

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

 THIRTY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 16, 2003

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

Prayer was offered by the Reverend Don Johnson, Salem Covenant Church, New Brighton, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	DeLaForest	Hilty	Latz	Otremba	Smith
Abrams	Demmer	Holberg	Lenczewski	Otto	Soderstrom
Adolphson	Dempsey	Hoppe	Lesch	Ozment	Solberg
Anderson, B.	Dorman	Hornstein	Lieder	Paymar	Stang
Anderson, I.	Dorn	Howes	Lindgren	Pelowski	Strachan
Anderson, J.	Eastlund	Jacobson	Lindner	Penas	Swenson
Atkins	Eken	Jaros	Lipman	Peterson	Thissen
Beard	Ellison	Johnson, J.	Magnus	Powell	Tingelstad
Bernardy	Entenza	Johnson, S.	Mahoney	Pugh	Urdahl
Blaine	Erickson	Juhnke	Marquart	Rhodes	Vandev eer
Borrell	Finstad	Kahn	McNamara	Rukavina	Wagenius
Boudreau	Fuller	Kelliher	Meslow	Ruth	Walz
Bradley	Gerlach	Kielkucki	Mullery	Samuelson	Wardlow
Brod	Greiling	Klinzing	Murphy	Seagren	Wasiluk
Buesgens	Gunther	Knoblach	Nelson, C.	Seifert	Westerberg
Carlson	Hackbarth	Koenen	Nelson, M.	Sertich	Westrom
Clark	Harder	Krinkie	Nelson, P.	Severson	Wilkin
Cornish	Hausman	Kuisle	Nornes	Sieben	Zellers
Cox	Heidgerken	Lanning	Olsen, S.	Simpson	Spk. Sviggum
Davnie	Hilstrom	Larson	Osterman	Slawik	

A quorum was present.

Biernat; Davids; Dill; Erhardt; Goodwin; Haas; Huntley; Kohls; Mariani; Olson, M.; Opatz; Paulsen; Sykora; Thao and Walker were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Soderstrom moved that further reading of the Journals be suspended and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 379, A bill for an act relating to state government; authorizing capital cost avoidance for guaranteed savings contracts; proposing coding for new law in Minnesota Statutes, chapter 16C.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Capital Investment.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 646, A bill for an act relating to gambling; state lottery; providing for gaming machines; establishing horse racing purse payments; requiring a report; amending Minnesota Statutes 2002, sections 240.13, by adding a subdivision; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.10, subdivision 3; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A.

Reported the same back with the following amendments:

Page 2, line 12, delete "51" and insert "55.5"

Page 2, line 13, delete "34" and insert "31.5"

Page 2, line 19, delete "five" and insert "2.5"

Page 2, line 27, delete "two" and insert "one"

Page 2, line 34, delete "two" and insert "one"

Page 3, line 1, delete "one" and insert "0.5"

Page 7, line 19, delete "34" and insert "29.5"

Page 7, line 20, delete "51" and insert "53.5"

Page 9, after line 31, insert:

"Subd. 11. [REIMBURSEMENT; RACING COMMISSION.] The racing commission under section 240.02 shall require the licensee to reimburse the commission's actual costs, including personnel costs, of regulating the racino under this section. Amounts received under this subdivision must be deposited as provided in section 240.155, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

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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 in the second year.

[CIVIL LEGAL SERVICES REDUCTION.] The budget for civil legal services must be reduced by \$1,572,000 each year. The base budget for civil legal services is reduced accordingly.

Sec. 3. COURT OF APPEALS	7,936,000	7,978,000
Sec. 4. DISTRICT COURTS	176,960,000	198,307,000
Sec. 5. TAX COURT	726,000	726,000
Sec. 6. UNIFORM LAWS COMMISSION	38,000	39,000
Sec. 7. BOARD ON JUDICIAL STANDARDS	252,000	252,000
Sec. 8. BOARD OF PUBLIC DEFENSE	50,763,000	50,764,000
Sec. 9. PUBLIC SAFETY		
Subdivision 1. Total Appropriation	72,637,000	72,652,000

Summary by Fund

	2004	2005
General	71,585,000	71,600,000
Special Revenue	635,000	635,000
State Government Special Revenue	7,000	7,000
Environmental	49,000	49,000
Trunk Highway	361,000	361,000

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

Subd. 2. Emergency Management	6,216,000	6,217,000
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Summary by Fund

General	6,167,000	6,168,000
Environmental	49,000	49,000

[HOMELAND SECURITY CONTINGENCY FUND.] \$2,500,000 the first year and \$2,500,000 the second year are for a homeland security contingency fund and may be used to respond to an act of terrorism. Expenditures must be approved by the homeland security advisory council. These are onetime appropriations and are available until spent.

[NONPROFIT AND FAITH-BASED ORGANIZATIONS; ANTI-TERRORISM GRANTS.] Notwithstanding any law to the contrary, nonprofit and faith-based organizations may apply for and receive any funds or grants, whether federal or state, made available for anti-terrorism efforts that are not distributed or encumbered for distribution to public safety entities within a year of receipt by the department of public safety. These organizations must be considered under the same criteria applicable to any other eligible entity and must be given equal consideration.

Subd. 3. Criminal Apprehension	36,629,000	36,814,000
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Summary by Fund

General	35,626,000	35,811,000
Special Revenue	635,000	635,000
State Government Special Revenue	7,000	7,000
Trunk Highway	361,000	361,000

[COOPERATIVE INVESTIGATION OF CROSS-JURISDICTIONAL CRIMINAL ACTIVITY.] \$135,000 each year from the bureau of criminal apprehension account in the special

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revenue fund is for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

[LABORATORY ACTIVITIES.] \$500,000 the first year and \$500,000 the second year from the bureau of criminal apprehension account in the special revenue fund are appropriated for laboratory activities.

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

[CRIMNET.] The commissioner of public safety shall develop a plan for using the base funds appropriated for the CriMNet policy group, the CriMNet backbone, and CriMNet suspense file reductions to further completion of the CriMNet program. The commissioner shall consult with the criminal and juvenile justice information policy group and other interested parties on the development of this plan.

Subd. 4. Fire Marshal	2,427,000	2,441,000
Subd. 5. Alcohol and Gambling Enforcement	1,622,000	1,622,000
Subd. 6. Crime Victims Services Center	21,939,000	21,939,000
Subd. 7. Law Enforcement & Community Grants	3,804,000	3,619,000

The base for this program shall be \$3,554,000 for fiscal year 2006 and \$3,549,000 for fiscal year 2007.

[METH LAB CONTAINMENT TEAMS.] \$240,000 the first year and \$60,000 the second year are for grants under Minnesota Statutes, section 299A.55. These are onetime appropriations.

[JUVENILE ASSESSMENT ACCOUNT.] The balance of the funds in the juvenile assessment account in the special revenue fund is transferred to the general fund on July 1, 2003.

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

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	2004	2005
Sec. 10. PEACE OFFICERS STANDARDS BOARD (POST)	3,943,000	3,943,000
<p>This appropriation is from the peace officers training account in the special revenue fund. Any receipts credited to that account in the first year in excess of \$3,943,000 must be transferred and credited to the general fund. Any receipts credited to that account in the second year in excess of \$3,943,000 must be transferred and credited to the general fund.</p>		
Sec. 11. PRIVATE DETECTIVE BOARD	126,000	126,000
Sec. 12. HUMAN RIGHTS	3,580,000	3,550,000
Sec. 13. CORRECTIONS		
Subdivision 1. Total Appropriation	358,158,000	362,862,000

Summary by Fund

General Fund	357,158,000	361,862,000
Special Revenue	1,000,000	1,000,000

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

[FEASIBILITY OF DOUBLE BUNKING AT LOCAL JAILS.] The commissioner of corrections must work with the Minnesota Sheriff's Association, the Association of Minnesota Counties, and Community Corrections Act counties to review capacities at local jail facilities and to determine the feasibility of increasing capacity by double bunking inmates.

Subd. 2. Correctional Institutions	237,309,000	240,926,000
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Summary by Fund

General Fund	236,679,000	240,296,000
Special Revenue	630,000	630,000

[CONTRACT FOR BEDS AT RUSH CITY.] If the commissioner contracts with other states, local units of government, or the federal government to rent beds in the Rush City correctional facility, the commissioner shall charge a per diem under the contract, to the extent possible, that is equal to or greater than the per diem cost of

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housing Minnesota inmates in the facility. The per diem cost for housing inmates of other states, local units of government, or the federal government at this facility shall be based on the assumption that the facility is at or near capacity.

The commissioner may use the per diem appropriation, up to \$300,000, for the pre-design of the renovation and 1,161 bed expansion at the Minnesota Correctional Facility-Faribault. The commissioner of corrections, in consultation with the commissioner of administration, must issue a request for information by August 1, 2003, for one or more vendors regarding the cost of expansion, renovation, and the operation of the Minnesota correctional facility-Faribault or the construction and operation of a medium custody, stand alone facility with approximately 1,000 beds. By January 15, 2004, the commissioner of corrections shall report to the chairs and ranking members of the legislative committees having jurisdiction over corrections and capital investment on cost comparisons of the request for information and the pre-design. Notwithstanding any laws to the contrary, the commissioner may use the remaining per diem appropriation to operate the state correctional system.

Subd. 3. Juvenile Services	13,007,000	13,007,000
Subd. 4. Community Services	92,945,000	94,032,000

Summary by Fund

General Fund	92,825,000	93,912,000
Special Revenue	120,000	120,000

[MILLE LACS COUNTY PROBATION SERVICES.] \$373,000 the first year and \$373,000 the second year are for an increase in probation services provided to Mille Lacs County. It is anticipated that the county will reimburse the state for these costs and that these proceeds will be deposited in the general fund.

[BELTRAMI COUNTY PROBATION SERVICES.] \$61,000 the first year and \$61,000 the second year are for an increase in probation support services provided to Beltrami County. It is anticipated that the county will reimburse the state for these costs and that these proceeds will be deposited in the general fund.

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	2004	2005
Subd. 5. Operations Support	14,897,000	14,897,000

Summary by Fund

General Fund	14,647,000	14,647,000
Special Revenue	250,000	250,000

Sec. 14. SENTENCING GUIDELINES	436,000	436,000
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[REPORT ON DRUG OFFENDER SENTENCING.] The sentencing guidelines commission, in consultation with the commissioner of corrections, shall prepare a report and make recommendations regarding the following drug offender sentencing issues:

(1) the evolution of Minnesota's drug sentencing laws, the annual proportion of prisoners incarcerated for drug crimes in Minnesota state prisons over the past 20 years, the annual cost of incarcerating drug offenders in Minnesota state prisons over the past 20 years, the effectiveness of drug courts, and current programs that employ alternatives to incarceration for drug offenders in Minnesota state prisons;

(2) the average and the range of criminal history scores for each level of drug offender currently incarcerated in Minnesota state prisons;

(3) the proportionality of Minnesota's drug sentencing provisions when compared to sentencing provisions for other crimes in Minnesota;

(4) the proportionality of Minnesota's drug sentencing provisions when compared to other states' drug sentencing provisions;

(5) the amount of Minnesota's prison and jail beds occupied by all drug offenders and all nonviolent drug offenders;

(6) the type and quantity of Minnesota correctional resources that are dedicated to all drug offenders and to all nonviolent drug offenders;

(7) the projected annual cost to the department of corrections of incarcerating all drug offenders and all nonviolent drug offenders in state prisons over the next ten years;

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(8) the cost-savings to the department of corrections by not incarcerating nonviolent drug offenders and sending them to noncustodial drug treatment instead;

(9) the recidivism rate for drug offenders, in Minnesota and other states, who are sent to noncustodial drug treatment rather than incarceration; and

(10) the cost-savings to the department of corrections of sentencing nonviolent drug offenders to home detention employing electronic monitoring at the offender's expense.

For purposes of this report, nonviolent drug offenders are those who were convicted of violating sections 152.023, 152.024, and 152.025, and were not also convicted of a violent crime, as that term is defined in section 609.1095. The sentencing guidelines commission must present the report and recommendations to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice policy and financing by January 15, 2004.

Sec. 15. DEPARTMENT OF HUMAN SERVICES

770,000

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Sec. 16. DEFICIENCY APPROPRIATION

FISCAL YEAR 2003

General

35,000

[SPECIAL HEARING COSTS.] This appropriation for fiscal year 2003 is added to the appropriation in Laws 2001, First Special Session chapter 8, article 4, section 5, to the board on judicial standards and is to fund costs of a public hearing for a judge. This appropriation is available the day following final enactment and is available until June 30, 2003.

Sec. 17. SUNSET OF UNCODIFIED LANGUAGE

All uncodified language contained in this article expires on June 30, 2005, unless a different expiration date is explicit.

Sec. 18. [EFFECTIVE DATE.]

This article is effective July 1, 2003, unless otherwise noted.

ARTICLE 2

COURT POLICY

Section 1. Minnesota Statutes 2002, section 8.06, is amended to read:

8.06 [ATTORNEY FOR STATE OFFICERS, BOARDS, OR COMMISSIONS; EMPLOY COUNSEL.]

The attorney general shall act as the attorney for all state officers and all boards or commissions created by law in all matters pertaining to their official duties. When requested by the attorney general, it shall be the duty of any county attorney of the state to appear within the county and act as attorney for any such board, commission, or officer in any court of such county. The attorney general may, upon request in writing, employ, and fix the compensation of, a special attorney for any such board, commission, or officer when, in the attorney general's judgment, the public welfare will be promoted thereby. Such special attorney's fees or salary shall be paid from the appropriation made for such board, commission, or officer. Except as herein provided, no board, commission, or officer shall hereafter employ any attorney at the expense of the state.

Whenever the attorney general, the governor, and the chief justice of the supreme court shall certify, in writing, filed in the office of the secretary of state, that it is necessary, in the proper conduct of the legal business of the state, either civil or criminal, that the state employ additional counsel, the attorney general, the governor, or the chief justice of the supreme court shall thereupon ~~be authorized to employ~~ authorize the employment of such counsel and, ~~with the governor and the chief justice,~~ fix the additional counsel's compensation. Except as herein stated, no additional counsel shall be employed and the legal business of the state shall be performed exclusively by the attorney general and the attorney general's assistants.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 357.021, subdivision 2, is amended to read:

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

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the tax court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$135~~ \$250.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$135~~ \$250.

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

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

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

(3) Issuing a subpoena, ~~\$3~~ \$6 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, ~~\$10~~ \$20.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, ~~\$7.50~~ \$15.

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

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

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

(9) For the filing of each partial, final, or annual account in all trusteeships, ~~\$40~~ \$20.

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

(11) For recording notary commission, ~~\$25~~ \$50, of which, notwithstanding subdivision 1a, paragraph (b), ~~\$20~~ \$40 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

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

(13) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$25.

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

~~(14)~~ (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

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

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 3. Minnesota Statutes 2002, section 357.022, is amended to read:

357.022 [CONCILIATION COURT FEE.]

The court administrator in every county shall charge and collect a filing fee of ~~\$25 where the amount demanded is less than \$2,000 and \$35 where the amount demanded is \$2,000 or more~~ \$50 from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. This section does not apply to conciliation court actions filed by the state. The court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 4. Minnesota Statutes 2002, section 357.08, is amended to read:

357.08 [PAID BY APPELLANT IN APPEAL.]

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of ~~\$250~~ \$500 to the clerk of the appellate courts. An additional filing fee of \$100 shall be required for a petition for accelerated review by the supreme court. A filing fee of ~~\$250~~ \$500 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the court of appeals. A filing fee of ~~\$250~~ \$500 shall be paid to the clerk of the appellate courts upon the filing of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of the appellate courts upon the filing by a respondent of a notice of review. The clerk shall transmit the fees to the state treasurer for deposit in the state treasury and credit to the general fund.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. The clerk shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 5. Minnesota Statutes 2002, section 546.27, is amended to read:

546.27 [DECISION BY THE COURT.]

