMENT DATA.

The district public defender, the state public defender, or an attorney working for a public defense corporation under section 611.216 has access to the criminal justice data communications network described in section 299C.46, as provided in this section. Access to data under this section is limited to data regarding the public defender's own client as necessary to prepare criminal cases in which the public defender has been appointed, including, but not limited to, criminal history data under section 13.87; juvenile offender data under section 299C.095; warrant information data under section 299C.115; incarceration data under section 299C.14; conditional release data under section 299C.147; and diversion program data under section 299C.46, subdivision 5. The public defender does not have access to law enforcement active investigative data under section 13.82, subdivision 7; data protected under section 13.82, subdivision 17; or confidential arrest warrant indices data under section 13.82, subdivision 19. The public defender has access to the data at no charge, except for the

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monthly network access charge under section 299C.46, subdivision 3, paragraph (b), and a reasonable installation charge for a terminal. Notwithstanding section 13.87, subdivision 3, there shall be no charge to public defenders for Internet access to public criminal history data.

Sec. 12. Minnesota Statutes 2000, section 611A.25, subdivision 3, is amended to read:

Subd. 3. **TERMS; VACANCIES; EXPENSES.** Section 15.059 governs the filling of vacancies and removal of members of the sexual assault advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. The council expires on June 30, ~~2004~~ 2003. Council members shall receive expense reimbursement as specified in section 15.059.

Sec. 13. Minnesota Statutes 2000, section 611A.361, subdivision 3, is amended to read:

Subd. 3. **TERMS; VACANCIES; EXPENSES.** Section 15.059 governs the filling of vacancies and removal of members of the general crime victims advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. The council expires on June 30, ~~2004~~ 2003. Council members shall receive expense reimbursement as specified in section 15.059.

Sec. 14. Minnesota Statutes 2000, section 611A.74, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** The office of crime victim ombudsman for Minnesota is created. The ombudsman shall be appointed by the governor, shall serve in the unclassified service at the pleasure of the governor, and shall be selected without regard to political affiliation. No person may serve as ombudsman while holding any other public office. The ombudsman is directly accountable to the governor and must periodically report to the commissioner of public safety on the operations and activities of the office. The ombudsman shall have the authority to investigate decisions, acts, and other matters of the criminal justice system so as to promote the highest attainable standards of competence, efficiency, and justice for crime victims in the criminal justice system.

Sec. 15. **[626.8441] RESPONDING TO CALLS INVOLVING EMOTIONAL CRISES AND MENTAL ILLNESS; MODEL PROGRAM PILOT PROJECTS.**

Subdivision 1. **MODEL POLICING PROGRAM.** The commissioner of public safety, in consultation with the community mental health peace officer advisory board named under subdivision 2, may award grants to (1) develop models of community policing that are responsive to the unique needs of the law enforcement and mental health systems in Minnesota, and (2) promote these models throughout the state. Grants may be awarded to either existing or new projects. The commissioner may approve the implementation of community policing pilot projects in metropolitan and

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rural areas. In order to receive funding, a pilot project must focus on the following:

(1) responding in a knowledgeable and sensitive way to persons exhibiting symptoms of mental illness, to persons having drug-related reactions, and to others who may be in an emotional or mental crisis;

(2) significantly reducing the risk of harm to the individuals who are the subjects of such calls, to the officers responding to the calls, and to the general public;

(3) identifying and implementing a continuum of intervention strategies that will prevent escalation, produce de-escalation, and minimize the use of force; and

(4) creating partnerships with community resources that result in positive resolution, reduction, and prevention of potentially harmful incidents.

Subd. 2. COMMUNITY MENTAL HEALTH PEACE OFFICER ADVISORY BOARD. A community mental health peace officer advisory board must be appointed by the commissioner of public safety and must consist of the following members:

(1) two licensed peace officers;

(2) two representatives from the association of chiefs of police;

(3) two representatives from the Minnesota state sheriff's association;

(4) a representative from the mental health consumer survivor network;

(5) a representative from the mental health association of Minnesota;

(6) a representative from the alliance for the mentally ill;

(7) a representative from a county social services agency or human services board as defined in section 256E.03;

(8) a community mental health provider;

(9) a mental health professional;

(10) a law enforcement educator with experience training peace officers to respond to mental illness calls; and

(11) other members deemed appropriate by the commissioner.

In making appointments to the board, the commissioner must take into consideration metropolitan and rural interests. The board must advise the commissioner on the model policing programs and on related areas of concern to persons with mental illnesses, peace officers, and the public. No per diem may be paid to members of the board. The board expires June 30, 2003.

Sec. 16. Laws 1996, chapter 408, article 2, section 16, is amended to read:

Sec. 16. **REPEALER.**

(a) Minnesota Statutes 1994, section 299A.60, is repealed.

(b) ~~Section 1 is repealed January 1, 2002.~~

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Sec. 17. REPORT; MENTAL ILLNESS CALLS; PILOT PROJECTS.

The development, implementation, and outcomes of the pilot projects authorized under Minnesota Statutes, section 626.8441, subdivision 1, must be evaluated by the commissioner of public safety and a written preliminary report must be submitted to the chairs of the house of representatives and senate committees having jurisdiction over crime prevention and judiciary finance issues by January 1, 2002. A final report must be submitted by January 1, 2003.

Sec. 18. DEVELOPMENT OF AND GRANTS FOR ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.

Subdivision 1. DEVELOPMENT; OPERATION; PURPOSE. The third and fifth judicial districts must develop, or continue the operation of, alternative dispute resolution programs to provide services in conciliation court cases and unlawful detainer proceedings. The purposes of the programs are to provide increased efficiency of court proceedings, reduce court costs, allow judges to provide added attention to cases on the regular docket, improve the quality of justice, and improve collection of judgments. Volunteer community mediators must be trained to conduct the mediations.

Subd. 2. CONTRACTS; GRANTS. The third and fifth judicial districts may contract with or provide grants to a person or organization to develop and operate alternative dispute resolution programs under this section. Grants or contract awards can be in amounts up to \$40,000. A person or organization that develops or operates a program under this section must provide matching funds from nonstate sources equal to at least 50 percent of the grant or contract award.

Subd. 3. ELIGIBILITY. An alternative dispute resolution program developed or operated under this section must meet the requirements for dispute resolution programs under Minnesota Statutes, chapter 494.

Subd. 4. REPORTING. By January 1, 2003, the district court administrators from the third and fifth judicial districts must jointly report to the legislature on the results of the alternative dispute resolution programs developed or operated under this section.

Sec. 19. CHILD SUPPORT PILOT PROJECT; NINTH JUDICIAL DISTRICT.

Subdivision 1. PILOT PROJECT. (a) The ninth judicial district may establish a pilot project to implement the provisions relating to the six-month review under subdivision 2 and an accounting for child support by an obligee under subdivision 3.

(b) The ninth judicial district and the state court administrator are requested to evaluate the six-month review and accounting for child support pilot project and submit a report to the chairs and ranking minority members of the house and senate committees having jurisdiction over child support and family law policy and funding by January 1, 2003. The evaluation should measure:

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- (1) the fiscal impact on the courts and local government; and
- (2) increased child support collections and compliance with parenting time.
- (c) The provisions in subdivisions 2 and 3 apply only to the pilot project established under this section.

Subd. 2. SIX-MONTH REVIEW. (a) A decree of dissolution or legal separation or an order that establishes child custody, parenting time, or support rights and obligations of parents must contain a review date six months after its entry and an attached request for review hearing form. The request for review hearing form shall be prepared by the state court administrator.

(b) The six-month review hearing shall be held if any party submits a written request prior to 60 days before the review date. If no party requests a hearing, the matter shall be stricken.

(c) Upon receipt of a completed request for hearing form, the court administrator shall provide notice of the hearing to all other parties and the public authority.

(d) At the six-month hearing, the court must review:

- (1) whether child support is current; and
- (2) whether both parties are complying with the parenting time provisions of the order.

(e) At the six-month hearing, the obligor has the burden to present evidence to establish that child support payments are current. A party may request that the public authority provide information to the parties and court regarding child support payments. A party must request the information from the public authority at least 14 days before the hearing. The commissioner of human services must develop a form to be used by the public authority to submit child support payment information to the parties and court.

(f) Contempt of court and all statutory remedies for child support and parenting time enforcement may be imposed by the court at the six-month hearing for noncompliance by either party pursuant to Minnesota Statutes, chapters 518 and 588 and the Minnesota rules of court.

Subd. 3. ACCOUNTING FOR CHILD SUPPORT BY OBLIGEE. (a) Upon the motion of an obligor, a court may order an obligee to account for the use or disposition of child support received. The motion must assert the specific allegations of abuse or misapplication of child support received and that a child's needs are not being met. If the court orders a hearing, the court may order an accounting only if the obligor establishes the specific allegations of abuse or misapplication of child support received and that the child's needs are not being met.

(b) If the court orders an accounting under paragraph (a), the obligee must provide documentation that breaks down monthly expenditures of child support received into the following categories:

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- (1) housing and utilities;
- (2) food;
- (3) transportation;
- (4) clothing;
- (5) health care;
- (6) child care and education; and
- (7) miscellaneous.

An obligee may account for expenditures on housing, utilities, food, and transportation that are attributable to multiple household members on a per capita basis.

(c) If the court finds that an obligee does not make the accounting required under paragraph (b) or the obligee does not spend the entire child support payment on behalf of the child, the court may:

- (1) hold the obligee in contempt of court;
 - (2) reduce or eliminate the obligor's child support obligation;
 - (3) order the obligee to make future expenditures on behalf of the child, whether in whole or in part, in a manner that documents the transaction; or
 - (4) make any other appropriate order to ensure that the needs of the child are met.
- (d) If the court determines that an obligor's motion under this section is brought in bad faith, the court may award reasonable attorney fees to the obligee.

Sec. 20. DATA COLLECTION; REPORT.

(a) By January 15 of each year, each chief of police and sheriff shall report to the superintendent of the bureau of criminal apprehension the following summary data related to applications for permits to carry pistols under Minnesota Statutes, section 624.714, for the preceding calendar year:

- (1) the number of applications received;
- (2) the number of permits granted;
- (3) the reasons given by the applicants for seeking the permits;
- (4) the number of permits denied and the specific reason for each denial;
- (5) the number of permits issued by the chief or sheriff that are valid as of December 31 of the preceding year; and
- (6) the number of convictions and types of crimes committed since the previous report, and in total, by individuals with permits to carry, including data as to whether a firearm lawfully carried solely by virtue of a permit to carry was actually used in furtherance of the crime.

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The specific reason for the denial required in clause (4) includes, but is not limited to, the applicant being prohibited from possessing a firearm under Minnesota Statutes, section 624.713, the applicant not providing a firearms safety certificate, and the applicant not having an occupation or personal safety hazard requiring a permit to carry. If the applicant was denied the permit based on being prohibited under Minnesota Statutes, section 624.713, the specific prohibition must be cited. If the denial is based on a criminal conviction, the specific crime of conviction must be cited.

(b) By February 15 of each year, the superintendent shall report a summary of the data collected under paragraph (a) to the chairs and ranking minority members of the senate and house committees having jurisdiction over criminal justice policy.

(c) This section expires June 30, 2003.

Sec. 21. FEE INCREASE APPROVAL; PRIVATE DETECTIVES BOARD.

Fee increases proposed for the private detectives board by the governor in the 2002-2003 criminal justice biennial budget document are approved.

Sec. 22. JUDICIAL SALARY INCREASES.

The salaries of supreme court justices, court of appeals judges, and district court judges are increased by 6.5 percent on July 1, 2001, 6.5 percent on April 1, 2002, three percent on January 1, 2003, and three percent on January 1, 2004.

Sec. 23. H.F. No. 1, article 5, section 22, if enacted by the first special session of the 2001 legislature, is amended to read:

Sec. 22. APPROPRIATION.

(a) ~~The supreme court trial courts~~ general fund appropriation base is increased by \$39,240,000 in fiscal year 2004 and by an additional \$17,316,000 in fiscal year 2005. In fiscal years 2006 and 2007 the ~~supreme court trial courts~~ may request additional base adjustments to reflect the transfer of the remaining judicial districts.

(b) \$8,701,253 is appropriated to the ~~supreme court trial courts~~ from the general fund in each of fiscal years 2002 and 2003 to be used to pay the costs of mandated court services assumed by the state under Minnesota Statutes, section 480.183, subdivision 1.

(c) For each of fiscal years 2004 and 2005, \$1,700,000 is appropriated from the general fund to the ~~supreme court trial courts~~ to fund court takeover equity adjustments. These amounts must be added to the court base budget in subsequent fiscal years.

EFFECTIVE DATE. This section is effective at the time H.F. No. 1, article 5, section 22, if enacted by the first special session of the 2001 legislature, takes effect.

Sec. 24. EFFECTIVE DATES.

Of the additional judge units in the tenth district, one is effective October 1, 2001, and the other is effective July 1, 2002. One judge unit in the third district is effective

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April 1, 2002. One judge unit in the seventh district and one judge unit in the first district are effective January 1, 2003. Unless specified otherwise for any particular section, the remaining sections in this article are effective July 1, 2001.

ARTICLE 6

CRIMNET

Section 1. Minnesota Statutes 2000, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. **LAW ENFORCEMENT DUTY REQUIRED FINGERPRINTING.** (a) ~~It is hereby made the duty of the Sheriffs of the respective counties, of the police, peace officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, and of community corrections agencies operating secure juvenile detention facilities to shall take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the superintendent of the bureau, of the following:~~

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony or gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) persons reasonably believed by the arresting officer to be fugitives from justice;

(4) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes; and

(5) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense.

Unless the superintendent of the bureau requires a shorter period, within 24 hours the fingerprint records and other identification data specified under this paragraph must be forwarded to the bureau of criminal apprehension on such forms and in such manner as may be prescribed by the superintendent of the bureau of criminal apprehension.

(b) Effective August 1, 1997, the identification reporting requirements shall also apply to persons arrested for or alleged to have committed targeted misdemeanor offenses and juveniles arrested for or alleged to have committed gross misdemeanors.

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In addition, the reporting requirements shall include any known aliases or street names of the offenders. Prosecutors, courts, and probation officers shall attempt to ensure that the required identification data is taken on a person described in paragraph (a).

(c) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224 (fifth degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), or 617.23 (indecent exposure).

Sec. 2. Minnesota Statutes 2000, section 299C.11, is amended to read:

299C.11 IDENTIFICATION DATA FURNISHED TO BUREAU.

(a) ~~The~~ Each sheriff of each county and the chief of police of each city of the first, second, and third classes shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data as may be requested or required by the superintendent of the bureau, which may must be taken under the provisions of section 299C.10, of persons who shall be convicted of a felony, gross misdemeanor, or who shall be. In addition, sheriffs and chiefs of police shall furnish this identification data to the bureau for individuals found to have been convicted of a felony or, gross misdemeanor, or targeted misdemeanor, within the ten years next immediately preceding their arrest.