Subdivision 1. [WRITTEN DECISIONS REQUIRED.] (a) When an issue of fact has been tried by the court, the decision shall be in writing, the facts found and the conclusion of law shall be separately stated, and judgment shall be entered accordingly. Except as provided in paragraph (b), all questions of fact and law, and all motions and matters submitted to a judge for a decision in trial and appellate matters, shall be disposed of and the decision filed with the court administrator within ~~90 days after such submission~~ the time period for disposition established by the chief justice, unless sickness or casualty shall prevent, or the time be extended by written consent of the parties. No part of the salary of any judge shall be paid unless the voucher therefor be accompanied by a certificate of the judge that there has been full compliance with the requirements of this section.

(b) If a hearing has been held on a petition under chapter 260 involving physical or sexual abuse of a child who is alleged to be in need of protection or services or neglected and in foster care, the decision must be filed within 15 days after the matter is submitted to the judge.

Subd. 2. [BOARD OF JUDICIAL STANDARDS REVIEW.] At least annually, the board on judicial standards shall review the compliance of each district, ~~county, or municipal~~ judge with the provisions of subdivision 1. To facilitate this review, the director of the state judicial information system shall notify the executive secretary of the state board on judicial standards when a matter exceeds ~~90 days without a disposition~~ the time period for disposition established by the chief justice. The board shall notify the commissioner of finance of each judge not in compliance. If the board finds that a judge has compelling reasons for noncompliance, it may decide not to issue the notice.

Upon notification that a judge is not in compliance, the commissioner of finance shall not pay the salary of that judge. The board may cancel a notice of noncompliance upon finding that a judge is in compliance, but in no event shall a judge be paid a salary for the period in which the notification of noncompliance was in effect.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 6. Minnesota Statutes 2002, section 609.101, subdivision 4, is amended to read:

Subd. 4. [MINIMUM FINES; OTHER CRIMES.] Notwithstanding any other law:

(1) when a court sentences a person convicted of a felony that is not listed in subdivision 2 or 3, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law; and

(2) when a court sentences a person convicted of a gross misdemeanor or misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law, unless the fine is set at a lower amount on a uniform fine schedule established by the conference of chief judges in consultation with affected state and local agencies. This schedule shall be promulgated not later than ~~January~~ September 1 of each year and shall become effective on ~~August~~ January 1 of ~~that~~ the next year unless the legislature, by law, provides otherwise.

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by section 357.021, subdivision 6, and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

The court shall collect the fines mandated in this subdivision and, except for fines for traffic and motor vehicle violations governed by section 169.871 and section 299D.03 and fish and game violations governed by section 97A.065, forward 20 percent of the revenues to the state treasurer for deposit in the general fund.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 7. Minnesota Statutes 2002, section 609.115, subdivision 1, is amended to read:

Subdivision 1. [PRESENTENCE INVESTIGATION.] (a) When a defendant has been convicted of a misdemeanor ~~or~~, gross misdemeanor, or felony, the court may, ~~and when the defendant has been convicted of a felony, the court shall~~, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. ~~At the request of the prosecutor in a gross misdemeanor case, the court shall order that a presentence investigation and report be prepared.~~ The investigation shall be made by a probation officer of the court, if there is one; otherwise it shall be made by the commissioner of corrections. The officer conducting the presentence or predispositional investigation shall make reasonable and good faith efforts to contact and provide the victim with the information required under section 611A.037, subdivision 2. Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, section 244.10, and the Rules of Criminal Procedure.

(b) When the crime is a violation of sections 609.561 to 609.563, 609.5641, or 609.576 and involves a fire, the report shall include a description of the financial and physical harm the offense has had on the public safety personnel who responded to the fire. For purposes of this paragraph, "public safety personnel" means the state fire

marshal; employees of the division of the state fire marshal; firefighters, regardless of whether the firefighters receive any remuneration for providing services; peace officers, as defined in section 626.05, subdivision 2; individuals providing emergency management services; and individuals providing emergency medical services.

(c) When the crime is a felony violation of chapter 152 involving the sale or distribution of a controlled substance, the report shall include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed.

(d) The report shall also include the information relating to crime victims required under section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

(e) When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. ~~The worksheet shall be submitted as part of the presentence investigation report.~~

(f) When a person is convicted of a felony for which the sentencing guidelines presume that the defendant will be committed to the commissioner of corrections under an executed sentence and no motion for a sentencing departure has been made by counsel, the court may, when there is no space available in the local correctional facility, commit the defendant to the custody of the commissioner of corrections, pending completion of the presentence investigation and report. When a defendant is convicted of a felony for which the sentencing guidelines do not presume that the defendant will be committed to the commissioner of corrections, or for which the sentencing guidelines presume commitment to the commissioner but counsel has moved for a sentencing departure, the court may commit the defendant to the commissioner with the consent of the commissioner, pending completion of the presentence investigation and report. The county of commitment shall return the defendant to the court when the court so orders.

[EFFECTIVE DATE.] This section is effective August 1, 2003 and applies to crimes committed on or after that date.

Sec. 8. [REPEALER.]

Minnesota Statutes 2002, sections 147.111, subdivision 6; 147A.14, subdivision 6; 148.102, subdivision 4; 148.263, subdivision 5; 148B.07, subdivision 6; 148B.283, subdivision 7; 148B.63, subdivision 6; 149A.61, subdivision 5; 150A.13, subdivision 6; 153.24, subdivision 5; 156.122; 340A.905; 626A.17; and 631.40, subdivisions 1a and 1b, are repealed effective July 1, 2003.

ARTICLE 3

PUBLIC DEFENSE

Section 1. Minnesota Statutes 2002, section 270A.03, subdivision 5, is amended to read:

Subd. 5. [DEBT.] "Debt" means a legal obligation of a natural person to pay a fixed and certain amount of money, which equals or exceeds \$25 and which is due and payable to a claimant agency. The term includes criminal fines imposed under section 609.10 or 609.125 and restitution. The term also includes the co-payment for the appointment of a district public defender imposed under section 611.17, paragraph (c). A debt may arise under a contractual or statutory obligation, a court order, or other legal obligation, but need not have been reduced to judgment.

A debt includes any legal obligation of a current recipient of assistance which is based on overpayment of an assistance grant where that payment is based on a client waiver or an administrative or judicial finding of an intentional program violation; or where the debt is owed to a program wherein the debtor is not a client at the time notification is provided to initiate recovery under this chapter and the debtor is not a current recipient of food stamps, transitional child care, or transitional medical assistance.

A debt does not include any legal obligation to pay a claimant agency for medical care, including hospitalization if the income of the debtor at the time when the medical care was rendered does not exceed the following amount:

- (1) for an unmarried debtor, an income of \$8,800 or less;
- (2) for a debtor with one dependent, an income of \$11,270 or less;
- (3) for a debtor with two dependents, an income of \$13,330 or less;
- (4) for a debtor with three dependents, an income of \$15,120 or less;
- (5) for a debtor with four dependents, an income of \$15,950 or less; and
- (6) for a debtor with five or more dependents, an income of \$16,630 or less.

The income amounts in this subdivision shall be adjusted for inflation for debts incurred in calendar years 2001 and thereafter. The dollar amount of each income level that applied to debts incurred in the prior year shall be increased in the same manner as provided in section 1(f) of the Internal Revenue Code of 1986, as amended through December 31, 2000, except that for the purposes of this subdivision the percentage increase shall be determined from the year starting September 1, 1999, and ending August 31, 2000, as the base year for adjusting for inflation for debts incurred after December 31, 2000.

Debt also includes an agreement to pay a MinnesotaCare premium, regardless of the dollar amount of the premium authorized under section 256L.15, subdivision 1a.

[EFFECTIVE DATE.] This section is effective July 1, 2003, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2002, section 590.05, is amended to read:

590.05 [INDIGENT PETITIONERS.]

A person financially unable to obtain counsel who desires to pursue the remedy provided in section 590.01 may apply for representation by the state public defender. The state public defender shall represent such person under the applicable provisions of sections 611.14 to 611.27, if the person has not already had a direct appeal of the conviction. If, however, the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case. The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 3. Minnesota Statutes 2002, section 611.14, is amended to read:

611.14 [RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.]

The following persons who are financially unable to obtain counsel are entitled to be represented by a public defender:

(1) a person charged with a felony, gross misdemeanor, or misdemeanor including a person charged under sections 629.01 to 629.29;

(2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor, who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, but if the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case;

(3) a person who is entitled to be represented by counsel under section 609.14, subdivision 2; or

(4) a minor ten years of age or older who is entitled to be represented by counsel under section 260B.163, subdivision 4, or 260C.163, subdivision 3.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 4. Minnesota Statutes 2002, section 611.17, is amended to read:

611.17 [FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT.]

Subdivision 1. [STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.] (a) Each judicial district must screen requests ~~under paragraph (b) for representation by the district public defender.~~ A defendant is financially unable to obtain counsel if:

(1) the defendant, or any dependent of the defendant who resides in the same household as the defendant, receives means-tested governmental benefits; or

(2) the defendant, through any combination of liquid assets and current income, would be unable to pay the reasonable costs charged by private counsel in that judicial district for a defense of the same matter.

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The applicant shall be under a continuing duty while represented by a public defender to disclose any changes in the applicant's financial circumstances that might be relevant to the applicant's eligibility for a public defender. The state public defender shall furnish appropriate forms for the financial statements. The forms must contain conspicuous notice of the applicant's continuing duty to disclose to the court changes in the applicant's financial circumstances. The forms must also contain conspicuous notice of the applicant's obligation to make a co-payment for the services of the district public defender, as specified under paragraph (c). The information contained in the statement shall be confidential and for the exclusive use of the court

and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender. The court shall not appoint a district public defender to a defendant who is financially able to retain private counsel but refuses to do so.

An inquiry to determine financial eligibility of a defendant for the appointment of the district public defender shall be made whenever possible prior to the court appearance and by such persons as the court may direct. This inquiry may be combined with the pre-release investigation provided for in Minnesota Rule of Criminal Procedure 6.02, subdivision 3. In no case shall the district public defender be required to perform this inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to conduct a financial inquiry. The inquiry must include the following:

(1) the liquidity of real estate assets, including the defendant's homestead;

(2) any assets that can be readily converted to cash or used to secure a debt;

(3) the determination of whether the transfer of an asset is voidable as a fraudulent conveyance; and

(4) the value of all property transfers occurring on or after the date of the alleged offense. The burden is on the accused to show that he or she is financially unable to afford counsel. Defendants who fail to provide information necessary to determine eligibility shall be deemed ineligible. The court must not appoint the district public defender as advisory counsel.

(c) Upon ~~disposition of the case~~ appointment of the public defender, an individual who ~~has received~~ receives public defender services shall be obligated to pay to the court a ~~\$28~~ co-payment for representation provided by a public defender, ~~unless the co-payment is, or has been, waived by the court.~~ The co-payment shall be according to the following schedule:

(1) if the person was charged with a felony, \$200;

(2) if the person was charged with a gross misdemeanor, \$100; or

(3) if the person was charged with a misdemeanor, \$50.

If the person is a child and was appointed counsel under the provisions of section 260B.163, subdivision 4, the parents of the child shall pay to the court a co-payment of \$100. If the person is a parent of a child and the parent was appointed counsel under the provisions of section 260C.163, subdivision 3, the parent shall pay to the court a co-payment of \$200.

The co-payment shall be deposited in the state general fund. If a term of probation is imposed as a part of an offender's sentence, the co-payment required by this section must not be made a condition of probation. The co-payment required by this section is a civil obligation and must not be made a condition of a criminal sentence. Collection of the co-payment may be made through the provisions of chapter 270A, the Revenue Recapture Act.

[EFFECTIVE DATE.] This section is effective July 1, 2003, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2002, section 611.18, is amended to read:

611.18 [APPOINTMENT OF PUBLIC DEFENDER.]

If it appears to a court that a person requesting the appointment of counsel satisfies the requirements of this chapter, the court shall order the appropriate public defender to represent the person at all further stages of the proceeding through appeal, if any. For a person appealing from a conviction, or a person pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, according to the standards of sections 611.14 and 611.25, subdivision 1, paragraph (a), clause (2), the state public defender shall be appointed. For a person covered by section 611.14, clause (1), a district public defender shall be appointed to represent that person. If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the appropriate public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel. The representation may be made available at the discretion of the public defender, upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 6. Minnesota Statutes 2002, section 611.25, subdivision 1, is amended to read:

Subdivision 1. [REPRESENTATION.] (a) The state public defender shall represent, without charge:

(1) a defendant or other person appealing from a conviction of a felony or gross misdemeanor;

(2) a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, but if the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case; and

(3) a child who is appealing from a delinquency adjudication or from an extended jurisdiction juvenile conviction.

(b) The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

(c) The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the supreme court or the court of appeals, except that the state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 7. Minnesota Statutes 2002, section 611.26, subdivision 6, is amended to read:

Subd. 6. [PERSONS DEFENDED.] The district public defender shall represent, without charge, a defendant charged with a felony, a gross misdemeanor, or misdemeanor when so directed by the district court. The district public defender shall also represent a minor ten years of age or older in the juvenile court when so directed by the juvenile court. The district public defender must not serve as advisory counsel. The juvenile court may not order the district public defender to represent a minor who is under the age of ten years, to serve as a guardian ad litem, or to represent a guardian ad litem.

Sec. 8. Minnesota Statutes 2002, 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 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; 299C.46, subdivision 3, paragraph (b); 299C.48, or any other law to the contrary, there shall be no charge to public defenders for Internet access to ~~public criminal history data~~ the criminal justice data communications network.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

ARTICLE 4

PUBLIC SAFETY

Section 1. [299A.55] [METH LAB CONTAINMENT TEAMS.]

Subdivision 1. [ESTABLISHMENT.] A grant program is established under the administration of the commissioner of public safety to assist local communities in their efforts to contain and clean-up clandestine methamphetamine laboratories and to preserve evidence for criminal trials.

Subd. 2. [AWARDING GRANT.] The commissioner of public safety is the fiscal agent for the grant program and is responsible for receiving applications for grants and awarding grants under this section. Priority must be given to applicants with high incidences of methamphetamine lab operations in the applicant's narcotics task force area relative to the area's population.

Subd. 3. [GRANT PROCESS; REQUIREMENTS; USES.] (a) A city may apply for a grant under this section by submitting an application to the commissioner of public safety on a form prescribed by the commissioner.

(b) To be eligible for a grant under this section, a city must:

(1) be a member of a multijurisdictional narcotics task force;

(2) have a full-time fire and police service;

(3) have on staff at least two peace officers trained by the federal Drug Enforcement Agency in methamphetamine lab containment and evidence collection. If a city does not have two officers with the training, it must agree to get the training for at least two officers; and

(4) submit a plan for use of the grant funds that is prepared in consultation with the other members of the city's narcotics task force and that addresses how the city will evaluate and report on the activities of the methamphetamine lab containment team.

(c) A methamphetamine lab containment team established by a city must:

(1) be comprised of at least one peace officer and one firefighter and may utilize additional members and select a captain or commander; and

(2) provide services throughout the area of the multijurisdictional narcotics task force, including equipment disbursement.

(d) A grant awarded under this section may be used for any methamphetamine lab containment team activities or expenditures including personnel costs, equipment, travel, and training.

Subd. 4. [METH LAB CONTAINMENT TEAM POWERS.] A methamphetamine lab containment team has the same interjurisdictional authority as its corresponding narcotics task force. In addition to methamphetamine lab containment, clean-up, and evidence collection, the teams may also be used to secure areas, investigate, and gather evidence of other crimes involving the use, or suspected or alleged use, of harmful or volatile substances. A methamphetamine lab containment team must coordinate its efforts with a chemical assessment team if that team also provides services for an incident.