(b) No petition under chapter 609A is required if the person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding the determination of all pending criminal actions or proceedings in favor of the arrested person, and either of the following occurred:

- (1) all charges were dismissed prior to a determination of probable cause; or
- (2) the prosecuting authority declined to file any charges and a grand jury did not return an indictment.

Where these conditions are met, the bureau or agency shall, upon demand, return to the arrested person finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them.

(c) Except as otherwise provided in paragraph (b), upon the determination of all pending criminal actions or proceedings in favor of the arrested person, and the granting of the petition of the arrested person under chapter 609A, the bureau shall seal finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them if the arrested person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding such determination.

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(d) DNA samples and DNA records of the arrested person shall not be returned, sealed, or destroyed as to a charge supported by probable cause.

(e) For purposes of this section,:

(1) "determination of all pending criminal actions or proceedings in favor of the arrested person" does not include:

(1) (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or chapter 609A;

(2) (ii) the arrested person's successful completion of a diversion program;

(3) (iii) an order of discharge under section 609.165; or

(4) (iv) a pardon granted under section 638.02; and

(2) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1.

Sec. 3. [299C.111] SUSPENSE FILE REPORTING.

(a) By June 1 and December 1 of each year, the superintendent shall:

(1) provide an entity or individual having responsibility regarding identification data under section 299C.10 and the criminal and juvenile justice information policy group with summary data on the number of disposition records pertaining to the entity or individual that have not been linked to an arrest record; and

(2) provide the criminal and juvenile justice information policy group with the number of identification records not entered on the automated fingerprint identification system and the criminal history files.

(b) The superintendent shall immediately notify the appropriate entity or individual when a disposition record is received that cannot be linked to an arrest record.

Sec. 4. Minnesota Statutes 2000, section 299C.147, subdivision 2, is amended to read:

Subd. 2. **ESTABLISHMENT.** The bureau shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to public defenders as provided in section 611.272, to the district court, and to criminal justice agencies in other states in the conduct of their official duties.

Sec. 5. Minnesota Statutes 2000, section 299C.65, subdivision 1, is amended to read:

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Subdivision 1. **MEMBERSHIP, DUTIES.** (a) The criminal and juvenile justice information policy group consists of the commissioner of corrections, the commissioner of public safety, the commissioner of administration, the commissioner of finance, and four members of the judicial branch appointed by the chief justice of the supreme court. The policy group may appoint additional, nonvoting members as necessary from time to time.

(b) The commissioner of public safety is designated as the chair of the policy group. The commissioner and the policy group have overall responsibility for the successful completion of statewide criminal justice information system integration (CrimNet). The policy group may hire a program manager to manage the CrimNet projects and to be responsible for the day-to-day operations of CrimNet. The policy group must ensure that generally accepted project management techniques are utilized for each CrimNet project, including:

- (1) clear sponsorship;
- (2) scope management;
- (3) project planning, control, and execution;
- (4) continuous risk assessment and mitigation;
- (5) cost management;
- (6) quality management reviews;
- (7) communications management; and
- (8) proven methodology.

(c) Products and services for CrimNet project management, system design, implementation, and for application hosting must be acquired using an appropriate procurement process, which includes:

- (1) a determination of required products and services;
- (2) a request for proposal development and identification of potential sources;
- (3) competitive bid solicitation, evaluation, and selection; and
- (4) contract administration and close-out.

(d) 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;

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(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. 6. Minnesota Statutes 2000, section 299C.65, subdivision 2, is amended to read:

.. Subd. 2. **REPORT, TASK FORCE.** (a) The policy group shall file an annual report with the governor, supreme court, and chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy by December 1 of each year.

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(b) 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 policy group shall appoint a task force consisting of its members 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) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems;
- (11) two court administrators;
- (12) one member of the house of representatives appointed by the speaker of the house;
- (13) one member of the senate appointed by the majority leader;
- (14) the attorney general or a designee;
- (15) the commissioner of administration or a designee;
- (16) an individual recommended by the Minnesota league of cities; and
- (17) an individual recommended by the Minnesota association of counties.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

(c) The commissioner of public safety may appoint additional, nonvoting members to the task force as necessary from time to time.

Sec. 7. [609.118] FINGERPRINTING REQUIRED.

(a) When a person is convicted of a felony, gross misdemeanor, or targeted misdemeanor, as defined in section 299C.10, subdivision 1, or is adjudicated

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delinquent for a felony or gross misdemeanor, the court shall order the offender to immediately report to the law enforcement agency responsible for the collection of fingerprint and other identification data required under section 299C.10, regardless of the sentence imposed or executed.

(b) Paragraph (a) does not apply if the person is remanded to the custody of a law enforcement agency or if the identification data was collected prior to the conviction or adjudication for the offense.

(c) A person who fails to obey a court order under paragraph (a) is subject to probation revocation, contempt of court, or any other appropriate remedy.

(d) This section does not limit or restrict any other statutory requirements or local policies regarding the collection of identification data.

Sec. 8. **OUTSIDE REVIEW.**

The commissioner of administration shall obtain an independent outside expert to review the CrIMNet projects funded in this act. By February 15, 2002, the outside expert shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the results of the review.

Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 8 are effective July 1, 2001.

ARTICLE 7

ANTI-RACIAL PROFILING

Section 1. Minnesota Statutes 2000, section 357.021, subdivision 6, is amended to read:

Subd. 6. SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS. (a) The court shall impose and the court administrator shall collect a ~~\$25~~ \$28 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the ~~\$25~~ surcharge, collect the surcharge and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted

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person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the state treasurer.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the state treasurer.

Sec. 2. Minnesota Statutes 2000, section 357.021, subdivision 7, is amended to read:

Subd. 7. DISBURSEMENT OF SURCHARGES BY STATE TREASURER.

(a) Except as provided in paragraph (b), the state treasurer shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent of the sureharge shall be credited to the game and fish fund to provide peace officer training for employees of the department of natural resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent of the sureharge shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent of the sureharge shall be credited to the general fund.

(b) The state treasurer shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to a criminal justice special projects account in the special revenue fund. This account is available for appropriation to the commissioner of public safety for grants to law enforcement agencies and for other purposes authorized by the legislature.

Sec. 3. [626.8471] AVOIDING RACIAL PROFILING; POLICIES AND LEARNING OBJECTIVES REQUIRED.

Subdivision 1. PURPOSE. The legislature finds that the reality or public perception of racial profiling alienates people from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people law enforcement is sworn to protect and serve. No stop initiated by a peace officer should be made without a legitimate reason; race, ethnicity, or national origin alone should never provide a sufficient reason. Law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all persons to be free from unreasonable governmental intrusions and law enforcement's need to enforce the law.

Subd. 2. DEFINITION. "Racial profiling" means any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than:

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(1) the behavior of that individual; or

(2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity.

Racial profiling includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Subd. 3. STATEWIDE MODEL POLICY. (a) The board of peace officer standards and training shall consult with the Minnesota chiefs of police association, the Minnesota sheriffs association, the racial profiling advisory committee, and the Minnesota police and peace officers association in developing an antiracial profiling model policy governing the conduct of peace officers engaged in stops of citizens. This policy shall define racial profiling and identify conduct that violates the law. The policy must also include a duty to give the officer's name or badge number and identify the officer's department during routine traffic stops.

(b) The board shall adopt a model policy and distribute the model policy to all chief law enforcement officers by August 1, 2001.

Subd. 4. AGENCY POLICIES REQUIRED. (a) By November 1, 2001, the chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written antiracial profiling policy governing the conduct of peace officers engaged in stops of citizens. The chief law enforcement officer shall ensure that each peace officer receives a copy of the agency's antiracial profiling policy. The chief law enforcement officer also must ensure that each peace officer is aware of the policy's purpose and the conduct prohibited by it.

(b) The policy must, at a minimum, comply with the requirements of the model policy adopted by the board under subdivision 3.

(c) Every state and local law enforcement agency must certify to the board that it has adopted a written policy in compliance with the board's model policy.

(d) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing antiracial profiling policies under this subdivision.

Subd. 5. PRESERVICE TRAINING LEARNING OBJECTIVES; REQUIREMENTS. (a) By August 1, 2001, the board shall prepare learning objectives for preservice training to instruct peace officers in avoiding racial profiling when making stops of citizens. These learning objectives shall be included in the required curriculum of professional peace officer education programs.

(b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after June 1, 2002, unless:

(1) the individual has received the training described in paragraph (a); and

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(2) the individual has completed a psychological evaluation demonstrating that the individual is not likely to engage in racial profiling.

Subd. 6. IN-SERVICE TRAINING LEARNING OBJECTIVES. By August 1, 2001, the board shall prepare learning objectives for in-service training to instruct peace officers in avoiding racial profiling when making stops of citizens. The board shall evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

Subd. 7. CHIEF LAW ENFORCEMENT OFFICERS AND SUPERVISORS; REQUIREMENTS. The executive director of the board of peace officer standards and training shall prepare training materials to provide chief law enforcement officers and other peace officers with supervisory authority with information on how to detect and respond to racial profiling by peace officers under their command. The training materials must address both the agency's antiracial profiling policy and procedural components aimed at eliminating racial profiling in stops of citizens. The materials must include information on federal and state constitutional and statutory laws prohibiting discrimination by law enforcement. The procedural information must describe conduct that is unlawful or inappropriate and present guidelines for reinforcing techniques that are lawful and appropriate. The procedural information shall discuss appropriate search and seizure and interviewing techniques.

Subd. 8. POST BOARD; COMPLIANCE REVIEWS AUTHORIZED. The board has authority to inspect state and local agency policies to ensure compliance with subdivision 4. The board may conduct this inspection based upon a complaint it receives about a particular agency or through a random selection process.

Sec. 4. [626.8515] CERTAIN BACCALAUREATE DEGREE HOLDERS ELIGIBLE TO TAKE LICENSING EXAMINATION.

A person with a baccalaureate degree from an accredited college or university who has successfully completed a board-certified practical skills oriented basic training course is eligible to take the peace officer licensing examination.

Sec. 5. [626.8517] ELIGIBILITY FOR RECIPROCITY EXAMINATION BASED ON RELEVANT MILITARY EXPERIENCE.

(a) For purposes of this section, "relevant military experience" means five years of active duty military police service.

(b) A person who has relevant military experience and who has been honorably discharged from the military is eligible to take the reciprocity examination.

Sec. 6. [626.951] RACIAL PROFILING STUDY; REPORT REQUIRED.

Subdivision 1. RACIAL PROFILING STUDY. (a) The commissioner of public safety shall oversee a statewide study on traffic stops of citizens to determine whether racial profiling exists. Law enforcement agencies that decide to participate in the study shall follow the procedures set forth by this section. Agencies that receive state money for the installation of video cameras in police vehicles shall participate in the study.

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(b) The data that must be collected as part of this study include:

- (1) the location of the stop;
- (2) the date and time of the stop;
- (3) the age, race/ethnicity, and gender of the driver;
- (4) the traffic violation or reason that led to the stop;
- (5) the disposition of the stop, arrest, citation, warning, or no action;
- (6) whether a search was conducted of the driver, passengers, or vehicle;
- (7) if a search was conducted, the authority for the search;
- (8) if a search was conducted, whether any contraband was discovered or seized and the nature of the contraband;
- (9) whether the officer knew the race/ethnicity of the driver before the stop; and
- (10) the law enforcement agency's code.

(c) The time period of the study shall be 12 months, beginning on January 1, 2002, and ending December 31, 2002.

(d) The elements listed in paragraph (b) are the minimum that a law enforcement agency participating in the study must collect. Nothing in this section prohibits an agency from voluntarily collecting additional data elements. If an agency collects additional data elements, the data are classified as provided in subdivision 7.

Subd. 2. SUBMISSION OF DATA TO COMMISSIONER. On a frequency determined by the commissioner of public safety, each chief law enforcement officer of a law enforcement agency participating in the study shall submit to the commissioner the data described in subdivision 1 for each traffic stop conducted by the agency's law enforcement officers.

Subd. 3. METHOD OF DATA COLLECTION. A chief law enforcement officer may collect and submit the data described in this section electronically, if the method of doing so is compatible with the department of public safety's computer system, or on paper forms supplied by the commissioner of public safety.

Subd. 4. OUTSIDE EXPERT. The commissioners of administration and public safety shall retain a sufficiently experienced and independent organization or individual to:

- (1) design and oversee the data collection process described in this section;
- (2) develop baseline measures to analyze the data collected;
- (3) develop and implement a data compliance auditing process that ensures the accuracy of data collected through, among other things, periodic spot checks; and
- (4) analyze the data collected.

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Subd. 5. OTHER DUTIES OF COMMISSIONER. The commissioner of public safety shall:

(1) ensure that data forwarded to the commissioner under this section is entered into a central database in a timely manner;

(2) cooperate with the outside expert to facilitate the ability of the expert to fulfill its duties under this section, including allowing the expert sufficient access to the compiled data; and

(3) develop and distribute to law enforcement agencies participating in the study a paper form to collect the data.

Subd. 6. REPORT REQUIRED. The outside expert shall analyze the data collected to determine the degree to which, if at all, racial profiling occurs in traffic stops made by law enforcement agencies participating in the study within the state. By December 1, 2003, the expert shall report the results of the analysis to the chairs of the senate and house committees having jurisdiction over criminal justice policy.

Subd. 7. DATA. If law enforcement agencies collect data for purposes of traffic stops, the data collected, including video data, are private data on individuals or nonpublic data as defined in section 13.02. This subdivision does not affect the classification of the same data collected for other law enforcement purposes.

Sec. 7. [626.9513] RACIAL PROFILING ADVISORY COMMITTEE.

Subdivision 1. COMMITTEE ESTABLISHED; MEMBERS. (a) The racial profiling advisory committee consists of the following individuals or their designees:

(1) the executive director of the Minnesota chiefs of police association;

(2) the executive director of the Minnesota police and peace officers association;

(3) the executive director of the Minnesota sheriffs association;

(4) a chief of police, selected by the Minnesota chiefs of police association;

(5) a member of the Minnesota police and peace officers association, selected by the association;

(6) the executive director of the council on Asian-Pacific Minnesotans;

(7) the executive director of the council on Black Minnesotans;

(8) the executive director of the council on Indian affairs;

(9) the executive director of the council on Chicano-Latino people affairs;

(10) the executive director of an Urban League chapter, selected by agreement of the executive directors of the Urban League chapters within the state;

(11) the president of a National Association for the Advancement of Colored People branch, selected by agreement of the presidents of the National Association for the Advancement of Colored People branches within the state;

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(12) one person appointed by the commissioner of public safety; and

(13) one person appointed by the Black Ministers Alliance.

Subd. 2. DUTIES. The racial profiling advisory committee must:

(1) advise the board of peace officer standards and training on the development of the statewide antiracial profiling model policy under section 626.8471, subdivision 3;

(2) advise the board of peace officer standards and training on racial profiling training objectives, materials, and implementation;

(3) advise the attorney general on the racial profiling public awareness campaign; and

(4) advise the peace officer standards and training board on any other policies relating to racial profiling based on the review of summary data on racial profiling complaints.

Subd. 3. COMMITTEE ACTION. Committee action, including any action recommended must be approved by a two-thirds majority of the whole committee.

Subd. 4. EXPIRATION. The racial profiling advisory committee expires on June 30, 2003.

Sec. 8. [626.9514] TOLL-FREE TELEPHONE NUMBER.

The attorney general shall operate and maintain a toll-free telephone number for complaints dealing with racial profiling. The attorney general must act as a clearinghouse for racial profiling complaints and must forward complaints to the peace officer standards and training board.

Sec. 9. [626.9517] GRANT PROGRAM FOR INSTALLATION OF VIDEO CAMERAS IN POLICE VEHICLES.

Subdivision 1. GRANTS; CAMERAS DESCRIBED. The commissioner of public safety shall make grants to law enforcement agencies participating in the racial profiling study described in section 626.951 for the purchase, installation, and maintenance of video cameras on police vehicles designed to record traffic stops. A video camera installed pursuant to a grant under this section must:

(1) be automatically activated during every traffic stop;

(2) contain an audio feature; and

(3) be designed and installed so as to record the stop in its entirety.

Cameras may not be equipped with manual shut-off switches and must be activated for the entirety of a traffic stop.

Subd. 2. STORAGE OF VIDEO. Notwithstanding section 138.163 or 138.17, chief law enforcement officers of agencies receiving grants under this section for video cameras in police vehicles shall ensure that the video tape or disk from the camera be

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stored for a minimum of 60 days after use. If the chief law enforcement officer has not been instructed by the board or the attorney general to maintain the tape or disk beyond that period, the chief law enforcement officer may reuse it. Tapes and disks must be stored and maintained under this subdivision in an accessible manner. The tapes and disks must be clearly labeled and ordered.

Subd. 3. AVAILABILITY OF VIDEO TAPE. A chief law enforcement officer shall provide a copy of a video tape or disk that recorded a traffic stop to the driver of the stopped vehicle upon the driver's request and at the driver's expense if the tape or disk has not yet been reused.

Sec. 10. STUDY.

The chief of the state patrol shall identify measures to better recruit minorities and increase their representation in the state patrol so it more accurately reflects the population served by the state patrol. By January 15, 2002, the chief shall report to the senate and house committees and divisions having jurisdiction over criminal justice and transportation policy and funding on the measures identified and the resources needed to implement these measures.

Sec. 11. REGIONAL TRAINING SEMINARS.

The board of peace officer standards and training shall facilitate regional seminars throughout the state to increase awareness about racial profiling issues unique to specific regions of the state and to promote a community-oriented response to the issue of racial profiling. The training seminars shall satisfy the learning objectives described in Minnesota Statutes, section 626.8471, subdivision 6. These seminars shall be completed by December 31, 2001.

Sec. 12. REPORTS.

Subdivision 1. MODEL POLICY; TRAINING. By February 15, 2002, the executive director of the board of peace officer standards and training shall report to the house and senate committees with jurisdiction over criminal justice funding on the development of a model policy; learning objectives; regional training seminars, including attendance figures for the seminars; and the training materials prepared for chief law enforcement officers and other officers with supervisory authority.

Subd. 2. COMPLAINTS. The peace officer standards and training board shall forward to the racial profiling advisory committee, and make available to the public, summary data on complaints received under Minnesota Statutes, section 626.9514.

Sec. 13. INSTRUCTION TO REVISOR; LEGISLATIVE INTENT.

The surcharge increase contained in Minnesota Statutes, section 357.021, in this act is superseded by any other increase to the surcharge enacted in the 2001 First Special Session.

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Sec. 14. **APPROPRIATIONS.**

Subdivision 1. SPECIAL REVENUE SPENDING AUTHORIZATION. (a) The commissioner of public safety is authorized to spend funds appropriated from the criminal justice special projects account in the special revenue fund under Minnesota Statutes, section 357.021, subdivision 7, for:

- (1) grants for video cameras under Minnesota Statutes, section 626.9517;
- (2) retaining the outside expert required under Minnesota Statutes, section 626.951, subdivision 4;
- (3) reimbursement to law enforcement agencies that participate in the racial profiling study described in Minnesota Statutes, section 626.951, for costs they incur in participating. This amount must not exceed \$325,000 and must be distributed as described in paragraph (d);
- (4) costs incurred by the commissioner to provide oversight of the racial profiling study described in Minnesota Statutes, section 626.951. This amount must not exceed \$250,000; and

(5) increasing the amount available for reimbursements to local agencies for the cost of administering board-approved continuing education for peace officers to allow the following agencies or divisions to be eligible to receive reimbursements for training costs in the same manner and in like amounts as local agencies:

- (i) the state patrol;
- (ii) alcohol and gambling enforcement;
- (iii) the bureau of criminal apprehension; and
- (iv) the office of special investigations in the department of corrections.

The amount expended under this paragraph must not exceed \$535,000.

(b) The commissioner shall issue a request for proposals and select a vendor from whom to purchase video cameras under Minnesota Statutes, section 626.9517. The vendor selected must provide maintenance and extended warranties for the cameras.

(c) The commissioner shall aggressively seek available federal grants related to eliminating racial profiling and assist local units of government to receive federal funding.

(d) The commissioner may reimburse law enforcement agencies under paragraph (a), clause (3), in the following maximum amounts:

- (1) up to \$5,000 for agencies with fewer than 100 full-time sworn peace officers;
- (2) up to \$15,000 for agencies with at least 100, but fewer than 300 full-time sworn peace officers;
- (3) up to \$30,000 for agencies with at least 300, but fewer than 500 full-time sworn peace officers;

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(4) up to \$50,000 for agencies with at least 500, but fewer than 800 full-time sworn peace officers; and

(5) up to \$60,000 for agencies with 800 or more full-time sworn peace officers.

Subd. 2. SPECIAL REVENUE TRANSFER AUTHORIZATION. (a) The commissioner of public safety is authorized to transfer the following amounts appropriated from the criminal justice special projects account in the special revenue fund under Minnesota Statutes, section 357.021, subdivision 7, for the purposes indicated:

(1) \$100,000 to the attorney general to:

(i) obtain and maintain the toll-free telephone number to receive complaints under Minnesota Statutes, section 626.9514; and

(ii) develop and implement, in consultation with the racial profiling advisory committee, a public awareness campaign on the issue of racial profiling and the availability of the toll-free telephone number described in Minnesota Statutes, section 626.9514; and

(2) \$350,000 to the peace officer standards and training board for costs associated with the regional training seminars described in section 11.

Subd. 3. EXPIRATION AND USE. The authorization in this section expires June 30, 2003. Funds appropriated from the criminal justice special projects account in the special revenue fund under Minnesota Statutes, section 357.021, subdivision 7, may be used only for the purposes authorized by this section.

Sec. 15. EFFECTIVE DATE.

Sections 1 to 13 are effective July 1, 2001.

ARTICLE 8

GENERAL CRIMINAL PROVISIONS

Section 1. Minnesota Statutes 2000, section 152.02, subdivision 2, is amended to read:

Subd. 2. SCHEDULE I. The following items are listed in Schedule I:

(1) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphemethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrophan; Diampromide; Diethylambutene; Dimenoxadol; Dimepheptanol; Dimethylambutene; Dioxaphetyl

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butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxadrine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacymorphan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Properridine; Racemoramide; Trimeperidine.

(2) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: Acetorphine; Acetyldihydrocodeine; Acetylcodeine; Benzylmorphine; Codeine methylbromide; Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin; Hydromorphanol; Methyl-desorphine; Methylhydromorphine; Morphine methylbromide; Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine; Normorphine; Pholcodine; Thebacon.

(3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: 3,4-methylenedioxyamphetamine; 4-bromo-2,5-dimethoxyamphetamine; 2,5-dimethoxyamphetamine; 4-methoxyamphetamine; 5-methoxy-3, 4-methylenedioxy amphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 3,4,5-trimethoxy amphetamine; 4-methyl-2, 5-dimethoxyamphetamine; Ibogaine; Lysergic acid diethylamide; marijuana; Mescaline; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols; 1-(1-(2-thienyl) cyclohexyl) piperidine; n-ethyl-1-phenylcyclohexylamine; 1-(1-phenylcyclohexyl) pyrrolidine.

(4) Peyote, providing the listing of peyote as a controlled substance in schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the American Indian Church, and members of the American Indian Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the American Indian Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(5) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Mecloqualone;

Flunitrazepam.

(6) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts,

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isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathinone;

Methcathinone.

Sec. 2. Minnesota Statutes 2000, section 152.022, subdivision 1, is amended to read:

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

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

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

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

(4) on one or more occasions within a 90-day period the person unlawfully sells one or more mixtures of a total weight of 25 kilograms or more containing marijuana or Tetrahydrocannabinols;

(5) the person unlawfully sells any amount of a schedule I or II narcotic drug to a person under the age of 18, or conspires with or employs a person under the age of 18 to unlawfully sell the substance; or

(6) the person unlawfully sells any of the following in a school zone, a park zone, a public housing zone, or a drug treatment facility:

(i) any amount of a schedule I or II narcotic drug, ~~or lysergic acid diethylamide (LSD)~~, 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

(ii) one or more mixtures containing methamphetamine or amphetamine; or

(iii) one or more mixtures of a total weight of five kilograms or more containing marijuana or Tetrahydrocannabinols.

Sec. 3. Minnesota Statutes 2000, section 152.023, subdivision 2, is amended to read:

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

(1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of three grams or more containing cocaine, heroin, or methamphetamine;

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(2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

(3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(5) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

Sec. 4. Minnesota Statutes 2000, section 169A.03, subdivision 12, is amended to read:

Subd. 12. **MISDEMEANOR.** "Misdemeanor" means a crime for which a person may be sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700 \$1,000, or both.

Sec. 5. Minnesota Statutes 2000, section 343.20, is amended by adding a subdivision to read:

Subd. 6. **PET OR COMPANION ANIMAL.** "Pet or companion animal" includes any animal owned, possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another as a pet or companion, or any stray pet or stray companion animal.

Sec. 6. Minnesota Statutes 2000, section 343.20, is amended by adding a subdivision to read:

Subd. 7. **SERVICE ANIMAL.** "Service animal" means an animal trained to assist a person with a disability.

Sec. 7. Minnesota Statutes 2000, section 343.20, is amended by adding a subdivision to read:

Subd. 8. **SUBSTANTIAL BODILY HARM.** "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member to a service animal or a pet or companion animal.

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Sec. 8. Minnesota Statutes 2000, section 343.20, is amended by adding a subdivision to read:

Subd. 9. GREAT BODILY HARM. “Great bodily harm” means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm to a service animal or a pet or companion animal.

Sec. 9. Minnesota Statutes 2000, section 343.21, is amended by adding a subdivision to read:

Subd. 8a. HARMING A SERVICE ANIMAL. No person shall intentionally and without justification cause bodily harm to a service animal while it is providing service or while it is in the custody of the person it serves.

Sec. 10. Minnesota Statutes 2000, section 343.21, subdivision 9, is amended to read:

Subd. 9. PENALTY. (a) Except as otherwise provided in this subdivision, a person who fails to comply with any provision of this section is guilty of a misdemeanor. A person convicted of a second or subsequent violation of subdivision 1 or 7 within five years of a previous violation of subdivision 1 or 7 is guilty of a gross misdemeanor.

(b) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A person convicted of violating paragraph (b) within five years of a previous gross misdemeanor or felony conviction for violating this section may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(d) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(e) A person who violates subdivision 8a where the violation results in substantial bodily harm to a service animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(f) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(g) A person who violates subdivision 8a where the violation results in death or great bodily harm to a service animal may be sentenced to imprisonment for not more

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than four years or to payment of a fine of not more than \$10,000, or both.

(h) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

Sec. 11. Minnesota Statutes 2000, section 343.21, subdivision 10, is amended to read:

Subd. 10. **RESTRICTIONS.** If a person is convicted of violating this section, the court shall require that pet or companion animals, as defined in section 346.36, subdivision 6, that have not been seized by a peace officer or agent and are in the custody or control of the person must be turned over to a peace officer or other appropriate officer or agent unless the court determines that the person is able and fit to provide adequately for an animal. If the evidence indicates lack of proper and reasonable care of an animal, the burden is on the person to affirmatively demonstrate by clear and convincing evidence that the person is able and fit to have custody of and provide adequately for an animal. The court may limit the person's further possession or custody of pet or companion animals, and may impose other conditions the court considers appropriate, including, but not limited to:

(1) imposing a probation period during which the person may not have ownership, custody, or control of a pet or companion animal;

(2) requiring periodic visits of the person by an animal control officer or agent appointed pursuant to section 343.01, subdivision 1;

(3) requiring performance by the person of community service in a humane facility; and

(4) requiring the person to receive psychological, behavioral, or other counseling.

Sec. 12. Minnesota Statutes 2000, section 343.235, subdivision 1, is amended to read:

Subdivision 1. **GENERAL RULE.** An animal taken into custody under section 343.12, 343.22 ~~or~~, 343.29, or 343.31 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody, provided that the procedures in subdivision 3 are followed. An animal raised for food or fiber products may not be seized or disposed of without prior examination by a licensed veterinarian pursuant to a warrant issued by a judge.

Sec. 13. Minnesota Statutes 2000, section 343.235, subdivision 3, is amended to read:

Subd. 3. **NOTICE; RIGHT TO HEARING.** (a) The authority taking custody of an animal under section 343.12, 343.22 or, 343.29, or 343.31 shall give notice of this section by delivering or mailing it to a person claiming an interest in the animal or by posting a copy of it at the place where the animal is taken into custody or by delivering

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it to a person residing on the property, and telephoning, if possible. The notice must include:

(1) a description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept;

(2) a statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal; and

(3) a statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law.

The notice must also include a form that can be used by a person claiming an interest in the animal for requesting a hearing under this subdivision.

(b) Upon request of a person claiming an interest in the animal, which request must be made within ten days of the date of seizure, a hearing must be held within five business days of the request, to determine the validity of the seizure and impoundment. If the seizure was done pursuant to a warrant under section 343.22, the hearing must be conducted by the judge who issued the warrant. If the seizure was done under section 343.12, 343.29, or 343.31, the municipality taking custody of the animal or, in the case of a humane society, the municipality from which the animal was seized, may either (1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party or (2) use the services of a hearing officer to conduct the hearing. A person claiming an interest in the animal who is aggrieved by a decision of a hearing officer under this subdivision may seek a court order governing the seizure or impoundment within five days of notice of the order.

(c) The judge or hearing officer may authorize the return of the animal, if the judge or hearing officer finds that:

(1) the animal is physically fit; and

(2) the person claiming an interest in the animal can and will provide the care required by law for the animal.

(d) The person claiming an interest in the animal is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the municipality and the person claiming an interest in the animal before return of the animal to the person.

Sec. 14. Minnesota Statutes 2000, section 347.50, subdivision 1, is amended to read:

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Subdivision 1. **TERMS.** For the purpose of sections 347.50 to 347.54 347.56, the terms defined in this section have the meanings given them.