Subd. 5. [LOCAL MATCH.] A city that receives a grant under this section must provide a 50 percent match from nonstate sources. Of the match amount, up to 50 percent may be from in-kind contributions including asset contributions or personnel costs.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 299C.05, is amended to read:

299C.05 [DIVISION OF CRIMINAL STATISTICS.]

There is hereby established within the bureau a division of criminal statistics, and the superintendent, within the limits of membership herein prescribed, shall appoint a qualified statistician and one assistant to be in charge thereof. It shall be the duty of this division to collect, and preserve as a record of the bureau, information concerning the number and nature of offenses known to have been committed in the state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice. The information so collected and preserved shall include such data as may be requested by the United States department of justice, at Washington, under its national system of crime reporting. To the extent possible, the superintendent must utilize a system or standard approved by the Federal Bureau of Investigation to collect and preserve crime data.

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

Sec. 3. Minnesota Statutes 2002, section 299C.06, is amended to read:

299C.06 [DIVISION POWERS AND DUTIES; COOPERATION.]

It shall be the duty of all sheriffs, chiefs of police, city marshals, constables, prison wardens, superintendents of insane hospitals, reformatories and correctional schools, probation and parole officers, school attendance officers, coroners, county attorneys, court clerks, the commissioner of public safety, the commissioner of transportation, and the state fire marshal to furnish to the division statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, informations, and indictments, filed and the disposition made of same, pleas, convictions, acquittals, probations granted or denied, conditional release information, receipts, transfers, and discharges to and from prisons, reformatories, correctional schools, and other institutions, paroles granted and revoked, commutation of sentences and pardons granted and rescinded, and all other data useful in determining the cause and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems. Such statistics and information shall be furnished upon the request of the division and upon such forms as may be prescribed and furnished by it. Unless otherwise required or permitted by the superintendent of the bureau of criminal apprehension, an agency or person furnishing information under this section must utilize a nationally recognized system or standard approved by the Federal Bureau of Investigation for reporting statistics and information. The division shall have the power to inspect and prescribe the form and substance of the records kept by those officials from which the information is so furnished.

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

Sec. 4. Minnesota Statutes 2002, section 299C.10, subdivision 4, is amended to read:

Subd. 4. [FEE FOR BACKGROUND CHECK; ACCOUNT; APPROPRIATION.] The superintendent shall collect a fee in an amount to cover the expense for each background check provided for a purpose not directly related to the criminal justice system or required by section 624.7131, 624.7132, or 624.714. The proceeds of the fee must be deposited in a special account. Money in the account is annually appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota. The superintendent shall collect an additional handling fee of \$7 for FBI background fingerprint checks.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 5. Minnesota Statutes 2002, section 299C.10, is amended by adding a subdivision to read:

Subd. 5. [FEE FOR TAKING FINGERPRINTS; ACCOUNT; APPROPRIATION.] The superintendent may charge a fee of \$10 for the taking of fingerprints for the public when required by an employer or government entity for either employment or licensing. No fee will be charged when there is a question of whether or not the person is the subject of a criminal history record. The proceeds of the fee must be deposited in an account in the special revenue fund. Money in the account is annually appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 6. Minnesota Statutes 2002, section 299C.48, is amended to read:

299C.48 [CONNECTION BY AUTHORIZED AGENCY; STANDING APPROPRIATION.]

(a) An agency authorized under section 299C.46, subdivision 3, may connect with and participate in the criminal justice data communications network upon approval of the commissioner of public safety; provided, that the agency shall first agree to pay installation charges as may be necessary for connection and monthly operational charges as

may be established by the commissioner of public safety. Before participation by a criminal justice agency may be approved, the agency must have executed an agreement with the commissioner providing for security of network facilities and restrictions on access to data supplied to and received through the network.

(b) In addition to any fee otherwise authorized, the commissioner of public safety shall impose a fee for providing secure dial-up or Internet access for criminal justice agencies and noncriminal justice agencies. The following monthly fees apply:

- (1) criminal justice agency accessing via Internet, \$15;
- (2) criminal justice agency accessing via dial-up, \$35;
- (3) noncriminal justice agency accessing via Internet, \$35; and
- (4) noncriminal justice agency accessing via dial-up, \$35.

(c) The installation and monthly operational charges collected by the commissioner of public safety under ~~paragraph~~ paragraphs (a) and (b) are annually appropriated to the commissioner to administer sections 299C.46 to 299C.50.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 7. Minnesota Statutes 2002, section 299F.46, subdivision 1, is amended to read:

Subdivision 1. [HOTEL INSPECTION.] (a) It shall be the duty of the commissioner of public safety to inspect, or cause to be inspected, at least once every three years, every hotel in this state; and, for that purpose, the commissioner, or the commissioner's deputies, or designated alternates or agents shall have the right to enter or have access thereto at any reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected does not conform to or is not being operated in accordance with the provisions of sections 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection of hotels, or the rules promulgated thereunder, or is being maintained or operated in such manner as to violate the ~~Uniform Minnesota State~~ Minnesota State Fire Code promulgated pursuant to section 299F.011 or any other law of this state relating to fire prevention and fire protection of hotels, the commissioner and the deputies or designated alternates or agents shall report such a situation to the hotel inspector who shall proceed as provided for in chapter 157.

(b) The word "hotel", as used in this subdivision, has the meaning given in section 299F.391.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 8. Minnesota Statutes 2002, section 299F.46, is amended by adding a subdivision to read:

Subd. 3. [INSPECTION FEES.] (a) For each hotel required to have a fire inspection according to subdivision 1, the commissioner of public safety is authorized to charge each hotel a triennial inspection fee of \$435 and a per room charge of \$5 for one to 18 units; \$6 for 19 to 35 units; \$7 for 36 to 100 units, and \$8 for 100 or more units. The fee includes one follow-up inspection. The commissioner shall charge each resort a triennial inspection fee of \$435 and a per room charge of \$5 for one to 10 units; \$6 for 11 to 25 units; and \$7 for 26 or more units.

A fee of \$225 shall be charged for each additional follow-up inspection for hotels and resorts, conducted in each three-year cycle that is necessary to bring the hotel or resort into compliance with the state fire code.

(b) Nothing in this subdivision shall prevent the designated agent from continuing to charge an inspection fee or from establishing a new inspection fee.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 9. Minnesota Statutes 2002, section 299F.46, is amended by adding a subdivision to read:

Subd. 4. [SPECIAL ACCOUNT.] Money received by the state fire marshal division for this program must be deposited in the state treasury and credited to a state fire marshal hotel inspection dedicated account in the special revenue fund. All money in the state fire marshal hotel inspection dedicated account is annually appropriated to the commissioner of public safety for purposes of operating and administering this program.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 10. [299F.47] [PUBLIC SCHOOL INSPECTIONS.]

Subdivision 1. [INSPECTION REQUIRED.] The state fire marshal shall develop a plan to inspect once every three years every public school facility used for educational purposes. The state fire marshal shall charge school districts \$0.014 per square foot for each school building inspected. These rates shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the state fire marshal shall charge \$0.005 per square foot for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

Subd. 2. [CHARTER SCHOOLS.] The state fire marshal shall charge charter schools \$100 for each school building inspected. This rate shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the state fire marshal shall charge \$50 for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

Subd. 3. [SPECIAL ACCOUNT.] Money received by the state fire marshal division for this program must be deposited in the state treasury and credited to a state fire marshal school inspection dedicated account in the special revenue fund. All money in the state fire marshal school inspection account is annually appropriated to the commissioner of public safety for purposes of operating and administering this program.

Subd. 4. [LOCAL INSPECTIONS.] If inspections of public school buildings and charter schools were conducted by local units of government between January 1, 1987, and January 1, 1990, then inspections may continue to be provided by the local unit of government.

Subd. 5. [VARIANCE.] Notwithstanding section 299F.011, subdivisions 5a and 5b, a variance from the code must be approved by the state fire marshal before taking effect.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 11. Minnesota Statutes 2002, section 299M.01, is amended by adding a subdivision to read:

Subd. 8a. [MULTIPURPOSE POTABLE WATER PIPING SYSTEM CONTRACTOR.] "Multipurpose potable water piping system contractor" means a person who contracts to sell, design, install, modify, or inspect a multipurpose potable water piping system, its parts, or related equipment.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 12. Minnesota Statutes 2002, section 299M.01, is amended by adding a subdivision to read:

Subd. 8b. [MULTIPURPOSE POTABLE WATER PIPING SYSTEM.] "Multipurpose potable water piping system" means a potable water piping system that is intended to serve both domestic and fire protection needs throughout a one- or two-family dwelling unit. No person may install a multipurpose potable water piping system unless that person is licensed pursuant to section 326.40 and is certified pursuant to section 299M.03.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 13. Minnesota Statutes 2002, section 299M.01, is amended by adding a subdivision to read:

Subd. 8c. [MULTIPURPOSE POTABLE WATER PIPING SYSTEM INSTALLER.] "Multipurpose potable water piping system installer" means a person who is certified as competent to engage in installing, connecting, altering, repairing, or adding to a residential multipurpose potable water piping system in a one- or two-family dwelling unit.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 14. Minnesota Statutes 2002, section 299M.03, is amended by adding a subdivision to read:

Subd. 1a. [MULTIPURPOSE POTABLE WATER PIPING SYSTEM CONTRACTOR LICENSE.] Except for residential installations by the owner-occupant of a one- or two-family dwelling, a person may not sell, design, install, modify, or inspect a multipurpose potable water piping system, its parts, or related equipment, or offer to do so, unless annually licensed to perform these duties as a multipurpose potable water piping system contractor. No license is required under this section for a person licensed as a professional engineer under section 326.03 who is competent in fire protection system design.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 15. Minnesota Statutes 2002, section 299M.03, is amended by adding a subdivision to read:

Subd. 3. [MULTIPURPOSE POTABLE WATER PIPING SYSTEM INSTALLER CERTIFICATE.] Except for residential installations by the owner-occupant of a one- or two-family dwelling, a person may not install, connect, alter, repair, or add to a multipurpose potable water piping system, unless annually certified to perform these duties as a multipurpose potable water piping system installer. A multipurpose potable water piping system installer certificate only allows the certificate holder to work on one- and two-family residential units.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 16. Minnesota Statutes 2002, section 299M.03, is amended by adding a subdivision to read:

Subd. 4. [JOURNEYMAN SPRINKLER FITTER CERTIFICATION FEE; ANNUAL APPROPRIATION.] The state fire marshal shall charge \$55 to conduct and administer the journeyman sprinkler fitter certification process. Money received by the state fire marshal division for the administration of this program must be deposited in the state treasury and credited to a state fire marshal dedicated account in the special revenue fund. All money in the state fire marshal account is annually appropriated to the commissioner of public safety for purposes of administering this program.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 17. Minnesota Statutes 2002, section 299M.04, is amended to read:

299M.04 [RULES, FEES, ORDERS, PENALTIES.]

The commissioner shall adopt permanent rules for operation of the council; regulation by municipalities; qualifications, examination, and licensing of fire protection contractors; licensing of multipurpose potable water piping system contractors; certification of multipurpose potable water piping system installers; certification of journeyman sprinkler fitters; registration of apprentices; and the administration and enforcement of this chapter. Permit fees must be a percentage of the total cost of the fire protection work.

The commissioner may issue a cease and desist order to cease an activity considered an immediate risk to public health or public safety. The commissioner shall adopt permanent rules governing when an order may be issued; how long the order is effective; notice requirements; and other procedures and requirements necessary to implement, administer, and enforce the provisions of this chapter.

The commissioner, in place of or in addition to licensing sanctions allowed under this chapter, may impose a civil penalty not greater than \$1,000 for each violation of this chapter or rule adopted under this chapter, for each day of violation. The commissioner shall adopt permanent rules governing and establishing procedures for implementation, administration, and enforcement of this paragraph.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 18. Minnesota Statutes 2002, section 299M.11, subdivision 1, is amended to read:

Subdivision 1. [LICENSING FEE.] A person required to be licensed under section 299M.03, subdivision 1 or 1a, shall, before receipt of the license and before causing fire protection-related work or multipurpose potable water piping system work to be performed, pay the commissioner an annual license fee.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 19. Minnesota Statutes 2002, section 299M.11, subdivision 2, is amended to read:

Subd. 2. [CERTIFICATION FEE.] Employees required to be certified under section 299M.03, subdivision 2 or 3, shall, before performing fire protection-related work or multipurpose potable water piping system work, pay the commissioner an annual certification fee.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 20. Minnesota Statutes 2002, section 609.119, is amended to read:

609.119 [ADDITIONAL COLLECTION OF BIOLOGICAL SPECIMENS FOR DNA TESTING.]

(a) From July 1, ~~2002~~ 2003, to June 30, ~~2003~~ 2005, The court shall order an offender to provide a biological specimen for the purpose of future DNA analysis as described in section 299C.155 when:

(1) the court sentences a person charged with committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, and the person is convicted of that offense or of any felony offense arising out of the same set of circumstances; or

(2) the juvenile court adjudicates a person a delinquent child who is petitioned for committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, and is adjudicated delinquent for that offense or any felony-level offense arising out of the same set of circumstances.

The biological specimen shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

(b) From July 1, ~~2002~~ 2003, to June 30, ~~2003~~ 2005, the commissioner of corrections or local corrections authority shall order a person to provide a biological specimen for the purpose of future DNA analysis as described in section 299C.155 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 initially charged with committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, and was convicted of that offense or of any felony offense arising out of the same set of circumstances; or

(2) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, or of any felony offense arising out of the same set of circumstances if the person was initially charged with committing or attempting to commit a felony offense not described in section 609.117, subdivision 1.

The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

(c) From July 1, ~~2002~~ 2003, to June 30, ~~2003~~ 2005, when the state accepts an offender from another state under the interstate compact authorized by section 243.16 or 243.1605, the acceptance is conditional on the offender providing a biological specimen for the purposes of future DNA analysis as described in section 299C.155, if the offender was initially charged with committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, and was convicted of that offense or of any felony offense arising out of the same set of circumstances. The specimen must be provided under supervision of staff from the department of corrections or a Community Corrections Act county within 15 business days after the offender reports to the supervising agent. The cost of obtaining the biological specimen is the responsibility of the agency providing supervision.

[EFFECTIVE DATE.] This section is effective July 1, 2003 and applies to offenders sentenced, released from incarceration, or accepted for supervision on or after that date.

Sec. 21. [REPEALER.]

Minnesota Statutes 2002, section 123B.73 is repealed.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

ARTICLE 5

CORRECTIONS POLICY PROVISIONS

Section 1. Minnesota Statutes 2002, section 241.016, subdivision 1, is amended to read:

Subdivision 1. ~~[ANNUAL BIENNIAL REPORT.]~~ (a) The department of corrections shall submit a performance report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding by January 15 ~~of each year,~~ 2005, and every other year thereafter. The issuance and content of the report must include the following:

(1) department strategic mission, goals, and objectives;

(2) the department-wide per diem, adult facility-specific per diems, and an average per diem, reported in a standard calculated method as outlined in the departmental policies and procedures; and

(3) department annual statistics as outlined in the departmental policies and procedures.

(b) The department shall maintain recidivism rates for adult facilities on an annual basis. In addition, each year the department shall, on an alternating basis, complete a recidivism analysis of adult facilities, juvenile services, and the community services divisions and include a three-year recidivism analysis in the report described in paragraph (a). When appropriate, the recidivism analysis must include education programs, vocational programs, treatment programs, industry, and employment.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 243.53, subdivision 1, is amended to read:

Subdivision 1. [SEPARATE CELLS.] (a) When there are sufficient cells available, each inmate shall be confined in a separate cell. Each inmate shall be confined in a separate cell in institutions classified by the commissioner as custody level ~~five and six~~ institutions. ~~This requirement does not apply to the following:~~

~~(1) geriatric dormitory type facilities;~~

~~(2) honor dormitory type facilities; and~~

~~(3) any other multiple occupancy facility at a custody level five or six institution that confines inmates who could be confined in an institution at custody level four or lower.~~

(b) Correctional institutions classified by the commissioner as custody level one, two, three, ~~or four,~~ or five institutions, to the greatest extent possible, must permit multiple occupancy, within the limits of the facility infrastructure and programming space, except segregation units, ~~to the greatest extent possible.~~

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 3. [243.557] [INMATE FOOD.]

Where inmates in a state correctional facility are not routinely absent from the facility for work or other purposes, the commissioner, to the extent possible, must make three meals available Monday through Friday, excluding holidays, and two meals available on Saturdays, Sundays, and holidays.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 4. [244.175] [PRIVATE, NONPROFIT FAITH-BASED INSTITUTION PROGRAM.]

Subdivision 1. [DEFINITIONS.] (a) The terms in this subdivision apply to this section.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

Subd. 2. [GENERALLY.] An inmate who meets the eligibility requirements of subdivision 2 may apply to spend the final 12 to 16 months of the inmates remaining term of imprisonment in a correctional institution operated by a private, nonprofit faith-based organization.

Subd. 3. [ELIGIBILITY.] Any inmate who has fewer than 24 months of a remaining term of imprisonment may apply to the commissioner for a transfer to a private, nonprofit faith-based, licensed correctional institution for the final 12 to 16 months of the inmate's remaining term of imprisonment.

Subd. 4. [COMMISSIONER'S AUTHORITY.] The commissioner may establish guidelines for inmate participation. The commissioner may refuse an application by an inmate to transfer to a private, nonprofit faith-based institution without cause. The commissioner's decision is final and nonreviewable.

Subd. 5. [ELIGIBLE ORGANIZATION.] The commissioner may establish guidelines for an organization to be eligible to incarcerate inmates under this section. At a minimum, the organization must be licensed to operate a correctional facility under section 241.021. The commissioner's guidelines must be neutral as to the religious affiliation, if any, of the organization.

Subd. 6. [ORGANIZATION'S AUTHORITY.] An organization that operates a private, nonprofit faith-based program has the right to refuse to accept any applicant without cause. The organization's decision is final and nonreviewable.

Subd. 7. [PER DIEM.] The department shall pay an organization that incarcerates an inmate under this section a per diem amount no larger than the per diem cost to the department to incarcerate the inmate. The per diem is non-negotiable. Participating organizations must keep a separate account for public per diem funds received from the department of corrections. This fund must be subject to review by the department of corrections and the legislature. No portion of the state funding may be used by a participating organization to fund religious programming.

Sec. 5. Minnesota Statutes 2002, section 609.105, subdivision 1, is amended to read:

Subdivision 1. In a felony sentence to imprisonment, when the remaining term of imprisonment is for more than one year 180 days or less, the defendant shall ~~commit the defendant~~ be committed to the custody of the commissioner of corrections and must serve the remaining term of imprisonment at a workhouse, work farm, county jail, or other place authorized by law.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 6. Minnesota Statutes 2002, section 609.105, is amended by adding a subdivision to read:

Subd. 1a. [DEFINITIONS.] (a) The terms in this subdivision apply to this section.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 7. Minnesota Statutes 2002, section 609.105, is amended by adding a subdivision to read:

Subd. 1b. [SENTENCE TO MORE THAN 180 DAYS.] A felony sentence to imprisonment when the warrant of commitment has a remaining term of imprisonment for more than 180 days shall commit the defendant to the custody of the commissioner of corrections.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 8. [641.015] [PLACEMENT IN PRIVATE PRISONS AUTHORIZED.]

If there is insufficient capacity in a county jail, the county board may authorize the sheriff to contract with private prisons for the care, custody, and rehabilitation of offenders for whom there is insufficient space.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 9. Minnesota Statutes 2002, section 641.14, is amended to read:

641.14 [JAILS; SEPARATION OF PRISONERS.]

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

(1) a minor under 18 years old and a prisoner who is 18 years old or older, unless:

(i) the minor has been committed to the commissioner of corrections under section 609.105;

(ii) the minor has been referred for adult prosecution and the prosecuting authority has filed a notice of intent to prosecute the matter for which the minor is being held under section 260B.125; or

(iii) the minor is 16 or 17 years old and has been indicted for murder in the first degree;

(2) a female prisoner and a male prisoner; and

(3) a minor under 18 years old and an extended jurisdiction juvenile 18 years old or older who is alleged to have violated the conditions of the stay of execution.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 10. Minnesota Statutes 2002, section 641.263, is amended by adding a subdivision to read:

Subd. 5. [MULTIPLE OCCUPANCY CELLS.] If construction of the jail permits, the board may, by resolution, authorize multiple occupancy, but the superintendent must maintain strict separation of prisoners to the extent that separation is necessary to ensure prisoners' security, safety, health, and welfare.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 11. Minnesota Statutes 2002, section 641.263, is amended by adding a subdivision to read:

Subd. 6. [PLACEMENT IN PRIVATE PRISONS AUTHORIZED.] If there is insufficient capacity in a regional jail, the board may contract with private prisons for the care, custody, and rehabilitation of offenders for whom there is insufficient space.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 12. [PRIVATIZATION PROPOSALS.]

(a) The commissioner of corrections, in consultation with the commissioner of administration, must issue a request for proposals by September 1, 2003, for one or more vendors to provide correctional facility or facilities, for persons committed to the commissioner of corrections on or after July 1, 2006. The request for proposals issued under this section must relate to the care, custody, and programming for all of state or county housed offenders with remaining term of imprisonment of less than 365 days. The commissioner may consider proposals from:

(1) private vendors with facilities either within or outside of Minnesota;

(2) consortia of counties;

(3) nonprofit entities;

(4) Camp Ripley;

(5) regional treatment centers; or

(6) any other state partnerships.

(b) The commissioner must consider the following factors in issuing the request for proposals:

(1) type and length of programming for offenders serving less than one year;

(2) the transport of offenders to and from the proposed facility;

(3) detailed current and future costs and per diems associated with the proposed facility;

(4) admission and release procedures of the proposed facility;

(5) insurance of the proposed vendor; and

(6) other factors deemed appropriate for consideration by the commissioner of corrections.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 13. [PRISON PRIVATIZATION ADVISORY COMMITTEE.]

Subdivision 1. [CREATION; MEMBERSHIP.] The commissioner of corrections shall convene an advisory committee to review and make recommendations on the prison privatization proposals received pursuant to section 11. The advisory group shall consist of the:

(1) commissioner of corrections or the commissioner's designee;

(2) deputy commissioner of corrections who has supervision and control over correctional facilities;

(3) commissioner of administration or the commissioner's designee;

(4) executive director of the Minnesota sheriff's association or the director's designee;

(5) two members from the house of representatives, one a majority member and one a minority member, appointed by the speaker of the house; and

(6) two members from the senate, one a majority member and one a minority member, appointed by the president of the senate.

Subd. 2. [CHAIRPERSONS.] The appointed majority members of the house and senate shall co-chair the advisory group.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 14. [COST-EFFECTIVENESS STUDY; PRISON PRIVATIZATION.]

By February 1, 2004, the commissioner of corrections shall report to the chairs and ranking minority members of the legislative committees having jurisdiction over corrections and judiciary policy and finance on the proposals obtained pursuant to section 11 and the recommendations from the advisory group created in section 12.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 15. [CREATION OF PRETRIAL DIVERSION STUDY GROUP.]

The Sentencing Guidelines Commission shall convene a work group of criminal justice professionals to study and make recommendations on the equitable use of pretrial diversion in each county to accomplish the following goals:

(1) to provide eligible offenders with an alternative to confinement and a criminal conviction;

(2) to reduce the costs and caseload burdens on the criminal justice system;

(3) to minimize recidivism among diverted offenders;

(4) to promote the collection of restitution to the victim of the offender's crime; and

(5) to develop responsible alternatives to the criminal justice system for eligible offenders.

The Sentencing Guidelines Commission shall report to the chairs and ranking minority members of the committees having jurisdiction over criminal justice policy and funding on February 1, 2004.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 16. [REPEALER.]

Laws 2002, chapter 220, article 6, section 6, is repealed.

Minnesota Statutes 2002, section 241.41; 241.42; 241.43; 241.44; 241.441; and 241.45, are repealed.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 17. [EXPIRATION.]

Sections 5, 6, and 7 expire on July 1, 2007.

ARTICLE 6

PROBATION

Section 1. [244.196] [DEFINITIONS.]

Subdivision 1. [DEFINITIONS.] As used in sections 244.196 to 244.199, the following terms have the meanings given them.

Subd. 2. [PROBATION.] "Probation" has the meaning given in section 609.02, subdivision 15.

Subd. 3. [PROBATION VIOLATION SANCTION.] "Probation violation sanction" includes, but is not limited to, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, chemical dependency or mental health treatment or counseling, community work service, remote electronic alcohol monitoring, random drug testing, and participation in an educational or restorative justice program. A probation violation sanction does not include any type of custodial sanction, including, but not limited to, detention and incarceration.

Subd. 4. [SANCTIONS CONFERENCE.] "Sanctions conference" means a voluntary conference at which the county probation officer, offender, and, if appropriate, other interested parties meet to discuss the probation violation sanction for the offender's technical violation of probation.

Subd. 5. [SANCTIONS CONFERENCE FORM.] "Sanctions conference form" means a form developed by the chief executive officer of a local corrections agency with the approval of the district court that explains the sanctions conference and the offender's option to elect to participate in the sanctions conference or to proceed to a judicial hearing.

Subd. 6. [TECHNICAL VIOLATION.] "Technical violation" means any violation of a court order of probation, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

Sec. 2. [244.197] [INITIATION OF SANCTIONS CONFERENCE.]

Subdivision 1. [AUTHORITY.] Unless the district court directs otherwise, a probation agency may use a sanctions conference to address an offender's technical violation of probation.

Subd. 2. [NOTICE OF VIOLATION.] When a probation agency has reason to believe that an offender has committed a technical violation of probation, the agency shall notify the offender in writing of the specific nature of the technical violation and the scheduling of a sanctions conference, including the date, time, and location of the sanctions conference. The notice shall also state that if the offender fails to appear at the sanctions conference, the probation agency may apprehend and detain the offender under section 244.195 and ask the court to commence revocation proceedings under section 609.14 and rule 27.04 of the Rules of Criminal Procedure. To the extent feasible, the sanctions conference must take place within seven days of mailing of the notice to the offender.

Subd. 3. [SANCTIONS CONFERENCE.] At the sanctions conference, the county probation officer shall provide the offender with a copy of a sanctions conference form explaining the sanctions conference and the offender's options for proceeding. The offender must stipulate, in writing, that the offender has received a copy of the sanctions conference form and that the offender understands the information contained in the form and the options available to the offender. The offender also must declare, in writing, the offender's decision to either participate in the sanctions conference or proceed with a judicial hearing.

Sec. 3. [244.198] [PARTICIPATION IN SANCTIONS CONFERENCE.]

Subdivision 1. [ELECTION TO PARTICIPATE.] If the offender elects to participate in the sanctions conference, the county probation officer shall inform the offender, orally and in writing, of the probation violation sanction that the county probation officer is recommending for the technical violation of probation. The county probation officer shall inform the offender that the probation violation sanction becomes effective upon confirmation by a judge of the district court.

Subd. 2. [REPORT TO DISTRICT COURT.] If the offender elects to participate in the sanctions conference, the county probation officer conducting the sanctions conference shall provide a report to the district court containing:

(1) the specific nature of the technical violation of probation;

(2) the notice provided to the offender of the technical violation of probation and the scheduling of the sanctions conference;

(3) a copy of the offender's signed stipulation indicating that the offender received a copy of the sanctions conference form and understood it;

(4) a copy of the offender's written declaration to participate in the sanctions conference; and

(5) the recommended probation violation sanction.

The recommended probation violation sanction becomes effective when confirmed by a judge. The order of the court shall be proof of such confirmation.

Subd. 3. [RESPONSE TO DISTRICT COURT ACTION.] (a) Upon the county probation officer's receipt of a confirmed order by the judge, the county probation officer shall notify the offender in writing that the probation violation sanction has been approved by the court.

(b) If the court does not confirm the recommendation of the county probation officer, the probation violation sanction shall not go into effect. The county probation officer shall notify the offender that the court has not confirmed the sanction.

(c) If the court does not confirm the recommendation, the county probation officer may ask the court to commence revocation proceedings under section 609.14.

Subd. 4. [APPEAL.] An offender may appeal the judge's confirmation of the probation violation sanction as provided in rule 28.05 of the Rules of Criminal Procedure.

Sec. 4. [244.199] [ELECTION NOT TO PARTICIPATE.]

If the offender elects not to participate in the sanctions conference, the county probation officer may ask the court to initiate revocation proceedings or refer the matter to the appropriate prosecuting authority for action under section 609.14. The county probation officer also may take action to apprehend and detain the offender under section 244.195.

Sec. 5. Minnesota Statutes 2002, section 609.135, subdivision 1, is amended to read:

Subdivision 1. [TERMS AND CONDITIONS.] (a) Except when a sentence of life imprisonment is required by law, or when a mandatory minimum sentence is required by section 609.11, any court may stay imposition or execution of sentence and:

(1) may order intermediate sanctions without placing the defendant on probation; or

(2) may place the defendant on probation with or without supervision and on the terms the court prescribes, including intermediate sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. Unless the court directs otherwise, state parole and probation agents and probation officers may impose community work service ~~for an offender's or probation violation sanctions~~, consistent with section 243.05, subdivision 1; ~~244.19, subdivision 3a~~ sections 244.196 to 244.199; or 401.02, subdivision 5.

No intermediate sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them.

(b) For purposes of this subdivision, subdivision 6, and section 609.14, the term "intermediate sanctions" includes but is not limited to incarceration in a local jail or workhouse, home detention, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, chemical dependency or mental health treatment or counseling, restitution, fines, day-fines, community work service, work service in a restorative justice program, work in lieu of or to work off fines and, with the victim's consent, work in lieu of or to work off restitution.

(c) A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169A.20.

Sec. 6. [SANCTIONS CONFERENCE PROCEDURES.]

The chief executive officer of a local corrections agency, with approval of the district court, shall develop procedures for the sanctions conference identified in Minnesota Statutes, sections 244.196 to 244.199, and develop a sanctions conference form that includes notice to the offender:

(1) of the specific court-ordered condition of release that the offender has allegedly violated, the probation officer's authority to ask the court to revoke the offender's probation for the technical violation, and the offender's right to elect to participate in a sanctions conference to address the technical violation in lieu of the probation officer asking the court to revoke the offender's probation;

(2) that participation in the sanctions conference is in lieu of a court hearing under Minnesota Statutes, section 609.14, and that, if the offender elects to participate in the sanctions conference, the offender must admit, or agree not to contest, the alleged technical violation and must waive the right to contest the violation at a judicial hearing, present evidence, call witnesses, cross-examine the state's witnesses, and be represented by counsel;

(3) that, if the offender chooses, the offender has a right to a hearing before the court under Minnesota Statutes, section 609.14, for a determination of whether the offender committed the alleged violation, including the right to be present at the hearing, to cross-examine witnesses, to have witnesses subpoenaed for the offender, to have an attorney present or to have an attorney appointed if the offender cannot afford one, and to require the state to prove the allegations against the offender;

(4) that if, after a hearing, the court finds the violations have been proven, the court may continue the sentence, subject to the same, modified, or additional conditions, or order a sanction that may include incarceration, additional fines, revocation of the stay of sentence, imposition of sentence, or other sanctions;

(5) that the decision to participate in the sanctions conference will not result in the probation officer recommending revocation of the offender's stay of sentence, unless the offender fails to successfully complete the probation violation sanction;

(6) that various types of probation violation sanctions may be imposed and that the probation violation sanctions imposed on the offender will depend on the nature of the technical violation, the offender's criminal history, and the offender's level of supervision;

(7) that the probation violation sanctions supplement any existing conditions of release; and

(8) that participation in the sanctions conference requires completion of all probation violation sanctions imposed by the probation agency, and that failure to successfully complete the imposed probation violation sanctions could result in additional sanctions or the commencement of revocation proceedings under Minnesota Statutes, section 609.14.