Sec. 15. Minnesota Statutes 2000, section 347.50, is amended by adding a subdivision to read:

Subd. 6a. **GREAT BODILY HARM.** "Great bodily harm" has the meaning given it under section 609.02, subdivision 8.

Sec. 16. Minnesota Statutes 2000, section 347.51, subdivision 2, is amended to read:

Subd. 2. **REGISTRATION.** ~~A county~~ An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property; ~~and~~

(2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the ~~county~~ animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

Sec. 17. Minnesota Statutes 2000, section 347.51, is amended by adding a subdivision to read:

Subd. 3a. **DANGEROUS DOG DESIGNATION REVIEW.** Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

Sec. 18. Minnesota Statutes 2000, section 347.51, subdivision 9, is amended to read:

Subd. 9. **CONTRACTED SERVICES.** A county may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.54. Notwithstanding any contract entered into under this subdivision, all

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fees collected under sections 347.50 to 347.54 shall be paid to the county and all certificates of registration must be issued in the name of the county.

Sec. 19. [347.515] MICROCHIP IDENTIFICATION.

The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

Sec. 20. Minnesota Statutes 2000, section 347.52, is amended to read:

347.52 DANGEROUS DOGS; REQUIREMENTS.

(a) An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.

(c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new jurisdiction within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred.

(d) An animal control authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized, the animal control authority may have the animal sterilized at the owner's expense.

(e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(f) A person who sells a dangerous dog must notify the purchaser that the animal control authority has identified the dog as dangerous. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

Sec. 21. Minnesota Statutes 2000, section 347.55, is amended to read:

347.55 PENALTY.

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(a) Any person who violates any provision of section 347.51 or 347.52 is guilty of a misdemeanor.

(b) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or removal from the jurisdiction, to sign a false affidavit with respect to a dangerous dog's death or removal from the jurisdiction, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

Sec. 22. [347.56] DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.

Notwithstanding sections 347.51 to 347.55, a dog that inflicted substantial or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority. The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker.

The definitions in section 347.50, and the exemptions under section 347.51, subdivision 5, apply to this section.

Sec. 23. Minnesota Statutes 2000, section 609.487, subdivision 4, is amended to read:

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

(a) If the course of fleeing results in death, to imprisonment for not more than ~~ten~~ 40 years or to payment of a fine of not more than ~~\$20,000~~ \$80,000, or both; or

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

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

Sec. 24. Minnesota Statutes 2000, section 609.495, subdivision 1, is amended to read:

Subdivision 1. (a) Whoever harbors, conceals, ~~or aids,~~ or assists by word or acts another ~~known by whom~~ the actor ~~to have knows or has reason to know~~ has committed a felony crime under the laws of this or another state or of the United States with intent that such offender shall avoid or escape from arrest, trial, conviction, or punishment, may be sentenced to imprisonment for not more than three years or to payment of a fine

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of not more than \$5,000, or both if the crime committed or attempted by the other person is a felony.

(b) Whoever knowingly harbors, conceals, or aids a person who is on probation, parole, or supervised release because of a felony level conviction and for whom an arrest and detention order has been issued, with intent that the person evade or escape being taken into custody under the order, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both. As used in this paragraph, "arrest and detention order" means a written order to take and detain a probationer, parolee, or supervised releasee that is issued under section 243.05, subdivision 1; 244.19, subdivision 4; or 401.02, subdivision 4.

Sec. 25. Minnesota Statutes 2000, section 609.495, subdivision 3, is amended to read:

Subd. 3. Whoever intentionally aids another person ~~known by whom~~ the actor ~~to have~~ knows or has reason to know has committed a criminal act, by destroying or concealing evidence of that crime, providing false or misleading information about that crime, receiving the proceeds of that crime, or otherwise obstructing the investigation or prosecution of that crime is an accomplice after the fact and may be sentenced to not more than one-half of the statutory maximum sentence of imprisonment or to payment of a fine of not more than one-half of the maximum fine that could be imposed on the principal offender for the crime of violence. For purposes of this subdivision, "criminal act" means an act that is a crime listed in section 609.11, subdivision 9, under the laws of this or another state, or of the United States, and also includes an act that would be a criminal act if committed by an adult.

Sec. 26. Minnesota Statutes 2000, section 609.521, is amended to read:

609.521 POSSESSION OF SHOPLIFTING GEAR.

(a) As used in this section, an "electronic article surveillance system" means any electronic device or devices that are designed to detect the unauthorized removal of marked merchandise from a store.

(b) Whoever has in possession any device, gear, or instrument specially designed to assist in shoplifting or defeating an electronic article surveillance system with intent to use the same to shoplift and thereby commit theft may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

Sec. 27. [609.652] FRAUDULENT DRIVERS' LICENSES AND IDENTIFICATION CARDS; PENALTY.

Subdivision 1. DEFINITIONS. For purposes of this section:

(1) "driver's license or identification card" means a driver's license or identification card issued by the driver and vehicle services division of the department of public safety or receipts issued by its authorized agents or those of any state as defined in section 171.01 that issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose

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of indicating a person's legal name and age;

(2) "fraudulent driver's license or identification card" means a document purporting to be a driver's license or identification card, but that is not authentic; and

(3) "sell" means to sell, barter, deliver, exchange, distribute, or dispose of to another.

Subd. 2. CRIMINAL ACTS. (a) A person who does any of the following for consideration and with intent to manufacture, sell, issue, publish, or pass more than one fraudulent driver's license or identification card or to cause or permit any of the items listed in clauses (1) to (5) to be used in forging or making more than one false or counterfeit driver's license or identification card is guilty of a crime:

(1) has in control, custody, or possession any plate, block, press, stone, digital image, computer software program, encoding equipment, computer optical scanning equipment, or digital photo printer, or other implement, or any part of such an item, designed to assist in making a fraudulent driver's license or identification card;

(2) engraves, makes, or amends, or begins to engrave, make, or amend, any plate, block, press, stone, or other implement for the purpose of producing a fraudulent driver's license or identification card;

(3) uses a photocopier, digital camera, photographic image, or computer software to generate a fraudulent driver's license or identification card;

(4) has in control, custody, or possession or makes or provides paper or other material adapted and designed for the making of a fraudulent driver's license or identification card; or

(5) prints, photographs, or in any manner makes or executes an engraved photograph, print, or impression purporting to be a driver's license or identification card.

(b) Notwithstanding section 171.22, a person who manufactures or possesses more than one fraudulent driver's license or identification card with intent to sell is guilty of a crime.

Subd. 3. PENALTIES. A person who commits any act described in subdivision 2 is guilty of a gross misdemeanor. A person convicted of a second or subsequent offense of this subdivision may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 28. Minnesota Statutes 2000, section 617.247, subdivision 3, as amended by Laws 2001, chapter 197, section 4, is amended to read:

Subd. 3. DISSEMINATION PROHIBITED. (a) A person who disseminates pornographic work to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than seven years and a fine of not more than \$10,000 for a first offense and for not more than 15 years and a fine of not more than \$20,000 for a second or subsequent offense.

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(b) Unless a longer statutory maximum period is specified in paragraph (a), A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a registered predatory offender under section 243.166.

Sec. 29. Minnesota Statutes 2000, section 629.471, subdivision 2, is amended to read:

Subd. 2. **QUADRUPLE FINE.** (a) For offenses under sections 169.09, 169A.20, 171.24, ~~paragraph (e) subdivision 5, 609.2231, subdivision 2, 609.487, and 609.525,~~ the maximum cash bail that may be required for a person charged with a misdemeanor or gross misdemeanor violation is quadruple the highest cash fine that may be imposed for the offense.

(b) Unless the court imposes the conditions of release specified in section 169A.44, the court must impose maximum bail when releasing a person from detention who has been charged with violating section 169A.20 if the person has three or more prior impaired driving convictions within the previous ten years. As used in this subdivision, "prior impaired driving conviction" has the meaning given in section 169A.03.

Sec. 30. **REPEALER.**

Minnesota Statutes 2000, section 347.51, subdivision 6, is repealed.

Sec. 31. **EFFECTIVE DATE.**

Sections 1 to 30 are effective August 1, 2001. Those provisions relating to crimes apply to crimes committed on or after that date.

ARTICLE 9

PREDATORY OFFENDER REGISTRATION AND RELATED PROVISIONS

Section 1. Minnesota Statutes 2000, section 243.166, subdivision 1, is amended to read:

Subdivision 1. **REGISTRATION REQUIRED.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

- (i) murder under section 609.185, clause (2); or
- (ii) kidnapping under section 609.25; or

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(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; or 609.3451, subdivision 3; or

(iv) indecent exposure under section 617.23, subdivision 3; or

(2) the person was charged with or petitioned for falsely imprisoning a minor in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(3) the person was convicted of a predatory crime as defined in section 609.108, and the offender was sentenced as a patterned sex offender or the court found on its own motion or that of the prosecutor that the crime was part of a predatory pattern of behavior that had criminal sexual conduct as its goal; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

(2) the person enters the state to reside, or to work or attend school; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to lifetime registration, in which case the person must register for life regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

For purposes of this paragraph:

(i) "school" includes any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis; and

(ii) "work" includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless

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of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

Sec. 2. Minnesota Statutes 2000, section 243.166, subdivision 3, is amended to read:

Subd. 3. **REGISTRATION PROCEDURE.** (a) A person required to register under this section shall register with the corrections agent as soon as the agent is assigned to the person. If the person does not have an assigned corrections agent or is unable to locate the assigned corrections agent, the person shall register with the law enforcement agency that has jurisdiction in the area of the person's residence.

(b) At least five days before the person starts living at a new primary address, including living in another state, the person shall give written notice of the new primary living address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered. If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau of criminal apprehension. The bureau of criminal apprehension shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address. If the person is leaving the state, the bureau of criminal apprehension shall notify the registration authority in the new state of the new address. If the person's obligation to register arose under subdivision 1, paragraph (b), the person's registration requirements under this section terminate when the person begins living in the new state.

(c) A person required to register under subdivision 1, paragraph (b), because the person is working or attending school in Minnesota shall register with the law enforcement agency that has jurisdiction in the area where the person works or attends school. In addition to other information required by this section, the person shall provide the address of the school or of the location where the person is employed. A person must comply with this paragraph within five days of beginning employment or school. A person's obligation to register under this paragraph terminates when the

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person is no longer working or attending school in Minnesota.

(d) A person required to register under this section who works or attends school outside of Minnesota shall register as a predatory offender in the state where the person works or attends school. The person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority that has jurisdiction in the area of the person's residence shall notify the person of this requirement.

Sec. 3. Minnesota Statutes 2000, section 243.166, subdivision 4a, is amended to read:

Subd. 4a. **INFORMATION REQUIRED TO BE PROVIDED.** (a) A person required to register under this section shall provide to the corrections agent or law enforcement authority the following information:

- (1) the address of the person's primary residence;
- (2) the addresses of all the person's secondary residences in Minnesota, including all addresses used for residential or recreational purposes;
- (3) the addresses of all Minnesota property owned, leased, or rented by the person;
- (4) the addresses of all locations where the person is employed;
- (5) the addresses of all residences where the person resides while attending school; and
- (6) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person. "Motor vehicle" has the meaning given "vehicle" in section 169.01, subdivision 2.

(b) The person shall report to the agent or authority the information required to be provided under paragraph (a), clauses (2) to (6), within five days of the date the clause becomes applicable. If because of a change in circumstances a clause no longer applies to previously reported information, the person shall immediately inform the agent or authority that the information is no longer valid.

Sec. 4. Minnesota Statutes 2000, section 243.166, subdivision 6, is amended to read:

Subd. 6. **REGISTRATION PERIOD.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 or 253B.185, the ten-year registration period does not include the period of commitment.

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(b) If a person required to register under this section fails to register following a change in residence, the commissioner of public safety may require the person to continue to register for an additional period of five years. This five-year period is added to the end of the offender's registration period.

(c) If a person required to register under this section is subsequently incarcerated following a revocation of probation, supervised release, or conditional release for that offense, or a conviction for any new offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1, or any offense from another state or any federal offense similar to the offenses described in subdivision 1, and the person has a prior conviction or adjudication for an offense for which registration was required under subdivision 1, or an offense from another state or a federal offense similar to an offense described in subdivision 1;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, clause (2), or a similar statute from another state or the United States;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; or

~~(3)~~ (4) if the person is required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States.

Sec. 5. Minnesota Statutes 2000, section 243.167, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION.** As used in this section, "crime against the person" means a violation of any of the following or a similar law of another state or of the United States: section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.235; 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of section 609.229; 609.377; 609.749; or 624.713.

Sec. 6. Minnesota Statutes 2000, section 609.117, is amended to read:

609.117 **DNA ANALYSIS OF CERTAIN OFFENDERS REQUIRED.**

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Subdivision 1. **UPON SENTENCING.** The court shall order an offender to provide a biological specimen for the purpose of DNA analysis as defined in section 299C.155 when:

(1) the court sentences a person charged with violating or attempting to violate any of the following, and the person is convicted of that offense or of any offense arising out of the same set of circumstances:

- (i) murder under section 609.185, 609.19, or 609.195;
- (ii) manslaughter under section 609.20 or 609.205;
- (iii) assault under section 609.221, 609.222, or 609.223;
- (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
- (v) kidnapping under section 609.25;
- (vi) false imprisonment under section 609.255;
- (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345, or 609.3451, subdivision 3;
- (viii) incest under section 609.365;
- (ix) burglary under section 609.582, subdivision 1; or
- (x) indecent exposure under section 617.23, subdivision 3, ~~clause (2)~~;

(2) the court sentences a person as a patterned sex offender under section 609.108;
or

(3) the juvenile court adjudicates a person a delinquent child who is the subject of a delinquency petition for violating or attempting to violate any of the following, and the delinquency adjudication is based on a violation of one of those sections or of any offense arising out of the same set of circumstances:

- (i) murder under section 609.185, 609.19, or 609.195;
- (ii) manslaughter under section 609.20 or 609.205;
- (iii) assault under section 609.221, 609.222, or 609.223;
- (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
- (v) kidnapping under section 609.25;
- (vi) false imprisonment under section 609.255;
- (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345, or 609.3451, subdivision 3;
- (viii) incest under section 609.365;
- (ix) burglary under section 609.582, subdivision 1; or
- (x) indecent exposure under section 617.23, subdivision 3, ~~clause (2)~~.