Sec. 7. [REPEALER.]

Minnesota Statutes 2002, section 244.19, subdivision 3a, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective August 1, 2003, and apply to technical violations of probation that occur on or after that date.

ARTICLE 7

JUVENILE LAW POLICY

Section 1. Minnesota Statutes 2002, section 260B.105, subdivision 1, is amended to read:

Subdivision 1. [VENUE.] Except where otherwise provided, venue for any proceedings under section 260B.101 shall be in the county where the child is found, or the county of the child's residence. If delinquency, a juvenile petty offense, or a juvenile traffic offense is alleged, proceedings shall be brought in the county of residence or the county where the alleged delinquency, juvenile petty offense, or juvenile traffic offense occurred.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2002, section 260B.105, subdivision 2, is amended to read:

Subd. 2. [TRANSFER.] The judge of the juvenile court may transfer any proceedings brought under section 260B.101, to the juvenile court of a county having venue as provided in subdivision 1, ~~at any stage of the proceedings and~~ in the following manner. When it appears that the best interests of the child, society, or the convenience of proceedings will be served by a transfer, the court may transfer the case to the juvenile court of the county of the child's residence. With the consent of the receiving court, the court may also transfer the case to the juvenile court of the county where the child is found ~~or~~. If delinquency, a juvenile petty offense, or a juvenile traffic offense is alleged, ~~to the county where the alleged delinquency, juvenile petty offense, or juvenile traffic offense occurred~~ the court shall first hear the case and then may transfer the case to the juvenile court of the county of the child's residence for disposition after a finding or admission of guilt. The court transfers the case by ordering

a continuance and by forwarding to the court administrator of the appropriate juvenile court a certified copy of all papers filed, together with an order of transfer. ~~The judge of the receiving court may accept the findings of the transferring court or may direct the filing of a new petition or notice under section 260B.007, subdivision 18, or 260B.143 and hear the case anew.~~

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2002, section 260B.125, subdivision 8, is amended to read:

Subd. 8. [WRITTEN FINDINGS; OPTIONS.] The court shall decide whether to order certification within 15 days after the certification hearing was completed, unless additional time is needed, in which case the court may extend the period up to another 15 days. If the juvenile court orders certification, and the presumption described in subdivision 3 does not apply, the order shall contain in writing, findings of fact and conclusions of law as to why public safety is not served by retaining the proceeding in the juvenile court. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order certification, the decision shall contain, in writing, findings of fact and conclusions of law as to why certification is not ordered. If the delinquency petition was filed before July 1, 2003, and the juvenile court decides not to order certification in a case in which the presumption described in subdivision 3 applies, the court shall designate the proceeding an extended jurisdiction juvenile prosecution and include in its decision written findings of fact and conclusions of law as to why the retention of the proceeding in juvenile court serves public safety, with specific reference to the factors listed in subdivision 4. If the delinquency petition was filed before July 1, 2003, and the court decides not to order certification in a case in which the presumption described in subdivision 3 does not apply, the court may designate the proceeding an extended jurisdiction juvenile prosecution, pursuant to the hearing process described in section 260B.130, subdivision 2.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 4. Minnesota Statutes 2002, section 260B.130, subdivision 1, is amended to read:

Subdivision 1. (a) [AVAILABILITY.] Extended jurisdiction juvenile prosecution cannot be used for crimes charged or delinquency petitions filed after July 1, 2003. Persons receiving an extended juvenile jurisdiction adjudication for crimes charged or delinquency petitions filed before July 1, 2003, shall complete their sentence as extended jurisdiction juveniles.

(b) [DESIGNATION.] A proceeding involving a child alleged to have committed a felony offense is an extended jurisdiction juvenile prosecution if:

(1) the child was 14 to 17 years old at the time of the alleged offense, a certification hearing was held, and the court designated the proceeding an extended jurisdiction juvenile prosecution;

(2) the child was 16 or 17 years old at the time of the alleged offense; the child is alleged to have committed an offense for which the sentencing guidelines and applicable statutes presume a commitment to prison or to have committed any felony in which the child allegedly used a firearm; and the prosecutor designated in the delinquency petition that the proceeding is an extended jurisdiction juvenile prosecution; or

(3) the child was 14 to 17 years old at the time of the alleged offense, the prosecutor requested that the proceeding be designated an extended jurisdiction juvenile prosecution, a hearing was held on the issue of designation, and the court designated the proceeding an extended jurisdiction juvenile prosecution.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 5. Minnesota Statutes 2002, section 260B.141, subdivision 4, is amended to read:

Subd. 4. [DELINQUENCY PETITION; EXTENDED JURISDICTION JUVENILE.] When a prosecutor files a delinquency petition before July 1, 2003, alleging that a child committed a felony offense for which there is a presumptive commitment to prison according to the sentencing guidelines and applicable statutes or in which the child used a firearm, after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a delinquency petition before July 1, 2003, alleging that a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding an extended jurisdiction juvenile prosecution.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 6. Minnesota Statutes 2002, section 260B.143, subdivision 1, is amended to read:

Subdivision 1. [NOTICE.] When a peace officer has probable cause to believe that a child:

(1) is a juvenile petty offender; or

(2) has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult,

the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found ~~or in the county of the child's residence or, in the case of a juvenile petty offense, or a petty misdemeanor or misdemeanor delinquent act, the county in which the offense was committed~~ is alleged to have committed the offense. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260B.175 and 260B.176 shall apply.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to offenses committed on or after that date.

Sec. 7. Minnesota Statutes 2002, section 260B.193, subdivision 5, is amended to read:

Subd. 5. [TERMINATION OF JURISDICTION.] (a) The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so.

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

(c) The juvenile court has jurisdiction to ~~designate the proceeding an extended jurisdiction juvenile prosecution, to hold a certification hearing, or to conduct a trial, or receive a plea, or impose a disposition under section 260B.130, subdivision 4,~~ if:

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

(2) a petition is filed under section 260B.141 before expiration of the time for filing under section 628.26 and before the adult's 21st birthday.

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

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

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

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

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

(e) The juvenile court has jurisdiction over a person who has been adjudicated delinquent, has been found to have committed a delinquent act, or has been charged by juvenile petition until the person's 21st birthday if the person fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under a juvenile court order. The juvenile court has jurisdiction over a convicted extended jurisdiction juvenile who fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under section 260B.130, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 8. Minnesota Statutes 2002, section 260C.163, subdivision 5, is amended to read:

Subd. 5. [GUARDIAN AD LITEM.] (a) The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that the minor's parent is a minor or incompetent, or that the parent or guardian is indifferent or hostile to the minor's interests, and in every proceeding alleging a child's need for protection or services under section 260C.007, subdivision 6, except proceedings where the sole allegation is that the child is a runaway or habitual truant. In any other case the court may appoint a guardian ad litem to protect the interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court. The court may appoint separate counsel for the guardian ad litem if necessary.

(b) A guardian ad litem shall carry out the following responsibilities:

(1) conduct an independent investigation to determine the facts relevant to the situation of the child and the family, which must include, unless specifically excluded by the court, reviewing relevant documents; meeting with and observing the child in the home setting and considering the child's wishes, as appropriate; and interviewing parents, caregivers, and others with knowledge relevant to the case;

(2) advocate for the child's best interests by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;

(3) maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child;

(4) monitor the child's best interests throughout the judicial proceeding; and

(5) present written reports on the child's best interests that include conclusions and recommendations and the facts upon which they are based.

(c) Except in cases where the child is alleged to have been abused or neglected, the court may waive the appointment of a guardian ad litem pursuant to clause (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise, and the court is satisfied that the interests of the minor are protected.

(d) In appointing a guardian ad litem pursuant to clause (a), the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260C.141.

(e) The following factors shall be considered when appointing a guardian ad litem in a case involving an Indian or minority child:

(1) whether a person is available who is the same racial or ethnic heritage as the child or, if that is not possible;

(2) whether a person is available who knows and appreciates the child's racial or ethnic heritage.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to offenses committed on or after that date.

Sec. 9. Minnesota Statutes 2002, section 609.055, subdivision 2, is amended to read:

Subd. 2. [ADULT PROSECUTION.] (a) Except as otherwise provided in paragraph (b), children of the age of 14 years or over but under 18 years may be prosecuted for a felony offense if the alleged violation is duly certified for prosecution under the laws and court procedures controlling adult criminal violations or, if charged before July 1, 2003, may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 60B. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

(1) the child has been previously certified on a felony charge pursuant to a hearing under section 260B.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and

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

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

[EFFECTIVE DATE.] This section is effective July 1, 2003.

ARTICLE 8

CRIMINAL JUSTICE

Section 1. Minnesota Statutes 2002, section 152.021, subdivision 2a, is amended to read:

Subd. 2a. [MANUFACTURE CRIMES.] (a) Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine.

(b) Notwithstanding paragraph (a) and section 609.17, a person is guilty of attempted manufacture of methamphetamine if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine. As used in this section, "chemical reagents or precursors" refers to one or more of the following substances, or their salts, isomers, and salts of isomers:

- (1) ephedrine;
- (2) pseudoephedrine;
- (3) phenyl-2-propanone;
- (4) phenylacetone;
- (5) anhydrous ammonia, as defined in section 18C.005, subdivision 1a;
- (6) organic solvents;
- (7) hydrochloric acid;
- (8) lithium metal;
- (9) sodium metal;
- (10) ether;
- (11) sulfuric acid;
- (12) red phosphorus;
- (13) iodine;
- (14) sodium hydroxide;
- (15) benzaldehyde;
- (16) benzyl methyl ketone;
- (17) benzyl cyanide;
- (18) nitroethane;
- (19) methylamine;
- (20) phenylacetic acid;
- (21) hydriodic acid; or
- (22) hydriotic acid.

[EFFECTIVE DATE.] This section is effective for crimes committed on or after August 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 152.021, subdivision 3, is amended to read:

Subd. 3. [PENALTY.] (a) A person convicted under subdivisions 1 to 2a, paragraph (a), may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$500,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$500,000, or both.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2002, section 357.021, subdivision 6, is amended to read:

Subd. 6. [SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS.] (a) Until June 30, 2005, the court shall impose and the court administrator shall collect a ~~\$35~~ \$40 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. On and after July 1, 2005, the surcharge shall be \$35. 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 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 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.

[EFFECTIVE DATE.] This section is effective July 1, 2003, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2002, section 357.021, subdivision 7, is amended to read:

Subd. 7. [DISBURSEMENT OF SURCHARGES BY STATE TREASURER.] (a) Except as provided in paragraphs (b) and (c), the state treasurer shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent 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 shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The state treasurer shall credit ~~\$3~~ \$10 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~~ the general fund.

(c) In addition to any amounts credited under paragraph (a), the state treasurer shall credit ~~\$7~~ \$5 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund, until June 30, 2005.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 5. Minnesota Statutes 2002, section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.]

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

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

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

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

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

(5) causes the death of a minor while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon ~~the~~ a child and the death occurs under circumstances manifesting an extreme indifference to human life;

(6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life; or

(7) causes the death of a human being while committing, conspiring to commit, or attempting to commit a felony crime to further terrorism and the death occurs under circumstances manifesting an extreme indifference to human life.

(b) For purposes of paragraph (a), clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of the following laws of this state or any similar laws of the United States or any other state: section 609.221; 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

(c) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

(d) For purposes of paragraph (a), clause (7), "further terrorism" has the meaning given in section 609.714, subdivision 1.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2002, section 609.527, subdivision 3, is amended to read:

Subd. 3. [PENALTIES.] A person who violates subdivision 2 may be sentenced as follows:

(1) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is \$250 or less, the person may be sentenced as provided in section 609.52, subdivision 3, clause (5);

(2) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is more than \$250 but not more than \$500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (4);

(3) if the offense involves two or three direct victims or the total, combined loss to the direct and indirect victims is more than \$500 but not more than \$2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (3); ~~and~~

(4) if the offense involves ~~four or~~ more than three but not more than seven direct victims, or if the total, combined loss to the direct and indirect victims is more than \$2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (2); and

(5) if the offense involves eight or more direct victims, or if the total, combined loss to the direct and indirect victims is more than \$35,000, the person may be sentenced as provided in section 609.52, subdivision 3, clause (1).

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2002, section 609.68, is amended to read:

609.68 [UNLAWFUL DEPOSIT OF GARBAGE, LITTER, OR LIKE.]

Whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, shoreland areas adjacent to rivers or streams as defined by section 103F.205, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a petty misdemeanor.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2002, section 609.681, is amended to read:

609.681 [UNLAWFUL SMOKING.]

A person is guilty of a petty misdemeanor if the person intentionally smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier.

[EFFECTIVE DATE.] This section is effective August 1, 2003 and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2002, section 609.748, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] For the purposes of this section, the following terms have the meanings given them in this subdivision.

(a) "Harassment" includes:

~~(1) a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;~~

~~(2) targeted residential picketing; and~~

~~(3) a pattern of attending public events after being notified that the actor's presence at the event is harassing to another would cause the person to whom the acts, words, or gestures are directed, under the circumstances, to feel frightened, threatened, oppressed, persecuted, or intimidated.~~

(b) "Respondent" includes any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment.

~~(c) "Targeted residential picketing" includes the following acts when committed on more than one occasion:~~

~~(1) marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or~~

~~(2) marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.~~

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2002, section 609.748, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF PETITION; HEARING; NOTICE.] (a) A petition for relief must allege facts sufficient to show the following:

(1) the name of the alleged harassment victim;

(2) the name of the respondent; and

(3) that the respondent has engaged in harassment.

The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section and shall advise the petitioner of the right to sue in forma pauperis under section 563.01. The court shall advise the petitioner of the right to request a hearing. If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing. Upon receipt of the petition and a request for a hearing by the petitioner, the court shall order a hearing, ~~which must be held not later than 14 days from the date of the order.~~ Personal service must be made upon the respondent not less than five days before the hearing. If personal service cannot be completed in time to give the respondent the minimum notice required under this paragraph, the court may set a new hearing date. Nothing in this section shall be construed as requiring a hearing on a matter that has no merit.

(b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued under subdivision 4 may be served on the respondent by means of a one-week published notice under section 645.11, if:

(1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise; and

(2) a copy of the petition and order for hearing and any temporary restraining order has been mailed to the respondent at the respondent's residence or place of business, if the respondent is an organization, or the respondent's residence or place of business is not known to the petitioner.

(c) Regardless of the method of service, if the respondent is a juvenile, whenever possible, the court also shall have notice of the pendency of the case and of the time and place of the hearing served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2002, section 609.748, subdivision 4, is amended to read:

Subd. 4. [TEMPORARY RESTRAINING ORDER.] (a) The court may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment. When a petition alleges harassment as defined by subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and present danger of harassment before the court may issue a temporary restraining order under this section.

(b) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. A copy of the restraining order must be served on the respondent along with the order for hearing and petition, as provided in subdivision 3. If the respondent is a juvenile, whenever possible, a copy of the restraining order, along with notice of the pendency of the case and the time and place of the hearing, shall also be served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order ~~within 14 days after the temporary restraining order is issued unless (1) the time period is extended upon written consent of the parties; or (2) the time period is extended if the petitioner requests a hearing. The hearing may be continued by the court for one additional 14-day period~~ upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence or if service is made by published notice under subdivision 3 and the petitioner files the affidavit required under that subdivision.

(d) If the temporary restraining order has been issued and the respondent requests a hearing, the hearing shall be scheduled by the court upon receipt of the respondent's request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of the hearing upon the petitioner by mail in the manner provided in the rules of civil procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2002, section 609.748, subdivision 5, is amended to read:

Subd. 5. [RESTRAINING ORDER.] (a) The court may grant a restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) the sheriff has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the ~~time and place of the right to request~~ a hearing, or service has been made by publication under subdivision 3, paragraph (b); and

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition; except that if the respondent is an organization, the order may be issued against and apply to all of the members of the organization. Relief granted by the restraining order must be for a fixed period of not more than two years. When a referee presides at the hearing on the petition, the restraining order becomes effective upon the referee's signature.

(b) An order issued under this subdivision must be personally served upon the respondent.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 13. [SENTENCING GUIDELINES MODIFICATIONS REQUIRED; AGGRAVATING FACTOR; IDENTITY THEFT.]

By August 1, 2003, the sentencing guidelines commission shall modify Minnesota Sentencing Guidelines, section II.D., by adding to the list of the aggravating factors that may be used as a basis for a sentencing departure, the offender's use of another's identity without authorization to commit a crime. This aggravating factor may not be used when the use of another's identity is an element of the offense.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 14. [REPEALER.]

Minnesota Statutes 2002, section 152.135, subdivision 4, is repealed.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

ARTICLE 9

DRIVING WHILE IMPAIRED PROVISIONS

Section 1. Minnesota Statutes 2002, section 169A.03, subdivision 21, is amended to read:

Subd. 21. [PRIOR IMPAIRED DRIVING-RELATED LOSS OF LICENSE.] (a) "Prior impaired driving-related loss of license" includes a driver's license suspension, revocation, cancellation, denial, or disqualification under:

(1) section 169A.31 (alcohol-related school bus or Head Start bus driving); 169A.50 to 169A.53 (implied consent law); 169A.54 (impaired driving convictions and adjudications; administrative penalties); 171.04 (persons not eligible for drivers' licenses); 171.14 (cancellation); 171.16 (court may recommend suspension); 171.165 (commercial driver's license, disqualification); 171.17 (revocation); or 171.18 (suspension); because of an alcohol-related incident;

(2) section 609.21 (criminal vehicular homicide and injury, substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6);

(3) Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or controlled substance); 169.1211 (alcohol-related driving by commercial vehicle drivers); or 169.123 (chemical tests for intoxication); or

(4) an ordinance from this state, or a statute or ordinance from another state, in conformity with any provision listed in clause (1), (2), or (3).

(b) "Prior impaired driving-related loss of license" also includes the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.911 (chemical testing), or motorboat operating privileges under section 86B.335 (testing for alcohol and controlled substances), for violations that occurred on or after August 1, 1994; the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.91 (operation of snowmobiles and all-terrain vehicles by persons under the influence of alcohol or controlled substances); or the revocation of motorboat operating privileges under section 86B.331 (operation while using alcohol or drugs or with a physical or mental disability).

(c) "Prior impaired driving-related loss of license" does not include any license action stemming solely from a violation of section 169A.33 (underage drinking and driving), 171.09 (conditions of a restricted license), or 340A.503 (persons under the age of 21, illegal acts).

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 2. Minnesota Statutes 2002, section 169A.03, is amended by adding a subdivision to read:

Subd. 5a. [CONTROL ANALYSIS.] "Control analysis" means a procedure involving a solution that yields a predictable alcohol concentration reading.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 3. [169A.06] [CLARIFYING LEGISLATIVE INTENT.]

During the year 2000 recodification of Minnesota's impaired driving statutes, now codified in Minnesota Statutes 2002, chapter 169A, it was the intention of the legislature to continue the policy of accountability for previous convictions of impaired driving-related offenses and previous impaired driving-related driver's license actions.

Specifically, it was the intention of the legislature to count as aggravating factors all qualified prior impaired driving incidents occurring within the past ten years of an incident for purposes of any criminal or civil sanctions under Minnesota Statutes 2002, chapter 169A, whether a prior incident occurred before, during, or after 1998 or 1996. The references to "Minnesota Statutes 1998" and "Minnesota Statutes 1996" in Minnesota Statutes 2002, section 169A.03, subdivisions 20 and 21, follow standard editorial practice in drafting legislation and are used to refer the reader to the most recent printing of Minnesota statutes that contained the relevant provisions of statute as they existed prior to recodification, and are not intended to limit the look-back period.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 4. Minnesota Statutes 2002, section 169A.20, subdivision 2, is amended to read:

Subd. 2. [REFUSAL TO SUBMIT TO CHEMICAL TEST CRIME.] It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 169A.51 (chemical tests for intoxication), or 169A.52 (test refusal or failure; revocation of license).

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 5. Minnesota Statutes 2002, section 169A.25, subdivision 1, is amended to read:

Subdivision 1. [DEGREE DESCRIBED.] (a) A person who violates section 169A.20, subdivision 1 (driving while impaired crime), is guilty of second-degree driving while impaired if two or more aggravating factors were present when the violation was committed.

(b) A person who violates section 169A.20, subdivision 2 (refusal to submit to chemical test crime), is guilty of second-degree driving while impaired if one aggravating factor was present when the violation was committed.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 6. Minnesota Statutes 2002, section 169A.26, subdivision 1, is amended to read:

Subdivision 1. [DEGREE DESCRIBED.] (a) A person who violates section 169A.20, subdivision 1 (driving while impaired crime), is guilty of third-degree driving while impaired if one aggravating factor was present when the violation was committed.

(b) A person who violates section 169A.20, subdivision 2 (refusal to submit to chemical test crime), is guilty of third-degree driving while impaired.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 7. Minnesota Statutes 2002, section 169A.27, subdivision 1, is amended to read:

Subdivision 1. [DEGREE DESCRIBED.] A person who violates section 169A.20, subdivision 1 (driving while impaired crime), is guilty of fourth-degree driving while impaired.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 8. Minnesota Statutes 2002, section 169A.275, subdivision 3, is amended to read:

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; or

(3) a program of staggered sentencing involving a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively 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.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 9. Minnesota Statutes 2002, section 169A.275, subdivision 4, is amended to read:

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; or

(3) a program of staggered sentencing involving a minimum of one year of incarceration, at least 60 days of which must be served consecutively 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 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.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 10. Minnesota Statutes 2002, section 169A.275, is amended by adding a subdivision to read:

Subd. 6. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given.

(b) "Staggered sentencing" means a sentencing procedure in which the court sentences a person convicted of a gross misdemeanor or felony violation of section 169A.20 (driving while impaired) to an executed sentence of incarceration in a local correctional facility, to be served in equal segments in three or more consecutive years. Before reporting for any subsequent segment of incarceration after the first segment, the offender shall be regularly involved in a structured sobriety group and may bring a motion before the court requesting to have that segment of incarceration stayed. The motion must be brought before the same judge who initially pronounced the sentence. Before bringing the motion, the offender shall participate for 30 days in a remote electronic alcohol-monitoring program under the direction of the person's probation agent. It is within the court's discretion to stay the second or subsequent segment of remote electronic alcohol monitoring or incarceration that has previously been ordered. The court shall consider any alcohol-monitoring results and the recommendation of the probation agent, together with any other factors deemed relevant by the court, in deciding whether to modify the sentence by ordering a stay of the next following segment of remote electronic alcohol monitoring or incarceration that the court had initially ordered to be executed.

(c) When the court stays a segment of incarceration that it has previously ordered to be executed, that portion of the sentence must be added to the total number of days the defendant is subject to serving in custody if the person subsequently violates any of the conditions of that stay of execution.

(d) A structured sobriety group is an organization that has regular meetings focusing on sobriety and includes, but is not limited to, Alcoholics Anonymous.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 11. Minnesota Statutes 2002, section 169A.40, subdivision 3, is amended to read:

Subd. 3. ~~[FIRST DEGREE AND SECOND DEGREE CERTAIN 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, and the person must be detained until the person's first court appearance, if the officer has reason to believe that the violation occurred:

(1) under the circumstances described in section 169A.24 (first-degree driving while impaired) or 169A.25 (second-degree driving while impaired);

(2) under the circumstances described in section 169A.26 (third-degree driving while impaired) if the person is under the age of 19;

(3) in the presence of an aggravating factor described in section 169A.03, subdivision 3, clause (2) or (3); or

(4) while the person's driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (10) (persons not eligible for drivers' licenses, inimical to public safety).

~~The person shall be detained until the person's first court appearance.~~

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 12. Minnesota Statutes 2002, section 169A.44, is amended to read:

169A.44 [CONDITIONAL RELEASE.]

Subdivision 1. [NONFELONY VIOLATIONS.] (a) This ~~section~~ subdivision applies to a person charged with:

~~(1) a nonfelony violation of section 169A.20 (driving while impaired) within ten years of the first of two or more prior impaired driving convictions;~~

~~(2) a violation of section 169A.20, if the person is under the age of 19 years and has previously been convicted of violating section 169A.20 or Minnesota Statutes 1998, section 169.121 (driver under the influence of alcohol or controlled substance);~~

~~(3) a violation of section 169A.20, while the person's driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (10) (persons not eligible for drivers' licenses, inimical to public safety); or~~

~~(4) a violation of section 169A.20 by a person having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense under circumstances described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).~~

(b) Unless maximum bail is imposed under section 629.471, a person described in paragraph (a) may be released from detention only if the person agrees to:

(1) abstain from alcohol; and

(2) submit to a program of electronic alcohol monitoring, involving at least daily measurements of the person's alcohol concentration, pending resolution of the charge.

Clause (2) applies only when electronic alcohol-monitoring equipment is available to the court. The court shall require partial or total reimbursement from the person for the cost of the electronic alcohol-monitoring, to the extent the person is able to pay.

~~(c) Unless maximum bail is imposed under section 629.471, subdivision 2,~~

Subd. 2. [FELONY VIOLATIONS.] (a) A person charged with violating section 169A.20 within ten years of the first of three or more qualified prior impaired driving ~~convictions~~ incidents may be released from detention only if the following conditions are imposed ~~in addition to the condition imposed:~~

~~(1) the conditions described in subdivision 1, paragraph (b), if applicable, and any other conditions of release ordered by the court;~~

~~(2) the impoundment of the registration plates of the vehicle used to commit the violation, unless already impounded;~~

~~(3) if the vehicle used to commit the violation was an off-road recreational vehicle or a motorboat, the impoundment of the off-road recreational vehicle or motorboat;~~

~~(4) a requirement that the person report weekly to a probation agent;~~

(4) ~~(5)~~ a requirement that the person abstain from consumption of alcohol and controlled substances and submit to random alcohol tests or urine analyses at least weekly; and

~~(5)~~ ~~(6)~~ a requirement that, if convicted, the person reimburse the court or county for the total cost of these services; and

(7) any other conditions of release ordered by the court.

(b) In addition to setting forth conditions of release under paragraph (a), if required by court rule, the court shall also fix the amount of money bail without other conditions upon which the defendant may obtain release.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 13. Minnesota Statutes 2002, section 169A.51, subdivision 5, is amended to read:

Subd. 5. [BREATH TEST USING INFRARED BREATH-TESTING INSTRUMENT.] (a) In the case of a breath test administered using an infrared breath-testing instrument, the test must consist of analyses in the following sequence: one adequate breath-sample analysis, one ~~calibration standard~~ control analysis, and a second, adequate breath-sample analysis.

(b) In the case of a test administered using an infrared breath-testing instrument, a sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

(c) For purposes of section 169A.52 (revocation of license for test failure or refusal), when a test is administered using an infrared breath-testing instrument, failure of a person to provide two separate, adequate breath samples in the proper sequence constitutes a refusal.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 14. Minnesota Statutes 2002, section 169A.53, subdivision 3, is amended to read:

Subd. 3. [HEARING; ISSUES; ORDER; APPEAL.] (a) A judicial review hearing under this section must be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing is to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169A.20 (driving while impaired), if any. The hearing must be recorded. The commissioner shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. ~~The hearing must be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review.~~ The judicial district administrator shall establish procedures to ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing is limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20 (driving while impaired)?

(2) Was the person lawfully placed under arrest for violation of section 169A.20?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169A.41 (preliminary screening test)?

(5) If the screening test was administered, did the test indicate an alcohol concentration of 0.10 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by section 169A.51, subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of 0.10 or more; or

(ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates are admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner. ~~The court shall file its order within 14 days following the hearing.~~ If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner for further action by the commissioner if the license or permit is not already in the commissioner's possession.

(f) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.

(g) The civil hearing under this section shall not give rise to an estoppel on any issues arising from the same set of circumstances in any criminal prosecution.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 15. Minnesota Statutes 2002, section 169A.54, subdivision 6, is amended to read:

Subd. 6. [APPLICABILITY OF IMPLIED CONSENT REVOCATION.] (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); or

(2) a person whose driver's license has been revoked for, or who is charged with violating, a violation of section 169A.20 (driving while impaired) with the an 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 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 described in section 169A.03, subdivision 3, clause (2) or (3).

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 16. Minnesota Statutes 2002, section 169A.60, subdivision 8, is amended to read:

Subd. 8. [REISSUANCE OF REGISTRATION PLATES.] (a) The commissioner shall rescind the impoundment order of a person subject to an order under this section, other than the violator, if:

(1) the violator had a valid driver's license on the date of the plate impoundment violation and the person files with the commissioner an acceptable sworn statement containing the following information:

(i) that the person is the registered owner of the vehicle from which the plates have been impounded under this section;

(ii) that the person is the current owner and possessor of the vehicle used in the violation;

(iii) the date on which the violator obtained the vehicle from the registered owner;

(iv) the residence addresses of the registered owner and the violator on the date the violator obtained the vehicle from the registered owner;

(v) that the person was not a passenger in the vehicle at the time of the plate impoundment violation; and

(vi) that the person knows that the violator may not drive, operate, or be in physical control of a vehicle without a valid driver's license; or

(2) the violator did not have a valid driver's license on the date of the plate impoundment violation and the person made a report to law enforcement before the violation stating that the vehicle had been taken from the person's possession or was being used without permission.

(b) A person who has failed to make a report as provided in paragraph (a), clause (2), may be issued special registration plates under subdivision 13 for a period of one year from the effective date of the impoundment order. ~~At the next registration renewal~~ Following this period, the person may apply for regular registration plates.

(c) If the order is rescinded, the owner shall receive new registration plates at no cost, if the plates were seized and destroyed.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 17. Minnesota Statutes 2002, 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 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;
- (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.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 18. [169A.78] [AIDING AND ABETTING.]

Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this chapter to be an offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of that offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter is likewise guilty of that offense.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 19. Minnesota Statutes 2002, section 609.135, subdivision 2, is amended to read:

Subd. 2. [STAY OF SENTENCE MAXIMUM PERIODS.] (a) If the conviction is for a felony other than section 609.21, subdivision 2, 2a, or 4, the stay shall be for not more than four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(b) If the conviction is for a gross misdemeanor violation of section 169A.20 or 609.21, subdivision 2b, or for a felony described in section 609.21, subdivision 2, 2a, or 4, the stay shall be for not more than six years. The court shall provide for unsupervised probation for the last year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last year.

(c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay shall be for not more than two years.

(d) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution or a fine in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution or fine the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution or a fine may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution or fine that the defendant owes.

(h) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 20. Minnesota Statutes 2002, section 629.471, is amended by adding a subdivision to read:

Subd. 4. [NOT APPLICABLE FOR FELONY DWI.] This section does not apply to persons charged with a felony violation under section 169A.20.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to violations committed on or after that date.

ARTICLE 10

PROSTITUTION

Section 1. Minnesota Statutes 2002, section 609.322, is amended by adding a subdivision to read:

Subd. 1c. [AGGREGATION OF CASES.] Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2002, section 609.324, is amended to read:

609.324 ~~[OTHER PROHIBITED ACTS]~~ OTHER PROSTITUTION CRIMES; PATRONS, PROSTITUTES, AND INDIVIDUALS HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES.

Subdivision 1. ~~[CRIME DEFINED ENGAGING IN, HIRING, OR AGREEING TO HIRE A MINOR TO ENGAGE IN PROSTITUTION; PENALTIES.]~~ (a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

(1) engages in prostitution with an individual under the age of 13 years; or

(2) hires or offers or agrees to hire an individual under the age of 13 years to engage in sexual penetration or sexual contact.