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The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

Subd. 2. **BEFORE RELEASE.** The commissioner of corrections or local corrections authority shall order a person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment when the person has not provided a biological specimen for the purpose of DNA analysis and the person:

(1) was convicted of is currently serving a term of imprisonment for or has a past conviction for violating or attempting to violate any of the following or a similar law of another state or the United States or initially charged with violating one of the following sections or a similar law of another state or the United States and convicted of another offense arising out of the same set of circumstances:

- (i) murder under section 609.185, 609.19, or 609.195;
- (ii) manslaughter under section 609.20 or 609.205;
- (iii) assault under section 609.221, 609.222, or 609.223;
- (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
- (v) kidnapping under section 609.25;
- (vi) false imprisonment under section 609.255;
- (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, ~~or 609.345, or 609.3451, subdivision 3;~~
- (viii) incest under section 609.365;
- (ix) burglary under section 609.582, subdivision 1; or
- (x) indecent exposure under section 617.23, subdivision 3, ~~clause (2);~~ or

(2) was sentenced as a patterned sex offender under section 609.108, and committed to the custody of the commissioner of corrections; or

(3) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of an offense described in this subdivision or a similar law of the United States or any other state. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

Subd. 3. **OFFENDERS FROM OTHER STATES.** When the state accepts an offender from another state under the interstate compact authorized by section 243.16, the acceptance is conditional on the offender providing a biological specimen for the purposes of DNA analysis as defined in section 299C.155, if the offender was convicted of an offense described in subdivision 1 or a similar law of the United States or any other state. The specimen must be provided under supervision of staff from the department of corrections or a community corrections act county within 15 business

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days after the offender reports to the supervising agent. The cost of obtaining the biological specimen is the responsibility of the agency providing supervision.

Sec. 7. LEGISLATIVE INTENT; REPEAL OF SECTION 243.166, SUBDIVISION 10.

The original intent of the legislature in enacting Minnesota Statutes, section 243.166, subdivision 10, was to provide for a more uniform application of the predatory offender registration law. Applying certain amendments to the law retroactively to certain offenders was intended to ease the administrative burden on agencies enforcing the law and better serve the policy underlying it. The subdivision was not intended to act as a limitation on registration but rather, in some cases, as an expansion. The intent in repealing this subdivision is to prevent a potential judicial misinterpretation of it that was neither intended nor contemplated by the legislature. The repeal must not be construed as a substantive change in the application or scope of Minnesota Statutes, section 243.166.

Sec. 8. REPEALER.

Minnesota Statutes 2000, section 243.166, subdivision 10, is repealed.

Sec. 9. EFFECTIVE DATES.

- (a) Sections 1 to 7 are effective the day following final enactment.
(b) Section 8 is effective retroactively from April 4, 2000.

ARTICLE 10

DOMESTIC VIOLENCE PROVISIONS

Section 1. Minnesota Statutes 2000, section 518B.01, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means the following, if committed against a family or household member by a family or household member:

- (1) physical harm, bodily injury, or assault;
- (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or
- (3) terroristic threats, within the meaning of section 609.713, subdivision 1, ~~or~~ criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, ~~or~~ 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.

(b) "Family or household members" means:

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- (1) spouses and former spouses;
- (2) parents and children;
- (3) persons related by blood;
- (4) persons who are presently residing together or who have resided together in the past;
- (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
- (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- (7) persons involved in a significant romantic or sexual relationship.

Issuance of an order for protection on the ground in clause (6) does not affect a determination of paternity under sections 257.51 to 257.74. In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination.

(c) “Qualified domestic violence-related offense” has the meaning given in section 609.02, subdivision 16.

Sec. 2. Minnesota Statutes 2000, section 518B.01, subdivision 3, is amended to read:

Subd. 3. **COURT JURISDICTION.** An application for relief under this section may be filed in the court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic abuse occurred. There are no residency requirements that apply to a petition for an order for protection. In a jurisdiction which utilizes referees in dissolution actions, the court or judge may refer actions under this section to a referee to take and report the evidence in the action in the same manner and subject to the same limitations provided in section 518.13. Actions under this section shall be given docket priorities by the court.

Sec. 3. Minnesota Statutes 2000, section 518B.01, subdivision 6, is amended to read:

Subd. 6. **RELIEF BY THE COURT.** (a) Upon notice and hearing, the court may provide relief as follows:

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

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(3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;

(4) award temporary custody or establish temporary parenting time with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted parenting time, the court shall condition or restrict parenting time as to time, place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and parenting time shall in no way delay the issuance of an order for protection granting other relief provided for in this section. The court must not enter a parenting plan under section 518.1705 as part of an action for an order for protection;

(5) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;

(6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;

(7) order the abusing party to participate in treatment or counseling services, including requiring the abusing party to successfully complete a domestic abuse counseling program or educational program under section 518B.10;

(8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;

(9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;

(10) order the abusing party to pay restitution to the petitioner;

(11) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and

(12) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff, constable, or other law enforcement or corrections officer as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate. When a referee presides at the hearing on the petition, the order granting relief becomes effective upon the referee's signature.

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(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

Sec. 4. Minnesota Statutes 2000, section 518B.01, subdivision 14, is amended to read:

Subd. 14. **VIOLATION OF AN ORDER FOR PROTECTION.** (a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

(c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision during the time period between a previous qualified domestic violence-related offense conviction under this subdivision; sections 609.221 to 609.224; 609.2242; 609.713, subdivision 1 or 3; 609.748, subdivision 6; 609.749; or a similar law of another state, the District of Columbia, tribal lands, or United States territories; and the end of the five years following discharge from sentence for that conviction offense. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court.

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Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates this subdivision:

(1) during the time period between the first of two or more previous qualified domestic violence-related offense convictions under this section or sections 609.221 to 609.224; 609.2242; 609.713, subdivision 1 or 3; 609.748, subdivision 6; 609.749; or a similar law of another state, the District of Columbia, tribal lands, or United States territories; and the end of the five years following discharge from sentence for that conviction offense; or

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knowingly violated the order. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order but shall be given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial

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resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

(h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).

(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and

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that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

Sec. 5. Minnesota Statutes 2000, section 518B.01, subdivision 18, is amended to read:

Subd. 18. **NOTICES.** Each order for protection granted under this chapter must contain a conspicuous notice to the respondent or person to be restrained that:

(1) violation of an order for protection is either (i) a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$700, or both, (ii) a gross misdemeanor punishable by imprisonment of up to one year or a fine of up to \$3,000, or both, or (iii) a felony punishable by imprisonment of up to five years or a fine of up to \$10,000, or both;

(2) the respondent is forbidden to enter or stay at the petitioner's residence, even if invited to do so by the petitioner or any other person; in no event is the order for protection voided;

(3) a peace officer must arrest without warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order for protection restraining the person or excluding the person from a residence; and

(4) pursuant to the Violence Against Women Act of 1994, United States Code, title 18, section 2265, the order is enforceable in all 50 states, the District of Columbia, tribal lands, and United States territories, that violation of the order may also subject the respondent to federal charges and punishment under United States Code, title 18,

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sections 2261 and 2262, and that if a final order is entered against the respondent after the hearing, the respondent may be prohibited from possessing, transporting, or accepting a firearm under the 1994 amendment to the Gun Control Act, United States Code, title 18, section 922(g)(8).

Sec. 6. [518B.02] DOMESTIC ABUSE COUNSELING PROGRAM OR EDUCATIONAL PROGRAM REQUIRED.

Subdivision 1. COURT-ORDERED DOMESTIC ABUSE COUNSELING PROGRAM OR EDUCATIONAL PROGRAM. If the court stays imposition or execution of a sentence for a domestic abuse offense and places the offender on probation, the court shall order that, as a condition of the stayed sentence, the offender participate in and successfully complete a domestic abuse counseling program or educational program.

Subd. 2. STANDARDS FOR DOMESTIC ABUSE COUNSELING PROGRAMS AND DOMESTIC ABUSE EDUCATIONAL PROGRAMS. (a) Domestic abuse counseling or educational programs that provide group or class sessions for court-ordered domestic abuse offenders must provide documentation to the probation department or the court on program policies and how the program meets the criteria contained in paragraphs (b) to (l).

(b) Programs shall require offenders and abusing parties to attend a minimum of 24 sessions or 36 hours of programming, unless a probation agent has recommended fewer sessions. The documentation provided to the probation department or the court must specify the length of the program that offenders are required to complete.

(c) Programs must have a written policy requiring that counselors and facilitators report to the court and to the offender's probation or corrections officer any threats of violence made by the offender or abusing party, acts of violence by the offender or abusing party, violation of court orders by the offender or abusing party, and violation of program rules that resulted in the offender's or abusing party's termination from the program. Programs shall have written policies requiring that counselors and facilitators hold offenders and abusing parties solely responsible for their behavior.

Programs shall have written policies requiring that counselors and facilitators be violence free in their own lives.

(d) Each program shall conduct an intake process with each offender or abusing party. This intake process shall look for chemical dependency problems and possible risks the offender or abusing party might pose to self or others. The program must have policies regarding referral of a chemically dependent offender or abusing party to a chemical dependency treatment center. If the offender or abusing party poses a risk to self or others, the program shall report this information to the court, the probation or corrections officer, and the victim.

(e) If the offender or abusing party is reported back to the court or is terminated from the program, the program shall notify the victim of the circumstances unless the victim requests otherwise.

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(f) Programs shall require court-ordered offenders and abusing parties to sign a release of information authorizing communication regarding the offender's or abusing party's progress in the program to the court, the offender's probation or corrections officer, other providers, and the victim. The offender or abusing party may not enter the program if the offender does not sign a release.

(g) If a counselor or facilitator contacts the victim, the counselor or facilitator must not elicit any information that the victim does not want to provide. A counselor or facilitator who contacts a victim shall (1) notify the victim of the right not to provide any information, (2) notify the victim of how any information provided will be used and with whom it will be shared, and (3) obtain the victim's permission before eliciting information from the victim or sharing information with anyone other than staff of the counseling program.

Programs shall have written policies requiring that counselors and facilitators inform victims of the confidentiality of information as provided by this subdivision. Programs must maintain separate files for information pertaining to the offender or abusing party and to the victim.

If a counselor or facilitator contacts a victim, the counselor or facilitator shall provide the victim with referral information for support services.

(h) Programs shall have written policies forbidding program staff from disclosing any confidential communication made by the offender or abusing party without the consent of the offender or abusing party, except that programs must warn a potential victim of imminent danger based upon information provided by an offender or abusing party.

(i) The counseling program or educational program must provide services in a group setting, unless the offender or abusing party would be inappropriate in a group setting.

Programs must provide separate sessions for male and female offenders and abusing parties.

(j) Programs shall have written policies forbidding program staff from offering or referring marriage or couples counseling until the offender or abusing party has completed a domestic abuse counseling program or educational program for the minimum number of court-ordered sessions and the counselor or facilitator reasonably believes that the violence, intimidation, and coercion has ceased and the victim feels safe to participate.

(k) Programs must have written policies requiring that the counselor or facilitator report when the court-ordered offender or abusing party has completed the program to the court and the offender's probation or corrections officer.

(l) Programs must have written policies to coordinate with the court, probation and corrections officers, battered women's and domestic abuse programs, child

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protection services, and other providers on promotion of victim safety and offender accountability.

Subd. 3. PROGRAM ACCOUNTABILITY. The Minnesota center for crime victim services will consult with domestic abuse counseling and educational programs, the court, probation departments, and the interagency task force on the prevention of domestic and sexual abuse on acceptable measures to ensure program accountability. By December 30, 2001, the center shall make recommendations to the house and senate committees and divisions with jurisdiction over criminal justice policy and funding on agreed upon accountability measures including outcome studies.

Sec. 7. Minnesota Statutes 2000, section 609.02, is amended by adding a subdivision to read:

Subd. 16. QUALIFIED DOMESTIC VIOLENCE-RELATED OFFENSE. "Qualified domestic violence-related offense" includes the following offenses: sections 518B.01, subdivision 14 (violation of domestic abuse order for protection); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.377 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining order); and 609.749 (harassment/stalking); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

Sec. 8. Minnesota Statutes 2000, section 609.224, subdivision 2, is amended to read:

Subd. 2. GROSS MISDEMEANOR. (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between a previous qualified domestic violence-related offense conviction or adjudication of delinquency under this section, sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state, and the end of the five years following discharge from sentence or disposition for that conviction or adjudication offense, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of subdivision 1 within two years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency under this section or sections 609.221 to 609.2231, 609.2242, 609.377, or 609.713, or any similar law of another state, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A caregiver, as defined in section 609.232, who is an individual and who violates the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

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Sec. 9. Minnesota Statutes 2000, section 609.224, subdivision 4, is amended to read:

Subd. 4. **FELONY.** (a) Whoever violates the provisions of subdivision 1 against the same victim during the time period between the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~under this section or sections 609.221 to 609.2231, 609.2242, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state,~~ and the end of the five years following discharge from sentence or disposition for that ~~conviction or adjudication~~ offense is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

(b) Whoever violates the provisions of subdivision 1 within three years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~under this section or sections 609.221 to 609.2231, 609.2242, 609.377, or 609.713, or any similar law of another state,~~ is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 10. Minnesota Statutes 2000, section 609.2242, subdivision 2, is amended to read:

Subd. 2. **GROSS MISDEMEANOR.** Whoever violates subdivision 1 during the time period between a previous qualified domestic violence-related offense conviction or adjudication of delinquency ~~under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state,~~ against a family or household member as defined in section 518B.01, subdivision 2, and the end of the five years following discharge from sentence or disposition for that ~~conviction or adjudication~~ offense is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Sec. 11. Minnesota Statutes 2000, section 609.2242, subdivision 4, is amended to read:

Subd. 4. **FELONY.** Whoever violates the provisions of this section or section 609.224, subdivision 1, against the same victim during the time period between the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency ~~under this section or sections 609.221 to 609.2231, 609.224, 609.342 to 609.345, 609.377, or 609.713, or any similar law of another state~~ and the end of the five years following discharge from sentence or disposition for that ~~conviction or adjudication~~ offense is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Sec. 12. Minnesota Statutes 2000, section 609.2244, subdivision 2, is amended to read:

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Subd. 2. **REPORT.** (a) The department of corrections shall establish minimum standards for the report, including the circumstances of the offense, impact on the victim, the defendant's prior record, characteristics and history of alcohol and chemical use problems, and amenability to domestic abuse programs. The report is classified as private data on individuals as defined in section 13.02, subdivision 12. Victim impact statements are confidential.

(b) The report must include:

(1) a recommendation on any limitations on contact with the victim and other measures to ensure the victim's safety;

(2) a recommendation for the defendant to enter and successfully complete domestic abuse programming and any aftercare found necessary by the investigation, including a specific recommendation for the defendant to complete a domestic abuse counseling program or domestic abuse educational program under section 518B.10;

(3) a recommendation for chemical dependency evaluation and treatment as determined by the evaluation whenever alcohol or drugs were found to be a contributing factor to the offense;

(4) recommendations for other appropriate remedial action or care or a specific explanation why no level of care or action is recommended; and

(5) consequences for failure to abide by conditions set up by the court.

Sec. 13. Minnesota Statutes 2000, section 609.748, subdivision 6, is amended to read:

Subd. 6. **VIOLATION OF RESTRAINING ORDER.** (a) A person who violates a restraining order issued under this section is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), when a temporary restraining order or a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor.

(c) A person is guilty of a gross misdemeanor who knowingly violates the order during the time period between a previous qualified domestic violence-related offense conviction under this subdivision; sections 609.221 to 609.224; 609.2242; 518B.01, subdivision 14; 609.713, subdivisions 1 or 3; or 609.749; and the end of the five years following discharge from sentence for that conviction offense.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates the order:

(1) during the time period between the first of two or more previous qualified domestic violence-related offense convictions under this subdivision or sections 518B.01, subdivision 14; 609.221 to 609.224; 609.2242; 609.713, subdivision 1 or 3;

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609.749; and the end of the five years following discharge from sentence for that conviction offense;

(2) because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363.01, age, or national origin;

(3) by falsely impersonating another;

(4) while possessing a dangerous weapon;

(5) with an intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(6) against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under subdivision 4 or 5 if the existence of the order can be verified by the officer.

(f) A violation of a temporary restraining order or restraining order shall also constitute contempt of court.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated an order issued under subdivision 4 or 5, the court may issue an order to the respondent requiring the respondent to appear within 14 days and show cause why the respondent should not be held in contempt of court. The court also shall refer the violation of the order to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

Sec. 14. Minnesota Statutes 2000, section 609.748, subdivision 8, is amended to read:

Subd. 8. **NOTICE.** An order granted under this section must contain a conspicuous notice to the respondent:

(1) of the specific conduct that will constitute a violation of the order;

(2) that violation of an order is either (i) a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$700, or both, and that a subsequent violation is (ii) a gross misdemeanor punishable by imprisonment for up to one year or a fine of up to \$3,000, or both, or (iii) a felony punishable by imprisonment for up to five years or a fine of up to \$10,000, or both; and

(3) that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order.

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Sec. 15. Minnesota Statutes 2000, section 609.749, subdivision 4, is amended to read:

Subd. 4. **SECOND OR SUBSEQUENT VIOLATIONS; FELONY.** A person is guilty of a felony who violates any provision of subdivision 2 during the time period between a previous qualified domestic violence-related offense conviction or adjudication of delinquency under this section; sections 609.221 to 609.224; 518B.01, subdivision 14; 609.748, subdivision 6; or 609.713, subdivision 1 or 3; or a similar law from another state and the end of the ten years following discharge from sentence or disposition for that conviction or adjudication offense.

Sec. 16. Minnesota Statutes 2000, section 609.749, subdivision 5, is amended to read:

Subd. 5. **PATTERN OF HARASSING CONDUCT.** (a) A person who engages in a pattern of harassing conduct with respect to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, a "pattern of harassing conduct" means two or more acts within a five-year period that violate the provisions of any of the following or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories:

- (1) this section;
- (2) section 609.713;
- (3) section 609.224;
- (4) section 609.2242;
- (5) section 518B.01, subdivision 14;
- (6) section 609.748, subdivision 6;
- (7) section 609.605, subdivision 1, paragraph (b), clauses (3), (4), and (7);
- (8) section 609.79;
- (9) section 609.795;
- (10) section 609.582;
- (11) section 609.595; or
- (12) section 609.765.

(c) When acts constituting a violation of this subdivision are committed in two or more counties, the accused may be prosecuted in any county in which one of the acts was committed for all acts constituting the pattern.

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Sec. 17. Minnesota Statutes 2000, section 611A.201, subdivision 2, is amended to read:

Subd. 2. **DIRECTOR'S RESPONSIBILITIES.** The director shall have the following duties:

- (1) advocate for the rights of victims of domestic violence and sexual assault;
- (2) increase public education and visibility about the prevention of domestic violence and sexual assault;
- (3) encourage accountability regarding domestic violence and sexual assault at all levels of the system, and develop recommendations to improve accountability when the system fails;
- (4) support prosecution and civil litigation efforts regarding domestic violence and sexual assault at the federal and state levels;
- (5) study issues involving domestic violence and sexual assault as they pertain to both men and women and present findings and recommendations resulting from these studies to all branches of government;
- (6) initiate policy changes regarding domestic violence and sexual assault at all levels of government;
- (6) ~~(7)~~ coordinate existing resources and promote coordinated and immediate community responses to better serve victims of domestic violence and sexual assault;
- ~~(7)~~ ~~(8)~~ build partnerships among law enforcement, prosecutors, defenders, advocates, and courts to reduce the occurrence of domestic violence and sexual assault;
- ~~(8)~~ ~~(9)~~ encourage and support the efforts of health care providers, mental health experts, employers, educators, clergy members, and others, in raising awareness of and addressing how to prevent domestic violence and sexual assault;
- ~~(9)~~ ~~(10)~~ coordinate and maximize the use of federal, state, and local resources available to prevent domestic violence and sexual assault and leverage more resources through grants and private funding; and
- ~~(10)~~ ~~(11)~~ serve as a liaison between the executive director of the center for crime victim services and the commissioner of health with regard to the department of health's sexual violence prevention program funded by federal block grants, and oversee how this money is spent.

Sec. 18. Minnesota Statutes 2000, section 629.72, is amended to read:

629.72 BAIL IN CASES OF DOMESTIC ASSAULT OR ABUSE, HARASSMENT, VIOLATION OF AN ORDER FOR PROTECTION, OR VIOLATION OF A DOMESTIC ABUSE NO CONTACT ORDER.

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Subdivision 1. **DEFINITION; ALLOWING DETENTION IN LIEU OF CITATION; RELEASE DEFINITIONS.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(c) "Harassment" has the meaning given in section 609.749.

(d) "Violation of a domestic abuse no contact order" has the meaning given in section 518B.01, subdivision 22.

(e) "Violation of an order for protection" has the meaning given in section 518B.01, subdivision 14.

(b) Subd. 1a. **ALLOWING DETENTION IN LIEU OF CITATION; RELEASE.** (a) Notwithstanding any other law or rule, an arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with harassment or charged with, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order.

(e) (b) Notwithstanding any other law or rule, an individual who is arrested on a charge of harassing any person or of, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order, must be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that detention is necessary to prevent bodily harm to the arrested person or another, or there is a substantial likelihood the arrested person will fail to respond to a citation release of the person (1) poses a threat to the alleged victim or another family or household member, (2) poses a threat to public safety, or (3) involves a substantial likelihood the arrested person will fail to appear at subsequent proceedings.

(d) (c) If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, the arrested person must be brought before the nearest available judge of the district court in the county in which the alleged harassment or, domestic abuse, violation of an order for protection, or violation of a domestic abuse no contact order took place without unnecessary delay as provided by court rule.

Subd. 2. **JUDICIAL REVIEW; RELEASE; BAIL.** (a) The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention of a person arrested for domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order. The prosecutor or other appropriate person prosecutor's designee shall present relevant information involving the victim's or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will

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create a threat of bodily harm to the arrested person, the victim of the alleged harassment or domestic abuse, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings. In making a decision concerning pretrial release conditions of a person arrested for domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order, the judge shall review the facts of the arrest and detention of the person and determine whether: (1) release of the person poses a threat to the alleged victim, another family or household member, or public safety; or (2) there is a substantial likelihood the person will fail to appear at subsequent proceedings. Before releasing a person arrested for or charged with a crime of domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order, the judge shall make findings on the record, to the extent possible, concerning the determination made in accordance with the factors specified in clauses (1) and (2).

(b) The judge may impose conditions of release or bail, or both, on the person to protect the alleged victim or other family or household members and to ensure the appearance of the person at subsequent proceedings. These conditions may include an order:

(1) enjoining the person from threatening to commit or committing acts of domestic abuse or harassment against the alleged victim or other family or household members or from violating an order for protection or a domestic abuse no contact order;

(2) prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;

(3) directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the alleged victim is likely to be;

(4) prohibiting the person from possessing a firearm or other weapon specified by the court;

(5) prohibiting the person from possessing or consuming alcohol or controlled substances; and

(6) specifying any other matter required to protect the safety of the alleged victim and to ensure the appearance of the person at subsequent proceedings.

(b) If the judge determines release is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged harassment or domestic abuse, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release.

(c) If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available

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information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

(e) (d) If the judge imposes as a condition of release a requirement that the person have no contact with the alleged victim of the alleged harassment or domestic abuse, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary restraining order under section 609.748, subdivision 4, or an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or on the order for protection under section 518B.01. The hearing must be held within seven days of the defendant's request.

Subd. 2a. **ELECTRONIC MONITORING AS A CONDITION OF PRE-TRIAL RELEASE.** (a) Until the commissioner of corrections has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse, the court, as a condition of release, may not order a person arrested for a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect a victim's safety.

(b) Notwithstanding paragraph (a), district courts in the tenth judicial district may order, as a condition of a release, a person arrested on a charge of a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect the victim's safety. The courts shall make data on the use of electronic monitoring devices to protect a victim's safety in the tenth judicial district available to the commissioner of corrections to evaluate and to aid in development of standards for the use of devices to protect victims of domestic abuse.

Subd. 3. **RELEASE.** If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff pursuant to subdivision 1, and is not brought before a judge within the time limits prescribed by court rule, the arrested person shall be released by the arresting authorities, and a citation must be issued in lieu of continued detention.

Subd. 4. **SERVICE OF RESTRAINING ORDER OR ORDER FOR PROTECTION.** If a restraining order is issued under section 609.748 or an order for protection is issued under section 518B.01 while the arrested person is still in detention, the order must be served upon the arrested person during detention if possible.

Subd. 5. **VIOLATIONS OF CONDITIONS OF RELEASE.** The judge who released the arrested person shall issue a warrant directing that the person be arrested

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and taken immediately before the judge, if the judge:

(1) receives an application alleging that the arrested person has violated the conditions of release; and

(2) finds that probable cause exists to believe that the conditions of release have been violated.

Subd. 6. NOTICE REGARDING RELEASE OF ARRESTED PERSON. (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

(1) the conditions of release, if any;

(2) the time of release;

(3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and

(4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter as designated by the department of corrections.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

Subd. 7. NOTICE TO VICTIM REGARDING BAIL HEARING. When a person arrested for or a juvenile detained for domestic assault or harassment is scheduled to be reviewed under subdivision 2 for release from pretrial detention, the court shall make a reasonable good faith effort to notify: (1) the victim of the alleged crime; (2) if the victim is incapacitated or deceased, the victim's family; and (3) if the victim is a minor, the victim's parent or guardian. The notification must include:

(a) the date and approximate time of the review;

(b) the location where the review will occur;

(c) the name and telephone number of a person that can be contacted for additional information; and

(d) a statement that the victim and the victim's family may attend the review.

Sec. 19. STUDY; INTERAGENCY TASK FORCE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT PREVENTION.

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The interagency task force on domestic violence and sexual assault prevention is directed to study issues related to gender and domestic violence and to assess the needs of male victims of domestic violence including false assault accusations. By January 15, 2002, the director of prevention of domestic violence and sexual assault shall report to the chairs and ranking minority members of the house and senate committees with jurisdiction over criminal justice policy and funding on the task force's study, findings, and recommendations.

Sec. 20. REPEALER.

Minnesota Statutes 2000, section 609.2244, subdivision 4, is repealed.

Sec. 21. EFFECTIVE DATES.

The sections of this article pertaining to crimes are effective August 1, 2001, and apply to crimes committed on or after that date. The remaining sections are effective July 1, 2001.

ARTICLE 11

FELONY DRIVING WHILE IMPAIRED PROVISIONS

Section 1. Minnesota Statutes 2000, section 169A.07, is amended to read:

169A.07 FIRST-TIME DWI VIOLATOR; OFF-ROAD RECREATIONAL VEHICLE OR MOTORBOAT.

A person who violates section 169A.20 (driving while impaired) while using an off-road recreational vehicle or motorboat and who does not have a qualified prior impaired driving incident is subject only to the criminal penalty provided in section 169A.25 (~~first-degree~~ second-degree driving while impaired), 169A.26 (~~second-degree~~ third-degree driving while impaired), or 169A.27 (~~third-degree~~ fourth-degree driving while impaired); and loss of operating privileges as provided in section 84.91, subdivision 1 (operation of snowmobiles or all-terrain vehicles by persons under the influence of alcohol or controlled substances), or 86B.331, subdivision 1 (operation of motorboats while using alcohol or with a physical or mental disability), whichever is applicable. The person is not subject to the provisions of section 169A.275, subdivision 5, (submission to the level of care recommended in chemical use assessment for repeat offenders and offenders with alcohol concentration of 0.20 or more); 169A.277 (long-term monitoring); 169A.285 (penalty assessment); 169A.44 (conditional release); 169A.54 (impaired driving convictions and adjudications; administrative penalties); or 169A.54, subdivision 11 (chemical use assessment); the license revocation sanctions of sections 169A.50 to 169A.53 (implied consent law); or the plate impoundment provisions of section 169A.60 (administrative impoundment of plates).

Sec. 2. Minnesota Statutes 2000, section 169A.20, subdivision 3, is amended to read:

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Subd. 3. **SENTENCE.** A person who violates this section may be sentenced as provided in section 169A.24 (first-degree driving while impaired), 169A.25 (first-degree second-degree driving while impaired), 169A.26 (~~second-degree~~ third-degree driving while impaired), or 169A.27 (~~third-degree~~ fourth-degree driving while impaired).

Sec. 3. **[169A.24] FIRST-DEGREE DRIVING WHILE IMPAIRED.**

Subdivision 1. **DEGREE DESCRIBED.** A person who violates section 169A.20 (driving while impaired) is guilty of first-degree driving while impaired if the person:

(1) commits the violation within ten years of the first of three or more qualified prior impaired driving incidents; or

(2) has previously been convicted of a felony under this section.

Subd. 2. **CRIMINAL PENALTY.** A person who commits first-degree driving while impaired is guilty of a felony and may be sentenced to imprisonment for not more than seven years, or to payment of a fine of not more than \$14,000, or both. The person is subject to the mandatory penalties described in section 169A.276 (mandatory penalties; felony violations).

Sec. 4. Minnesota Statutes 2000, section 169A.25, is amended to read:

169A.25 **FIRST-DEGREE SECOND-DEGREE DRIVING WHILE IMPAIRED.**

Subdivision 1. **DEGREE DESCRIBED.** A person who violates section 169A.20 (driving while impaired) is guilty of first-degree second-degree driving while impaired if two or more aggravating factors were present when the violation was committed.

Subd. 2. **CRIMINAL PENALTY.** First-degree Second-degree driving while impaired is a gross misdemeanor. The mandatory penalties described in section 169A.275 and the long-term monitoring described in section 169A.277 may be applicable.

Sec. 5. Minnesota Statutes 2000, section 169A.26, is amended to read:

169A.26 **SECOND-DEGREE THIRD-DEGREE DRIVING WHILE IMPAIRED.**

Subdivision 1. **DEGREE DESCRIBED.** A person who violates section 169A.20 (driving while impaired) is guilty of second-degree third-degree driving while impaired if one aggravating factor was present when the violation was committed.

Subd. 2. **CRIMINAL PENALTY.** Second-degree Third-degree driving while impaired is a gross misdemeanor. The mandatory penalties described in section 169A.275 and the long-term monitoring described in section 169A.277 may be applicable.

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Sec. 6. Minnesota Statutes 2000, section 169A.27, is amended to read:

169A.27 ~~THIRD-DEGREE~~ FOURTH-DEGREE DRIVING WHILE IMPAIRED.