(b) Whoever intentionally does any of the following 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:

(1) engages in prostitution with an individual under the age of 16 years but at least 13 years; or

(2) hires or offers or agrees to hire an individual under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.

(c) Whoever intentionally does any of the following 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:

(1) engages in prostitution with an individual under the age of 18 years but at least 16 years; or

(2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

Subd. 1a. [~~HOUSING AN UNRELATED MINOR ENGAGED IN PROSTITUTION; PENALTIES.~~] Any person, other than one related by blood, adoption, or marriage to the minor, who permits a minor to reside, temporarily or permanently, in the person's dwelling without the consent of the minor's parents or guardian, knowing or having reason to know that the minor is engaging in prostitution 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; except that, this subdivision does not apply to residential placements made, sanctioned, or supervised by a public or private social service agency.

Subd. 2. [~~SOLICITATION IN PUBLIC PLACE OR ACCEPTANCE OF SOLICITATION TO ENGAGE IN PROSTITUTION; PENALTY.~~] Whoever solicits or accepts a solicitation to engage for hire in sexual penetration or sexual contact while in a public place 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. Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$1,500.

Subd. 3. [~~HIRE TO ENGAGE ENGAGING IN, HIRING, OR AGREEING TO HIRE AN ADULT TO ENGAGE IN PROSTITUTION; PENALTIES.~~] Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both:

(1) engages in prostitution with an individual 18 years of age or above; or

(2) hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating clause (1) or (2) while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$500.

Whoever violates the provisions of this subdivision within two years of a previous conviction 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. Except as otherwise provided in subdivision 4, a person who is convicted of a gross misdemeanor violation of this subdivision while acting as a patron, must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

Subd. 4. [COMMUNITY SERVICE IN LIEU OF MINIMUM FINE.] The court may order a person convicted of violating subdivision 2 or 3 to perform community work service in lieu of all or a portion of the minimum fine required under those subdivisions if the court makes specific, written findings that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family. Community work service ordered under this subdivision is in addition to any mandatory community work service ordered under subdivision 3.

Subd. 5. [USE OF MOTOR VEHICLE TO PATRONIZE PROSTITUTES; DRIVING RECORD NOTATION.] When a court sentences a person convicted of violating this section while acting as a patron, the court shall determine whether the person used a motor vehicle during the commission of the offense. If the court finds that the person used a motor vehicle during the commission of the offense, it shall forward its finding to the commissioner of public safety who shall record the finding on the person's driving record. The finding is classified as private data on individuals, as defined in section 13.02, subdivision 12.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2002, section 609.3241, is amended to read:

609.3241 [PENALTY ASSESSMENT AUTHORIZED.]

When a court sentences an adult convicted of violating section 609.322 or 609.324, while acting other than as a prostitute, the court shall impose an assessment of not less than \$250 and not more than \$500 for a violation of section 609.324, subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall impose an assessment of not less than \$500 and not more than \$1,000. The mandatory minimum portion of the assessment is to be used for the purposes described in section 626.558, subdivision 2a, and is in addition to the surcharge required by section 357.021, subdivision 6. Any portion of the assessment imposed in excess of the mandatory minimum amount shall be forwarded to the general fund and is appropriated annually to the commissioner of ~~corrections~~ public safety. The commissioner, with the assistance of the general crime victims advisory council, shall use money received under this section for grants to agencies that provide assistance to individuals who have stopped or wish to stop engaging in prostitution. Grant money may be used to provide these individuals with medical care, child care, temporary housing, and educational expenses.

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

Sec. 4. [COLLECTION OF INFORMATION AND STUDY ON CERTAIN PROSTITUTION CASES; REPORT.]

Subdivision 1. [DEFINITIONS.] (a) The following terms have the meanings given them.

(b) "Intermediate sanctions" has the meaning given in Minnesota Statutes, section 609.135, subdivision 1, paragraph (b).

(c) "Patron" has the meaning given in Minnesota Statutes, section 609.321, subdivision 4.

(d) "Promotes the prostitution of an individual" has the meaning given in Minnesota Statutes, section 609.321, subdivision 7.

(e) "Prostitute" has the meaning given in Minnesota Statutes, section 609.321, subdivision 8.

(f) "Prostitution crime" means a violation of Minnesota Statutes, section 609.322 or 609.324.

Subd. 2. [COLLECTION OF INFORMATION.] (a) The following attorneys or their designees and the following law enforcement representatives or their designees shall oversee the collection of information on the investigation and prosecution of prostitution crimes committed within the jurisdiction of each individual's office, commencing January 1, 2002, and ending December 31, 2002:

(1) the Hennepin county attorney;

(2) the Minneapolis city attorney;

(3) the Ramsey county attorney;

(4) the St. Paul city attorney;

(5) the Hennepin county sheriff;

(6) the chief of police of the Minneapolis police department;

(7) the Ramsey county sheriff; and

(8) the chief of police of the St. Paul police department.

(b) The information collected under paragraph (a) must include:

(1) information on the neighborhood and city where the offense was committed or allegedly committed and information on the neighborhood and city where the offender or alleged offender resides;

(2) the number of calls to law enforcement and the number of complaints made directly to law enforcement regarding alleged prostitution crimes;

(3) the number of arrests made for prostitution crimes and a breakdown of the age, race, and gender of the individuals arrested;

(4) the number of citations, tab charges, and complaints issued for prostitution crimes;

(5) the types of charges filed in each case, if any, including whether the person was acting as a patron or prostitute, or promoting the prostitution of an individual; and

(6) the disposition of each case in which prosecution was commenced, including the amount of any fine or penalty assessment imposed; the incarceration imposed on the offender, if any; the intermediate sanctions, if relevant, or conditions of probation imposed on the offender, if any; and whether the offender was referred to a restorative justice program, diversion program, or alternative sentencing program.

Subd. 3. [PREPARATION OF SUMMARY AND REPORT.] The law enforcement authorities specified in subdivision 2, paragraph (a), shall provide the information required by subdivision 2, paragraph (b), to the prosecuting authorities in their jurisdictions by August 15, 2003. The prosecuting authorities specified in subdivision 2, paragraph (a), shall cooperate in preparing a summary of the information collected under subdivision 2, paragraph (b), and in preparing a report for the chairs and ranking minority leaders of the house and senate committees and divisions with jurisdiction over criminal justice policy and funding. The report shall be provided to the legislature and filed in the legislative reference library no later than December 15, 2003.

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

Sec. 5. [REPORTS ON PENALTY ASSESSMENTS FOR PROSTITUTION CRIMES.]

Subdivision 1. [COMMISSIONER OF PUBLIC SAFETY; REPORT.] (a) By December 15, 2003, the commissioner of public safety shall submit a report to the chairs and ranking minority leaders of the house and senate committees and divisions with jurisdiction over criminal justice policy and funding on the amount of money appropriated to the commissioner of public safety under Minnesota Statutes, section 609.3241, since the beginning of fiscal year 1998. In preparing this report, the commissioner of public safety shall determine whether any penalty assessments were appropriated to the commissioner of corrections during this time and, if so, how much was appropriated. The commissioner of corrections shall cooperate with the commissioner of public safety in providing this information. The report also shall contain information on the use of money appropriated during this time period, including, but not limited to, the ways in which the money has been used to assist individuals who have stopped or wish to stop engaging in prostitution. The report shall be filed with the legislative reference library no later than December 15, 2003.

Subd. 2. [SUPREME COURT; REPORT.] By December 15, 2003, the supreme court is requested to report to the chairs and ranking minority leaders of the house and senate committees and divisions with jurisdiction over criminal justice policy and funding concerning the use of money collected since the beginning of fiscal year 1998 from penalty assessments under Minnesota Statutes, section 609.3241, and use for the purposes described in Minnesota Statutes, section 626.558, subdivision 2a. The report is requested to be filed with the legislative reference library no later than December 15, 2003.

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

Delete the title and insert:

"A bill for an act relating to appropriations; appropriating money to fund corrections, public safety, courts, and other agencies; establishing, funding, modifying, or regulating certain corrections, public safety, court, and other criminal justice programs, policies, duties, activities, or practices; making technical, conforming, and clarifying changes; providing criminal penalties; setting fines, surcharges, and fees; amending Minnesota Statutes 2002, sections 8.06; 152.021, subdivisions 2a, 3; 169A.03, subdivision 21, by adding a subdivision; 169A.20, subdivision 2; 169A.25, subdivision 1; 169A.26, subdivision 1; 169A.27, subdivision 1; 169A.275, subdivisions 3, 4, by adding a subdivision; 169A.40, subdivision 3; 169A.44; 169A.51, subdivision 5; 169A.53, subdivision 3; 169A.54, subdivision 6; 169A.60, subdivisions 8, 13; 241.016, subdivision 1; 243.53, subdivision 1; 260B.105, subdivisions 1, 2; 260B.125, subdivision 8; 260B.130, subdivision 1; 260B.141, subdivision 4; 260B.143, subdivision 1; 260B.193, subdivision 5; 260C.163, subdivision 5; 270A.03, subdivision 5; 299C.05; 299C.06; 299C.10, subdivision 4, by adding a subdivision; 299C.48; 299F.46, subdivision 1, by adding subdivisions; 299M.01, by adding subdivisions; 299M.03, by adding subdivisions; 299M.04; 299M.11, subdivisions 1, 2; 357.021, subdivisions 2, 6, 7; 357.022; 357.08; 546.27; 590.05; 609.055, subdivision 2; 609.101, subdivision 4; 609.105, subdivision 1, by adding subdivisions; 609.115, subdivision 1; 609.119; 609.135, subdivisions 1, 2; 609.185; 609.322, by adding a subdivision; 609.324; 609.3241; 609.527, subdivision 3; 609.68; 609.681; 609.748, subdivisions 1, 3, 4, 5; 611.14; 611.17; 611.18; 611.25, subdivision 1; 611.26, subdivision 6; 611.272; 629.471, by adding a subdivision; 641.14; 641.263, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 169A; 243; 244; 299A; 299F; 641; repealing Minnesota Statutes 2002, sections 123B.73; 147.111, subdivision 6; 147A.14, subdivision 6; 148.102, subdivision 4; 148.263, subdivision 5; 148B.07, subdivision 6; 148B.283, subdivision 7; 148B.63, subdivision 6; 149A.61, subdivision 5; 150A.13, subdivision 6; 152.135, subdivision 4; 153.24, subdivision 5; 156.122; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 244.19, subdivision 3a; 340A.905; 626A.17; 631.40, subdivisions 1a, 1b; Laws 2002, chapter 220, article 6, section 6."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 906, A bill for an act relating to education; establishing notice requirements for student surveys and similar instruments; proposing coding for new law in Minnesota Statutes, chapter 121A.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 967, A bill for an act relating to environment; modifying expenditure limits for upgrading feedlots; amending Minnesota Statutes 2002, section 116.07, subdivision 7.

Reported the same back with the following amendments:

Page 4, after line 32, insert:

"Sec. 2. Minnesota Statutes 2002, section 116.07, subdivision 7a, is amended to read:

Subd. 7a. [NOTICE OF APPLICATION FOR LIVESTOCK FEEDLOT PERMIT.] (a) A person who applies to the pollution control agency or a county board for a permit to construct or expand a feedlot with a capacity of 500 animal units or more shall, not ~~later~~ less than ten business days ~~after the application is submitted~~ before the date on which a permit is issued, provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot. Notification under this subdivision is satisfied under an equal or greater notification requirement of a county conditional use permit.

(b) The agency or a county board must verify that notice was provided as required under paragraph (a) prior to issuing a permit.

Sec. 3. Minnesota Statutes 2002, section 116D.04, subdivision 2a, is amended to read:

Subd. 2a. Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30 day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15 day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location

of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15 day period by not more than 15 additional days upon request of the responsible governmental unit. Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from Minnesota Rules, parts 4410.0200 to 4410.6500, if:

(1) it is an animal feedlot facility with a capacity of less than 1,000 animal units;

(2) it is an expansion of an existing animal feedlot facility by less than 1,000 animal units; and

(3) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Minnesota Rules, chapter 7020.

(d) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(e) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(f) Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(g) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

Sec. 4. Minnesota Statutes 2002, section 116D.04, subdivision 10, is amended to read:

Subd. 10. Decisions on the need for an environmental assessment worksheet, the need for an environmental impact statement and the adequacy of an environmental impact statement may be reviewed by a declaratory judgment action in the ~~district court of the county wherein the proposed action, or any part thereof, would be undertaken~~ appeals brought by any person aggrieved by the decision. Judicial review under this section shall be initiated within 30 days after the governmental unit makes the decision, and a bond may be required under section 562.02 unless at the time of hearing on the application for the bond the plaintiff has shown that the claim has sufficient possibility of success on the merits to sustain the burden required for the issuance of a temporary

restraining order. Nothing in this section shall be construed to alter the requirements for a temporary restraining order or a preliminary injunction pursuant to the Minnesota rules of civil procedure for district courts. The board may initiate judicial review of decisions referred to herein and may intervene as of right in any proceeding brought under this subdivision.

Sec. 5. Minnesota Statutes 2002, section 116D.04, subdivision 11, is amended to read:

Subd. 11. If the board or governmental unit which is required to act within a time period specified in this section fails to so act, any person may seek ~~an order of the district court~~ relief through the court of appeals requiring the board or governmental unit to immediately take the action mandated by subdivisions 2a and 3a. The court of appeals shall make a decision based on the information and record supplied by the responsible governmental unit.

Sec. 6. Minnesota Statutes 2002, section 116D.04, subdivision 13, is amended to read:

Subd. 13. This section may be enforced by ~~injunction, action to compel performance, or other~~ appropriate action in the ~~district court of the county where the violation takes place~~ court of appeals. The court of appeals shall have full jurisdiction to hear and determine the matter appealed. The proceeding may be governed by the rules of civil appellate procedure. Upon the request of the board or the chair of the board, the attorney general may bring an action under this subdivision."

Delete the title and insert:

"A bill for an act relating to environment; modifying provisions relating to animal feedlots; amending Minnesota Statutes 2002, sections 116.07, subdivisions 7, 7a; 116D.04, subdivisions 2a, 10, 11, 13."

With the recommendation that when so amended the bill pass.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1143, A bill for an act relating to housing and economic development authorities; authorizing an authority to create certain legal entities to engage in housing activities; amending Minnesota Statutes 2002, section 469.012, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 1162, A bill for an act relating to data practices; classifying certain data relating to electronic transmissions with the state lottery; amending Minnesota Statutes 2002, sections 13.746, subdivision 3; 349A.08, subdivision 9.

Reported the same back with the following amendments:

Page 1, line 25, delete everything after "for" and insert "direct marketing purposes"

Page 2, line 1, delete "from the lottery"

Page 2, line 2, after the period, insert "For the purposes of this subdivision, "direct marketing" means marketing conducted by the lottery directly with the consumer."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1189, A bill for an act relating to child labor; exempting certain minors from minimum age restrictions for work as soccer assistant referees; amending Minnesota Statutes 2002, section 181A.07, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Finance to which was referred:

S. F. No. 842, A bill for an act relating to natural resources; modifying commissioner's authority relating to employees, gifts, and grants; modifying provisions of the state parks working capital fund; modifying application provisions for certain licenses; providing for reciprocity of certain safety courses; modifying certain county reimbursement provisions; modifying identification provisions for fish and dark houses; eliminating requirement to publish pamphlet form of laws; amending Minnesota Statutes 2002, sections 84.01, subdivision 3; 84.026; 84.085, subdivision 1; 84.82, subdivision 2; 84.862, by adding a subdivision; 85.22, by adding a subdivision; 86B.401, subdivision 1; 97A.065, subdivision 2; 97C.355, subdivisions 1, 2; repealing Minnesota Statutes 2002, section 97A.051, subdivision 1; Minnesota Rules, part 6262.0100, subpart 2.