Subdivision 1. **DEGREE DESCRIBED.** A person who violates section 169A.20 (driving while impaired) is guilty of ~~third-degree~~ fourth-degree driving while impaired.

Subd. 2. **CRIMINAL PENALTY.** ~~Third-degree~~ Fourth-degree driving while impaired is a misdemeanor.

Sec. 7. Minnesota Statutes 2000, section 169A.275, is amended to read:

169A.275 **MANDATORY PENALTIES; NONFELONY VIOLATIONS.**

Subdivision 1. **SECOND OFFENSE.** (a) The court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) within ten years of a qualified prior impaired driving incident to either:

(1) a minimum of 30 days of incarceration, at least 48 hours of which must be served consecutively in a local correctional facility; or

(2) eight hours of community work service for each day less than 30 days that the person is ordered to serve in a local correctional facility.

Notwithstanding section 609.135 (stay of imposition or execution of sentence), the penalties in this paragraph must be executed, unless the court departs from the mandatory minimum sentence under paragraph (b) or (c).

(b) Prior to sentencing, the prosecutor may file a motion to have a defendant described in paragraph (a) sentenced without regard to the mandatory minimum sentence established by that paragraph. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum sentence established by paragraph (a).

(c) The court may, on its own motion, sentence a defendant described in paragraph (a) without regard to the mandatory minimum sentence established by that paragraph if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it. The court also may sentence the defendant without regard to the mandatory minimum sentence established by paragraph (a) if the defendant is sentenced to probation and ordered to participate in a program established under section 169A.74 (pilot programs of intensive probation for repeat DWI offenders).

(d) When any portion of the sentence required by paragraph (a) is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record. Any sentence required under paragraph (a) must include a mandatory sentence that is not subject to suspension or a stay of imposition or execution, and that includes incarceration for not less than 48 consecutive hours or at least 80 hours of community work service.

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Subd. 2. **THIRD OFFENSE.** (a) The court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) within ten years of the first of two qualified prior impaired driving incidents to either:

(1) a minimum of 90 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility; or

(2) a program of intensive supervision of the type described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders) that requires the person to consecutively serve at least six days in a local correctional facility.

(b) The court may order that the person serve not more than 60 days of the minimum penalty under paragraph (a), clause (1), on home detention or in an intensive probation program described in section 169A.74.

(c) Notwithstanding section 609.135, the penalties in this subdivision must be imposed and executed.

Subd. 3. **FOURTH OFFENSE.** (a) Unless the court commits the person to the custody of the commissioner of corrections as provided in section 169A.276 (mandatory penalties; felony violations), the court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) within ten years of the first of three qualified prior impaired driving incidents to either:

(1) a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility; or

(2) a program of intensive supervision of the type described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders) that requires the person to consecutively serve at least six days in a local correctional facility.

(b) The court may order that the person serve not more than 150 days of the minimum penalty under paragraph (a), clause (1), on home detention or in an intensive probation program described in section 169A.74. Notwithstanding section 609.135, the penalties in this subdivision must be imposed and executed.

Subd. 4. **FIFTH OFFENSE OR MORE.** (a) Unless the court commits the person to the custody of the commissioner of corrections as provided in section 169A.276 (mandatory penalties; felony violations), the court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) within ten years of the first of four or more qualified prior impaired driving incidents to either:

(1) a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility; or

(2) a program of intensive supervision of the type described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders) that requires the person to consecutively serve at least six days in a local correctional facility.

(b) The court may order that the person serve the remainder of the minimum penalty under paragraph (a), clause (1), on intensive probation using an electronic

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monitoring system or, if such a system is unavailable, on home detention. Notwithstanding section 609.135, the penalties in this subdivision must be imposed and executed.

Subd. 5. LEVEL OF CARE RECOMMENDED IN CHEMICAL USE ASSESSMENT. Unless the court commits the person to the custody of the commissioner of corrections as provided in section 169A.276 (mandatory penalties; felony violations), in addition to other penalties required under this section, the court shall order a person to submit to the level of care recommended in the chemical use assessment conducted under section 169A.70 (alcohol safety program; chemical use assessments) if the person is convicted of violating section 169A.20 (driving while impaired) while having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense or if the violation occurs within ten years of one or more qualified prior impaired driving incidents.

Sec. 8. [169A.276] MANDATORY PENALTIES; FELONY VIOLATIONS.

Subdivision 1. MANDATORY PRISON SENTENCE. (a) The court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) to imprisonment for not less than three years. In addition, the court may order the person to pay a fine of not more than \$14,000.

(b) The court may stay execution of this mandatory sentence as provided in subdivision 2 (stay of mandatory sentence), but may not stay imposition or adjudication of the sentence or impose a sentence that has a duration of less than three years.

(c) An offender committed to the custody of the commissioner of corrections under this subdivision, is not eligible for release as provided in section 241.26, 244.065, 244.12, or 244.17, unless the offender has successfully completed a chemical dependency treatment program while in prison.

(d) Notwithstanding the statutory maximum sentence provided in section 169A.24 (first-degree driving while impaired), when the court commits a person to the custody of the commissioner of corrections under this subdivision, it shall provide that after the person has been released from prison the commissioner shall place the person on conditional release for five years. The commissioner shall impose any conditions of release that the commissioner deems appropriate including, but not limited to, successful completion of an intensive probation program as described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders). If the person fails to comply with any condition of release, the commissioner may revoke the person's conditional release and order the person to serve all or part of the remaining portion of the conditional release term in prison. The commissioner may not dismiss the person from supervision before the conditional release term expires. Except as otherwise provided in this section, conditional release is governed by provisions relating to supervised release. The failure of a court to direct the commissioner of corrections to place the person on conditional release, as required in this paragraph,

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does not affect the applicability of the conditional release provisions to the person.

(e) The commissioner shall require persons placed on supervised or conditional release under this subdivision to pay as much of the costs of the supervision as possible. The commissioner shall develop appropriate standards for this.

Subd. 2. **STAY OF MANDATORY SENTENCE.** The provisions of sections 169A.275 (mandatory penalties; nonfelony violations), subdivision 3 or 4, and subdivision 5, and 169A.283 (stay of execution of sentence), apply if the court stays execution of the sentence under subdivision 1 (mandatory prison sentence). In addition, the provisions of section 169A.277 (long-term monitoring) may apply.

Subd. 3. **DRIVER'S LICENSE REVOCATION; NO STAY PERMITTED.** The court may not stay the execution of the driver's license revocation provisions of section 169A.54 (impaired driving convictions and adjudications; administrative penalties).

Sec. 9. Minnesota Statutes 2000, section 169A.283, subdivision 1, is amended to read:

Subdivision 1. **STAY AUTHORIZED.** Except as otherwise provided in section sections 169A.275 (mandatory penalties; nonfelony violations) and 169A.276 (mandatory penalties; felony violations), when a court sentences a person convicted of a violation of section 169A.20 (driving while impaired), the court may stay execution of the criminal sentence described in section ~~169A.25~~ 169A.24 (first-degree driving while impaired), ~~169A.26~~ 169A.25 (second-degree driving while impaired), or ~~169A.27~~ 169A.26 (third-degree driving while impaired), or 169A.27 (fourth-degree driving while impaired) on the condition that the convicted person submit to the level of care recommended in the chemical use assessment report required under section 169A.70 (alcohol safety programs; chemical use assessments). If the court does not order a level of care in accordance with the assessment report recommendation as a condition of a stay of execution, it shall state on the record its reasons for not following the assessment report recommendation.

Sec. 10. Minnesota Statutes 2000, section 169A.40, subdivision 3, is amended to read:

Subd. 3. **FIRST-DEGREE AND SECOND-DEGREE DWI OFFENDERS; CUSTODIAL ARREST.** Notwithstanding rule 6.01 of the Rules of Criminal Procedure, a peace officer acting without a warrant who has decided to proceed with the prosecution of a person for violating section 169A.20 (driving while impaired), shall arrest and take the person into custody if the officer has reason to believe the violation occurred under the circumstances described in section ~~169A.24~~ (first-degree driving while impaired) or 169A.25 (first-degree second-degree driving while impaired). The person shall be detained until the person's first court appearance.

Sec. 11. Minnesota Statutes 2000, section 169A.63, subdivision 1, is amended to read:

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Subdivision 1. **DEFINITIONS.** (a) As used in this section, the following terms have the meanings given them.

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169A.51 (chemical tests for intoxication).

(c) "Designated license revocation" includes a license revocation under section 169A.52 (license revocation for test failure or refusal) or a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52; within ten years of the first of two or more qualified prior impaired driving incidents.

(d) "Designated offense" includes:

(1) a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) or 169A.25 (first-degree second-degree driving while impaired); or

(2) a violation of section 169A.20 or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled as inimical to public safety under section 171.04, subdivision 1, clause (10); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 (commissioner's license restrictions), which provides that the person may not use or consume any amount of alcohol or a controlled substance.

(e) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken in violation of the law.

(f) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Sec. 12. Minnesota Statutes 2000, section 171.29, subdivision 2, is amended to read:

Subd. 2. **FEES, ALLOCATION.** (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52 or 169A.54, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 or 169A.54 shall pay a \$250 fee plus a \$40 surcharge before the driver's license is reinstated. Beginning July 1, 2002, the surcharge is \$145. Beginning July 1, 2003, the surcharge is \$380. The \$250 fee is to be credited as follows:

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(1) Twenty percent must be credited to the trunk highway fund.

(2) Fifty-five percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent must be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) the first \$200,000 in a fiscal year to the commissioner of children, families, and learning for programs for elementary and secondary school students; and

(ii) the remainder credited in a fiscal year to the commissioner of transportation to be spent as grants to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

(iv) the establishment of education programs for persons with traumatic brain injury; and

(v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the

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patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

(c) The \$40 surcharge must be credited to a separate account to be known as the remote electronic alcohol monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(d) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

Sec. 13. SUPERVISION LEVEL.

Nothing in this act requires a different level of supervision for offenders than is currently required by law.

Sec. 14. STUDY.

By January 15, 2004, and each year thereafter through January 15, 2007, the commissioner of corrections must report to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice and judiciary finance issues on the implementation and effects of the felony level driving while impaired offense. The report must include the following information on felony level driving while impaired offenses:

- (1) the number of persons convicted;
- (2) the number of trials taken to verdict, separating out cases tried to a judge versus cases tried to a jury, and the number of convictions for each;
- (3) the number of offenders incarcerated locally and the term of incarceration;
- (4) the number placed on probation and the length of the probation;
- (5) the number for whom probation is revoked, the reasons for revocation, and the consequences imposed;
- (6) the number given an executed prison sentence upon conviction and the length of the sentence;
- (7) the number given an executed prison sentence upon revocation of probation and the length of sentence;
- (8) the number who successfully complete treatment in prison;
- (9) the number placed on intensive supervision following release from incarceration;
- (10) the number who violate supervised release and the consequences imposed;
and

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(11) any other information the commissioner deems relevant to estimating future costs.

Sec. 15. FELONY DRIVING WHILE IMPAIRED APPROPRIATIONS.

Subdivision 1. TOTAL APPROPRIATION. \$2,670,000 is appropriated from the general fund to the agencies and for the purposes specified in this article, to be available for the fiscal year ending June 30, 2003. The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. CORRECTIONS. (a) \$2,334,000 is appropriated to the department of corrections. The amounts that may be spent from this appropriation for each program are specified in the following paragraphs.

(b) \$2,137,000 is appropriated to correctional institutions for increased costs due to the bed impact of the felony-level penalty for driving while impaired.

(c) \$197,000 is appropriated to community services for increased community supervision costs due to the felony-level penalty for driving while impaired.

Subd. 3. PUBLIC SAFETY. \$84,000 is appropriated to the bureau of criminal apprehension for increased costs associated with providing trial support due to the felony-level penalty for driving while impaired.

Subd. 4. BOARD OF PUBLIC DEFENSE. \$125,000 is appropriated to the board of public defense for costs associated with increased trials and appeals due to the felony-level penalty for driving while impaired.

Subd. 5. ATTORNEY GENERAL. \$127,000 is appropriated to the attorney general for costs associated with increased appeals due to the felony-level penalty for driving while impaired.

Sec. 16. INSTRUCTION TO REVISOR; LEGISLATIVE INTENT.

The appropriations contained in this article relating to the felony-level driving while impaired penalty are superseded by any other appropriations for the same purposes enacted in the 2001 First Special Session.

Sec. 17. EFFECTIVE DATE.

Sections 1 to 11, 13, and 14 are effective August 1, 2002, and apply to crimes committed on or after that date. However, violations occurring before August 1, 2002, that are listed in Minnesota Statutes, section 169A.03, subdivisions 20 and 21, are considered qualified prior impaired driving incidents for purposes of this act. The remaining sections are effective July 1, 2001.

ARTICLE 12

MISCELLANEOUS DWI PROVISIONS

Section 1. Minnesota Statutes 2000, section 169A.277, subdivision 2, is amended to read:

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Subd. 2. **MONITORING REQUIRED.** When the court sentences a person described in subdivision 1 to a stayed sentence and when electronic monitoring equipment is available to the court, the court shall require that the person participate in a program of electronic alcohol monitoring in addition to any other conditions of probation or jail time it imposes. ~~During the first one-third of the person's probationary term, the electronic alcohol monitoring must be continuous and involve measurements of the person's alcohol concentration at least three times a day. During the remainder of the person's probationary term, the electronic alcohol monitoring may be intermittent, as determined by the court. The court must order the monitoring for a minimum of 30 consecutive days during each year of the person's probationary period.~~

Sec. 2. Minnesota Statutes 2000, section 169A.28, subdivision 2, is amended to read:

Subd. 2. **PERMISSIVE CONSECUTIVE SENTENCES; MULTIPLE OFFENSES.** (a) When a person is being sentenced for a violation of a provision listed in paragraph (e), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (e), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b) and (c).

(b) When a person is being sentenced for a violation of section 171.09 (violation of condition of restricted license), 171.20 (operation after revocation, suspension, cancellation, or disqualification), 171.24 (driving without valid license), or 171.30 (violation of condition of limited license), the court may not impose a consecutive sentence for another violation of a provision in chapter 171 (drivers' licenses and training schools).

(c) When a person is being sentenced for a violation of section 169.791 (failure to provide proof of insurance) or 169.797 (failure to provide vehicle insurance), the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(d) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135 (stay of imposition or execution of sentence).

(e) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions within the past ten years:

(1) section 169A.20, subdivision 1 (driving while impaired; impaired driving offenses);

(2) section 169A.20, subdivision 2 (driving while impaired; test refusal offense);

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- ~~(3)~~ (3) section 169.791;
~~(3)~~ (4) section 169.797;
~~(4)~~ (5) section 171.09 (violation of condition of restricted license);
~~(6)~~ (6) section 171.20, subdivision 2 (operation after revocation, suspension, cancellation, or disqualification);
~~(5)~~ (7) section 171.24; and
~~(6)~~ (8) section 171.30.

Sec. 3. Minnesota Statutes 2000, section 169A.35, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in this section:

- (1) "alcoholic beverage" has the meaning given it in section 340A.101, subdivision 2;
(2) "distilled spirits" has the meaning given it in section 340A.101, subdivision 9;
(3) "motor vehicle" does not include motorboats in operation or off-road recreational vehicles; and
~~(2)~~ (4) "possession" means either that the person had actual possession of the bottle or receptacle or that the person consciously exercised dominion and control over the bottle or receptacle; and
(5) "3.2 percent malt liquor" has the meaning given it in section 340A.101, subdivision 19.

Sec. 4. Minnesota Statutes 2000, section 169A.35, is amended by adding a subdivision to read:

Subd. 1a. **ALCOHOLIC BEVERAGE, DISTILLED SPIRIT, 3.2 MALT LIQUOR; DETERMINATION.** For purposes of this section only, when determining whether a beverage is an alcoholic beverage, a distilled spirit, or 3.2 percent malt liquor:

- (1) "alcohol by volume" means milliliters of alcohol per 100 milliliters of beverage; and
(2) "alcohol by weight" means grams of alcohol per 100 grams of beverage.

Sec. 5. Minnesota Statutes 2000, section 169A.37, subdivision 1, is amended to read:

Subdivision 1. **CRIME DESCRIBED.** It is a crime for a person to:

- (1) to fail to comply with an impoundment order under section 169A.60 (administrative plate impoundment);
(2) to file a false statement under section 169A.60, subdivision 7 ~~or~~ 8, or 14;

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(3) to operate a self-propelled motor vehicle on a street or highway when the vehicle is subject to an impoundment order issued under section 169A.60, unless specially coded plates have been issued for the vehicle pursuant to section 169A.60, subdivision 13; or

(4) to fail to notify the commissioner of the impoundment order when requesting new plates;

(5) who is subject to a plate impoundment order under section 169A.60, to drive, operate, or be in control of any motor vehicle during the impoundment period, unless the vehicle has specially coded plates issued pursuant to section 169A.60, subdivision 13, and the person is validly licensed to drive; or

(6) who is the transferee of a motor vehicle and who has signed a sworn statement under section 169A.60, subdivision 14, to allow the previously registered owner to drive, operate, or be in control of the vehicle during the impoundment period.

Sec. 6. Minnesota Statutes 2000, section 169A.41, subdivision 2, is amended to read:

Subd. 2. **USE OF TEST RESULTS.** The results of this preliminary screening test must be used for the purpose of deciding whether an arrest should be made and whether to require the tests authorized in section 169A.51 (chemical tests for intoxication), but must not be used in any court action except the following:

(1) to prove that a test was properly required of a person pursuant to section 169A.51, subdivision 1;

(2) in a civil action arising out of the operation or use of the motor vehicle;

(3) in an action for license reinstatement under section 171.19;

(4) in a prosecution for a violation of section 169A.20, subdivision 2 (driving while impaired; test refusal);

(5) in a prosecution or juvenile court proceeding concerning a violation of section 169A.33 (underage drinking and driving), or 340A.503, subdivision 1, paragraph (a), clause (2) (underage alcohol consumption);

(5) (6) in a prosecution under section 169A.31, (alcohol-related school or Head Start bus driving); or 171.30 (limited license); or

(6) (7) in a prosecution for a violation of a restriction on a driver's license under section 171.09, which provides that the license holder may not use or consume any amount of alcohol or a controlled substance.

Sec. 7. Minnesota Statutes 2000, section 169A.51, subdivision 7, is amended to read:

Subd. 7. **REQUIREMENTS FOR CONDUCTING TESTS; LIABILITY.** (a) Only a physician, medical technician, physician's trained mobile intensive care paramedic emergency medical technician-paramedic, registered nurse, medical tech-

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nologist, medical laboratory technician, or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. This limitation does not apply to the taking of a breath or urine sample.

(b) 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 does 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.

(c) The physician, medical technician, ~~physician's trained mobile intensive care paramedic~~ emergency medical technician-paramedic, medical technologist, medical laboratory technician, laboratory assistant, or registered nurse drawing blood at the request of a peace officer for the purpose of determining the concentration of alcohol, controlled substances, or hazardous substances is in no manner liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test must be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.

Sec. 8. Minnesota Statutes 2000, section 169A.54, subdivision 6, is amended to read:

Subd. 6. **APPLICABILITY OF IMPLIED CONSENT REVOCATION.** ~~Except for a person whose license has been revoked under subdivision 2, and except for a person convicted of a violation of section 169A.20 (driving while impaired) while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender,~~ (a) Any person whose license has been revoked pursuant to section 169A.52 (license revocation for test failure or refusal) as the result of the same incident, and who does not have a qualified prior impaired driving incident, is subject to the mandatory revocation provisions of subdivision 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

(b) Paragraph (a) does not apply to:

(1) a person whose license has been revoked under subdivision 2 (driving while impaired by person under age 21);

(2) a person charged with violating section 169A.20 (driving while impaired) with the aggravating factor of having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense, and the person is convicted of that offense or any other offense described in section 169A.20 arising out of the same set of circumstances; or

(3) a person charged with violating section 169A.20 (driving while impaired) with the aggravating factor of having a child under the age of 16 in the vehicle and the child

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is more than 36 months younger than the offender, and the person is convicted of that offense or any other offense described in section 169A.20 arising out of the same set of circumstances.

Sec. 9. Minnesota Statutes 2000, section 169A.60, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) As used in this section, the following terms have the meanings given in this subdivision.

(b) "Motor vehicle" means a self-propelled motor vehicle other than a motorboat in operation or a an off-road recreational vehicle.

(c) "Plate impoundment violation" includes:

(1) a violation of section 169A.20 (driving while impaired) or 169A.52 (license revocation for test failure or refusal), or a conforming ordinance from this state or a conforming statute or ordinance from another state, that results in the revocation of a person's driver's license or driving privileges, within ten years of a qualified prior impaired driving incident;

(2) a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52 within ten years of a qualified prior impaired driving incident;

(3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense;

(4) a violation of section 169A.20 or 169A.52 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; and

(5) a violation of section 171.24 (driving without valid license) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (10) (persons not eligible for driver's license, inimical to public safety).

(d) "Significant relationship" has the same meaning as given in section 609.341, subdivision 15, and includes any person with whom the actor regularly associates and communicates outside of a workplace setting.

(e) "Violator" means a person who was driving, operating, or in physical control of the motor vehicle when the plate impoundment violation occurred.

Sec. 10. Minnesota Statutes 2000, section 169A.60, subdivision 13, is amended to read:

Subd. 13. **SPECIAL REGISTRATION PLATES.** (a) At any time during the effective period of an impoundment order, a violator or registered owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The

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commissioner may authorize the issuance of special plates if:

- (1) the violator has a qualified licensed driver whom the violator must identify;
- (2) the violator or registered owner has a limited license issued under section 171.30;
- (3) the registered owner is not the violator and the registered owner has a valid or limited driver's license; ~~or~~
- (4) a member of the registered owner's household has a valid driver's license; or
- (5) the violator has been reissued a valid driver's license.

(b) The commissioner may not issue new registration plates for that vehicle subject to plate impoundment for a period of at least one year from the date of the impoundment order and until the next regularly scheduled registration date following the impoundment period. In addition, if the owner is the violator, new registration plates may not be issued for the vehicle unless the person has been reissued a valid driver's license in accordance with chapter 171.

(c) A violator may not apply for new registration plates for a vehicle at any time before the person's driver's license is reinstated.

(d) The commissioner may issue the special plates on payment of a \$50 fee for each vehicle for which special plates are requested.

(e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request new registration plates for a vehicle for which the registration plates have been impounded if:

- (1) the impoundment order is rescinded;
- (2) the vehicle is transferred in compliance with subdivision 14; or
- (3) the vehicle is transferred to a Minnesota automobile dealer licensed under section 168.27, a financial institution that has submitted a repossession affidavit, or a government agency.

Sec. 11. Minnesota Statutes 2000, section 169A.60, subdivision 14, is amended to read:

Subd. 14. SALE OF VEHICLE SUBJECT TO IMPOUNDMENT ORDER.

(a) A registered owner may not sell or transfer a motor vehicle during the time its registration plates have been ordered impounded or during the time its registration plates bear a special series number, unless:

- (1) the sale is for a valid consideration;
- (2) the transferee does and the registered owner:
 - (i) are not, and have not been, related by blood, adoption, or marriage;
 - (ii) do not reside in the same household as the registered owner; and

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(iii) do not have, and have not had at any time, a significant relationship with one another;

(3) the transferee signs an acceptable sworn statement with the commissioner attesting that:

(i) the transferee and the violator do not have, and have not had at any time, a significant relationship with one another;

(ii) the transferee understands that the vehicle is subject to an impoundment order; and

(iii) it is a crime under section 169A.37 to file a false statement under this section or to allow the previously registered owner to drive, operate, or be in control of the vehicle during the impoundment period; and

(4) all elements of section 168A.10 (transfer of interest by owner) are satisfied.

(b) If the conditions of paragraph (a) are satisfied, the registrar may then transfer the title to the new owner upon proper application and issue new registration plates for the vehicle.

Sec. 12. Minnesota Statutes 2000, section 169A.63, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) As used in this section, the following terms have the meanings given them.

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169A.51 (chemical tests for intoxication).

(c) "Designated license revocation" includes a license revocation under section 169A.52 (license revocation for test failure or refusal) or a license disqualification under section 171.165 (commercial driver's license disqualification) resulting from a violation of section 169A.52; within ten years of the first of two or more qualified prior impaired driving incidents.

(d) "Designated offense" includes:

(1) a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.25 (first-degree driving while impaired); or

(2) a violation of section 169A.20 or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled as inimical to public safety under section 171.04, subdivision 1, clause (10); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 (commissioner's license restrictions), which provides that the person may not use or consume any amount of alcohol or a controlled substance.

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(e) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken in violation of the law.

(f) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible for prosecuting the designated offense declines to pursue forfeiture, the attorney general's office or its designee may initiate forfeiture under this section.

Sec. 13. Minnesota Statutes 2000, section 169A.63, subdivision 10, is amended to read:

Subd. 10. **DISPOSITION OF FORFEITED VEHICLE.** (a) If the vehicle is administratively forfeited under subdivision 8, or if the court finds under subdivision 9 that the vehicle is subject to forfeiture under subdivisions 6 and 7, the appropriate agency shall:

- (1) sell the vehicle and distribute the proceeds under paragraph (b); or
- (2) keep the vehicle for official use. If the agency keeps a forfeited motor vehicle for official use, it shall make reasonable efforts to ensure that the motor vehicle is available for use by the agency's officers who participate in the drug abuse resistance education program.

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

~~(1) if the forfeited vehicle is a motorboat, the net proceeds must be credited to the water recreation account in the natural resources fund;~~

~~(2) if the forfeited vehicle is a snowmobile, the net proceeds must be credited to the snowmobile trails and enforcement account in the natural resources fund;~~

~~(3) if the forfeited vehicle is an all-terrain vehicle, the net proceeds must be credited to the all-terrain vehicle account in the natural resources fund;~~

~~(4) if the forfeited vehicle is an off-highway motorcycle, the net proceeds must be credited to the off-highway motorcycle account in the natural resources fund;~~

~~(5) if the forfeited vehicle is an off-road vehicle, the net proceeds must be credited to the off-road vehicle account in the natural resources fund; and~~

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(6) if otherwise, the net proceeds must be credited to the general fund distributed as follows:

(1) 70 percent of the proceeds must be forwarded to the appropriate agency for deposit as a supplement to the state or local agency's operating fund or similar fund for use in DWI-related enforcement, training, and education; and

(2) 30 percent of the money or proceeds must be forwarded to the prosecuting authority that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes.

Sec. 14. Minnesota Statutes 2000, section 171.09, is amended to read:

171.09 COMMISSIONER MAY IMPOSE RESTRICTIONS; VIOLATIONS.

(a) The commissioner shall have the authority, when good cause appears, to impose restrictions suitable to the licensee's driving ability or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The commissioner may, upon receiving satisfactory evidence of any violation of the restrictions of the license, suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(b) It is unlawful for any person to operate a person who drives, operates, or is in physical control of a motor vehicle in any manner while in violation of the restrictions imposed in a restricted driver's license issued to that person under paragraph (a) is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

Sec. 15. Minnesota Statutes 2000, section 171.29, subdivision 2, is amended to read:

Subd. 2. **FEES, ALLOCATION.** (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52 ~~or~~, 169A.54, or 609.21, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 ~~or~~, 169A.54, or 609.21, shall pay a \$250 fee plus a \$40 surcharge before the driver's license is reinstated. The \$250 fee is to be credited as follows:

(1) Twenty percent must be credited to the trunk highway fund.

(2) Fifty-five percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the

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commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent must be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) the first \$200,000 in a fiscal year to the commissioner of children, families, and learning for programs for elementary and secondary school students; and

(ii) the remainder credited in a fiscal year to the commissioner of transportation to be spent as grants to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

(iv) the establishment of education programs for persons with traumatic brain injury; and

(v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

(c) The \$40 surcharge must be credited to a separate account to be known as the remote electronic alcohol monitoring program account. The commissioner shall

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transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(d) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

Sec. 16. Minnesota Statutes 2000, section 609.035, subdivision 2, is amended to read:

Subd. 2. (a) When a person is being sentenced for a violation of a provision listed in paragraph (e), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (e), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), and (f) of this subdivision.

(b) When a person is being sentenced for a violation of section 171.09, 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(c) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(d) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(e) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169A.03 within the past ten years:

- (1) section 169A.20, subdivision 1, driving while impaired;
- (2) section 169A.20, subdivision 2, test refusal;
- (3) section 169.791, failure to provide proof of insurance;
- (~~3~~) (4) section 169.797, failure to provide vehicle insurance;
- (4) (5) section 171.09, violation of condition of restricted license;
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;
- (~~5~~) (7) section 171.24, driving without valid license; and
- (6) (8) section 171.30, violation of condition of limited license.

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(f) When a court is sentencing an offender for a violation of section 169A.20 and a violation of an offense listed in paragraph (e), and the offender has five or more qualified prior impaired driving incidents, as defined in section 169A.03, within the past ten years, the court shall sentence the offender to serve consecutive sentences for the offenses, notwithstanding the fact that the offenses arose out of the same course of conduct.

Sec. 17. Minnesota Statutes 2000, section 626.52, is amended by adding a subdivision to read:

Subd. 4. IMMUNITY FROM LIABILITY. Any person reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of the person's actions pursuant to this section or section 626.53. No cause of action may be brought against any person for not making a report pursuant to this section or section 626.53.

Sec. 18. **REPEALER.**

Minnesota Statutes 2000, section 626.55, subdivision 2, is repealed.

Sec. 19. **EFFECTIVE DATES.**

Provisions in this article that relate to crimes are effective August 1, 2001, and apply to crimes or acts committed on or after that date. The remaining provisions are effective July 1, 2001.

Presented to the governor June 30, 2001

Signed by the governor June 30, 2001, 8:45 p.m.

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