Reported the same back with the following amendments:

Page 1, after line 18, insert:

"Section 1. Minnesota Statutes 2002, section 16A.1283, is amended to read:

16A.1283 [LEGISLATIVE APPROVAL REQUIRED.]

(a) Notwithstanding any law to the contrary, an executive branch state agency may not impose a new fee or increase an existing fee unless the new fee or increase is approved by law. For purposes of this section, a fee is any charge for goods, services, regulation, or licensure, and, notwithstanding paragraph (b), clause (3), includes charges for admission to or for use of public facilities owned by the state.

(b) This section does not apply to:

- (1) charges billed within or between state agencies, or billed to federal agencies;
- (2) the Minnesota state colleges and universities system;

(3) charges for goods and services provided for the direct and primary use of a private individual, business, or other entity; ~~or~~

(4) charges that authorize use of state-owned lands and minerals administered by the commissioner of natural resources by the issuance of leases, easements, cooperative farming agreements, and land and water crossing licenses and charges for sales of state-owned lands administered by the commissioner of natural resources; or

(5) state park fees and charges established by commissioner's order.

(c) An executive branch agency may reduce a fee that was set by rule before July 1, 2001, without legislative approval. Chapter 14 does not apply to fee reductions under this paragraph."

Page 4, after line 28, insert:

"Sec. 7. Minnesota Statutes 2002, section 85.20, subdivision 6, is amended to read:

Subd. 6. [LITTERING; PENALTY.] (a) No person shall drain, throw, or deposit upon the lands and waters within ~~a state park~~ any unit of the outdoor recreation system as defined in section 86A.04 any substance, including cigarette filters and debris from fireworks, that would mar the appearance, create a stench, destroy the cleanliness or safety of the land, or would be likely to injure any animal, vehicle, or person traveling upon those lands and waters. The operator of a vehicle or watercraft, except a school bus or a vehicle transporting passengers for hire and regulated by the interstate commerce commission, shall not permit articles to be thrown or discarded from the vehicle upon any lands or waters within ~~a state park~~ any unit of the outdoor recreation system.

(b) Violation of this subdivision is a misdemeanor. Any person sentenced under this subdivision shall in lieu of the sentence imposed be permitted, under terms established by the court, to work under the direction of the department of natural resources at clearing rubbish, trash, and debris from any ~~state park~~ unit of the outdoor recreation system. The court may for any violation of this subdivision order the offender to perform such work under terms established by the court with the option of a jail sentence being imposed.

(c) In lieu of enforcement under paragraph (b), this subdivision may be enforced by imposition of a civil penalty and an action for damages for littering under section 115A.99."

Page 6, after line 30, insert:

"Sec. 13. Minnesota Statutes 2002, section 169.42, subdivision 1, is amended to read:

Subdivision 1. [DANGEROUS OBJECT ON HIGHWAY.] No person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped upon any street or highway or upon any public or privately owned land adjacent thereto without the owner's consent any snow, ice, glass bottle, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, cigarette filters, debris from fireworks, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.

Sec. 14. Minnesota Statutes 2002, section 169.421, subdivision 3, is amended to read:

Subd. 3. [CIVIL LIABILITY IMPOSED.] If any solid waste, including litter, glass, nails, tacks, wire, cans, bottles, garbage, papers, refuse, trash, cigarette filters, debris from fireworks, or any form of offensive matter is thrown, deposited, placed, or dumped from a vehicle upon any street or highway, public land, or upon private land

without the consent of the owner of the land, a violation of this subdivision occurs and civil liability is imposed upon the owner of the vehicle. The driver and passengers riding in a vehicle are constituted as the agents of the owner of the vehicle for purposes of this subdivision. It is a defense to any action brought pursuant to this section that the vehicle was stolen. This section is not applicable to the owner of a vehicle transporting persons for hire or transporting school children.

Sec. 15. Minnesota Statutes 2002, section 609.68, is amended to read:

609.68 [UNLAWFUL DEPOSIT OF GARBAGE, LITTER, OR LIKE.]

Whoever unlawfully deposits garbage, rubbish, cigarette filters, debris from fireworks, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, shoreland areas adjacent to rivers or streams as defined by section 103F.205, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a misdemeanor."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before "modifying" insert "requiring legislative approval of certain state park fees;"

Page 1, line 9, before "eliminating" insert "modifying littering prohibition; providing criminal penalties;"

Page 1, line 11, after "sections" insert "16A.1283;"

Page 1, line 13, before "85.22" insert "85.20, subdivision 6;"

Page 1, line 15, before "repealing" insert "169.42, subdivision 1; 169.421, subdivision 3; 609.68;"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 646, 906, 967, 1143 and 1189 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 842 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Brod and Gunther introduced:

H. F. No. 1542, A bill for an act relating to energy; modifying renewable energy production definition; amending Minnesota Statutes 2002, section 216C.41, subdivision 1.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Nelson, P., introduced:

H. F. No. 1543, A bill for an act relating to Chisago county; authorizing a conveyance for mutual consideration of a county-owned nursing home.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Gunther introduced:

H. F. No. 1544, A bill for an act relating to public safety; appropriating money for a youth crime prevention grant.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Otto; Kelliher; Greiling; Nelson, M.; Mahoney; Sieben; Klinzing; Hilstrom and Otremba introduced:

H. F. No. 1545, A bill for an act relating to health; providing for certified stillbirth records; amending Minnesota Statutes 2002, sections 13.3806, subdivision 4; 144.212, subdivisions 4, 9, by adding a subdivision; 144.214, subdivisions 2, 4; 144.225, subdivisions 2a, 7, 8; 144.226, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2002, section 144.222, subdivision 1; Minnesota Rules, parts 4601.0100, subpart 12; 4601.2200.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Erhardt; Kelliher; Seagren; Juhnke; Rhodes; Hausman; Latz; Lenczewski; Abeler; Tingelstad; Greiling; Larson; Lieder; Slawik; Osterman; Thissen; Beard; Hornstein; Sieben; Nelson, M.; Cox; Nelson, P.; Hilstrom; Carlson; Dorn and Sykora introduced:

H. F. No. 1546, A bill for an act relating to transportation; increasing motor fuel tax rates; adjusting passenger automobile depreciation schedule for taxation purposes and removing maximum on passenger automobile taxes; creating metropolitan transportation fund and providing for its allocation; dedicating portion of sales tax revenues attributable to certain counties to metropolitan transportation fund; changing distribution of motor vehicle sales tax

revenues; modifying county state-aid highway fund distribution formula; authorizing bonding for transportation purposes; providing for advance construction funds; appropriating money; amending Minnesota Statutes 2002, sections 162.07, subdivision 1, by adding subdivisions; 168.013, subdivision 1a; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.94; 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Pugh introduced:

H. F. No. 1547, A bill for an act relating to civil action; regulating actions involving fault; regulating actions involving certain insurance practices; amending Minnesota Statutes 2002, sections 604.01, subdivision 1; 604.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the first time and referred to the Committee on Civil Law.

Brod and Abeler introduced:

H. F. No. 1548, A bill for an act relating to taxation; restricting eligibility for property tax refunds for claimants who receive certain payments; amending Minnesota Statutes 2002, section 290A.03, subdivision 8.

The bill was read for the first time and referred to the Committee on Taxes.

Lanning; Anderson, J.; Urdahl; Gunther; Magnus; Dorman; Simpson; Penas; Swenson and Heidgerken introduced:

H. F. No. 1549, A bill for an act relating to taxation; providing city aid reductions in 2003 and 2004.

The bill was read for the first time and referred to the Committee on Taxes.

Carlson, Latz and Osterman introduced:

H. F. No. 1550, A bill for an act relating to transportation; authorizing state bonds for local road improvement program; appropriating money to the commissioner of transportation for reimbursement to certain cities for utility relocation expenditures.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Demmer introduced:

H. F. No. 1551, A bill for an act relating to game and fish; modifying provisions for selection of spring turkey licenses; amending Minnesota Statutes 2002, section 97A.435, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Nornes introduced:

H. F. No. 1552, A bill for an act relating to transportation; providing for settling disputes over establishing, altering, vacating, or maintaining town line roads; amending Minnesota Statutes 2002, section 164.12.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Dill introduced:

H. F. No. 1553, A bill for an act relating to tax increment financing; authorizing duration extension of the housing and redevelopment authority in and for Lake county.

The bill was read for the first time and referred to the Committee on Taxes.

Kuisle, Dorman, Dempsey and Cornish introduced:

H. F. No. 1554, A bill for an act relating to capital improvements; authorizing state bonds for radio communications system infrastructure; appropriating money.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Sieben introduced:

H. F. No. 1555, A bill for an act relating to the city of Newport; allowing the city to impose a lodging tax.

The bill was read for the first time and referred to the Committee on Taxes.

Abrams, Sviggum and Paulsen introduced:

H. F. No. 1556, A bill for an act relating to taxation; providing for taxation of mining and refining of nonferrous ores, metals, and minerals; providing for distribution of the proceeds; amending Minnesota Statutes 2002, sections 272.02, by adding a subdivision; 290.05, subdivision 1; 290.17, subdivision 4; 290.191, subdivision 1; 297A.68, subdivision 4; 297A.71, by adding a subdivision; 298.01, subdivisions 3, 3a, 4; 298.015, subdivisions 1, 2; 298.018; repealing Minnesota Statutes 2002, sections 298.01, subdivisions 3c, 3d, 4d, 4e; 298.017.

The bill was read for the first time and referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 51, A bill for an act relating to insurance; clarifying that a certain law includes long-term care insurance; amending Minnesota Statutes 2002, section 61B.20, subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 266, A bill for an act relating to human services; modifying the purchasing alliance stop-loss fund; amending Minnesota Statutes 2002, section 256.956, subdivisions 1, 2, 3, 4, 5, 9.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 276, 872, 942, 727, 668, 506, 233, 433, 272 and 421.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1123, 941, 907, 259, 1158, 1176 and 28.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 276, A bill for an act relating to criminal justice; providing that the bureau of criminal apprehension and local law enforcement agencies collect crime data utilizing the uniform offense codes; amending Minnesota Statutes 2002, sections 299C.05; 299C.06.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

S. F. No. 872, A bill for an act relating to real property; conveyances by spouses; purchase-money mortgages; amending Minnesota Statutes 2002, sections 507.02; 507.03.

The bill was read for the first time.

Kohls moved that S. F. No. 872 and H. F. No. 1114, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 942, A bill for an act relating to evidence; authorizing admission in evidence of chain of custody documentation; amending Minnesota Statutes 2002, section 634.15, subdivision 1.

The bill was read for the first time.

Lipman moved that S. F. No. 942 and H. F. No. 909, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 727, A bill for an act relating to adoption; modifying postadoption services requirements; amending Minnesota Statutes 2002, section 259.83, by adding a subdivision.

The bill was read for the first time.

Olsen, S., moved that S. F. No. 727 and H. F. No. 653, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 668, A bill for an act relating to Hennepin county; clarifying the authority of the county housing and redevelopment authority; amending Minnesota Statutes 2002, section 383B.77, subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 506, A bill for an act relating to commerce; prohibiting the printing of full credit or debit card numbers on sales receipts; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

S. F. No. 233, A bill for an act relating to health; modifying provisions relating to temporary licensure of nurses; authorizing the administration of medications in nursing facilities; use of titles; amending Minnesota Statutes 2002, sections 148.212; 148.235, by adding a subdivision; 148.281, subdivision 1.

The bill was read for the first time.

Abeler moved that S. F. No. 233 and H. F. No. 496, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 433, A bill for an act relating to human services; requiring specialized Alzheimer's disease training in certain facilities and services; providing for consumer disclosure; amending Minnesota Statutes 2002, sections 144A.45, by adding a subdivision; 245A.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 144; 144D.

The bill was read for the first time.

Abeler moved that S. F. No. 433 and H. F. No. 410, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 272, A bill for an act relating to human services; expanding adult foster care license capacity; amending Minnesota Statutes 2002, section 245A.11, subdivision 2a.

The bill was read for the first time.

Samuelson moved that S. F. No. 272 and H. F. No. 572, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 421, A bill for an act relating to the city of Minneapolis; providing for the establishment of certain positions in the unclassified service of the city of Minneapolis by the Minneapolis city council.

The bill was read for the first time.

Hornstein moved that S. F. No. 421 and H. F. No. 389, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1123, A bill for an act relating to corrections; requiring a biennial performance report from the department of corrections; amending Minnesota Statutes 2002, section 241.016, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

S. F. No. 941, A bill for an act relating to public safety; modifying state hazardous materials team provisions; amending Minnesota Statutes 2002, sections 299A.49, subdivisions 2, 4; 299A.51, subdivisions 1, 2.

The bill was read for the first time.

Zellers moved that S. F. No. 941 and H. F. No. 1066, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 907, A bill for an act relating to corrections; authorizing Department of Corrections forensic pathologists to issue death certificates; amending Minnesota Statutes 2002, section 390.23.

The bill was read for the first time.

Fuller moved that S. F. No. 907 and H. F. No. 920, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 259, A bill for an act relating to intergovernmental contracts; permitting Beltrami county to contract with the state department of corrections for the cost of secretarial support for juvenile probation and parole services of the county.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

S. F. No. 1158, A bill for an act relating to public safety; modifying provisions relating to DWI breath-testing instruments; amending Minnesota Statutes 2002, sections 169A.03, subdivision 11; 169A.45, subdivision 4; 169A.51, subdivision 5; 169A.75; 360.0753, subdivision 4; 634.16.

The bill was read for the first time.

Strachan moved that S. F. No. 1158 and H. F. No. 1035, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1176, A bill for an act relating to civil law; clarifying that civil actions against the state may be brought in federal court under certain federal statutes; amending Minnesota Statutes 2002, section 1.05.

The bill was read for the first time.

Latz moved that S. F. No. 1176 and H. F. No. 1326, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 28, A bill for an act relating to commerce; modifying and enacting the amendments to Articles 3 and 4 of the Uniform Commercial Code recommended by the National Conference of Commissioners on Uniform State Laws; amending Minnesota Statutes 2002, sections 336.3-103; 336.3-106; 336.3-116; 336.3-119; 336.3-305; 336.3-309; 336.3-312; 336.3-416; 336.3-417; 336.3-419; 336.3-602; 336.3-604; 336.3-605; 336.4-104; 336.4-207; 336.4-208; 336.4-212; 336.4-301; 336.4-403.

The bill was read for the first time.

Kohls moved that S. F. No. 28 and H. F. No. 155, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTION TO FIX TIME TO CONVENE

Seifert moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, April 22, 2003. The motion prevailed.

CONSENT CALENDAR

Seifert moved that the Consent Calendar be continued. The motion prevailed.

CALENDAR FOR THE DAY

Seifert moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Slawik moved that the name of Nelson, P., be added as an author on H. F. No. 658. The motion prevailed.

Greiling moved that the name of Samuelson be added as an author on H. F. No. 766. The motion prevailed.

Abrams moved that the name of Adolphson be added as an author on H. F. No. 1017. The motion prevailed.

Severson moved that the name of Meslow be added as an author on H. F. No. 1143. The motion prevailed.

Hornstein moved that the name of Walker be added as an author on H. F. No. 1308. The motion prevailed.

Erickson moved that the name of Hausman be added as an author on H. F. No. 1325. The motion prevailed.

Beard moved that the names of Greiling and Rhodes be added as authors on H. F. No. 1372. The motion prevailed.

Westerberg moved that the name of Abeler be added as an author on H. F. No. 1445. The motion prevailed.

Ellison moved that the name of Hausman be added as an author on H. F. No. 1529. The motion prevailed.

Seifert moved that H. F. No. 1505 be returned to its author. The motion prevailed.

Olson, M., and Juhnke introduced:

House Concurrent Resolution No. 4, A House concurrent resolution amending the Joint Rules of the Senate and House of Representatives.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Seifert moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, April 22, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives