

Except as provided in section 609.582, subdivision 1a, in determining an appropriate disposition for a first offense of burglary of a dwelling, the court shall presume that a stay of execution with a 90-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the sentencing guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the sentencing guidelines pursuant to section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it. The presumptive period of incarceration may be waived in whole or in part by the court if the defendant provides restitution or performs community work service.

Sec. 21. **EFFECTIVE DATE.**

Sections 1 to 3 and 18 to 20 are effective August 1, 1986, and apply to crimes committed on or after that date. Sections 4 to 17 are effective August 1, 1986.

Approved April 1, 1986

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**CHAPTER 471—H.F.No. 1677**

*An act relating to libraries; changing the way the department of education provides certain information and other services; allowing mayors to appoint nonresidents to city library board under certain circumstances; updating maintenance of effort exceptions; requiring the commissioner of education to cooperatively develop a plan for automation of state agency libraries; amending Minnesota Statutes 1984, sections 121.496; 134.09, subdivision 1; 134.31, subdivisions 2 and 3; and 134.34, subdivision 5.*

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

Section 1. Minnesota Statutes 1984, section 121.496, is amended to read:

**121.496 STATE DEPARTMENT OF EDUCATION ~~TO FURNISH LIST OF BOOKS~~ LIBRARY AND INFORMATION SERVICES DUTIES.**

Subdivision 1. BOOKLISTS. The state department of education shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories and works of biography, literature, political economy, agriculture, travel, and science.

Subd. 2. PROVIDING OTHER INFORMATION. The department may provide library information services it considers appropriate and necessary to any state agency, governmental unit, nonprofit organization, or private entity. The department may collect reasonable fees not to exceed its actual costs for providing the information services. The department may also accept money

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

from any public or private source to defray the cost of providing the information services.

Subd. 3. OPEN APPROPRIATION. The fees charged and money accepted by the department under subdivision 2 shall be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the department to defray the costs of providing the information services.

Sec. 2. Minnesota Statutes 1984, section 134.09, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT.** When public library service is established, except in any city of the first class operating under a home rule charter, the mayor of the city with the approval of the council for a city library or the board of commissioners for a county library, shall appoint a board of five, seven or nine members from among the residents of the city or county. If the city library is a branch or a member of a regional public library system, as defined in section 134.001, the mayor, with the approval of the city council, may appoint to the city library board, residents of the county, provided that the county is participating in the regional public library system and that the majority of the members of the city library board are residents of the city. The number of members on the board shall be determined by resolution or ordinance adopted by the council or the board of commissioners. Not more than one council member or county commissioner shall at any time be a member of the library board. The appointments shall be made before the first meeting of the library board after the end of the fiscal year.

Sec. 3. Minnesota Statutes 1984, section 134.31, subdivision 2, is amended to read:

Subd. 2. The department of education shall give advice and instruction to the managers of any public library or to any governing body maintaining a library or empowered to do so by law upon any matter pertaining to the organization, maintenance, or administration of libraries. The department may also give advice and instruction, as requested, to ~~the managers of any library in a post-secondary educational institution~~ institutions, state agencies, governmental units, nonprofit organizations, or private entities. It shall assist, to the extent possible, in the establishment and organization of library service in those areas where adequate services do not exist, and may aid in improving previously established library services.

Sec. 4. Minnesota Statutes 1984, section 134.31, subdivision 3, is amended to read:

Subd. 3. The department may provide, for any library in the state, books, journals, audiovisual items, ~~reference~~ information services or resource materials it deems appropriate and necessary and shall encourage the sharing of library resources and the development of interlibrary cooperation.

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Sec. 5. Minnesota Statutes 1984, section 134.34, subdivision 5, is amended to read:

Subd. 5. **MAINTENANCE OF EFFORT; EXCEPTION.** Notwithstanding subdivision 4, a regional library system support grant may be made in fiscal year ~~1983~~ 1987 to a regional public library system for a participating city or county which decreases the dollar amount provided by it for operating purposes of public library service below the amount provided by it for ~~1984~~ 1985 if the amount provided by the city or county in ~~1982~~ 1986 is not less than the amount provided by it in ~~1980~~ 1984. A regional library system support grant may be made in fiscal year ~~1984~~ 1988 to a regional public library system for a participating city or county which decreases the dollar amount provided by it for operating purposes of public library service below the amount provided by it for ~~1982~~ 1986, if the amount provided by the city or county in ~~1983~~ 1987 is not less than the amount provided by it in ~~1984~~ 1985. This subdivision shall not affect the eligibility of cities or counties to declare all or part of their library levies as special levies under the provisions of section 275.50, subdivision 5, clause (c).

Sec. 6. **PLAN FOR AUTOMATION OF STATE LIBRARIES.**

The commissioner of education shall develop a plan to address automation needs of state agency libraries. The plan shall include methods to:

- (1) strengthen government information services available to agencies and the public;
- (2) improve coordination and cooperation among state agency libraries; and
- (3) eliminate unnecessary duplication.

Other state agencies and the legislative reference library shall cooperate with the commissioner in developing this plan. The state law library may also cooperate. By August 15, 1986, the plan shall be reported to the governor, education committees of the legislature, and senate finance and house appropriations committees.

Approved April 1, 1986

**CHAPTER 472—H.F.No. 1744**

*An act relating to education; making technical changes to the definition of a school; providing for limited reporting by a parent providing instruction in a home; prohibiting certain proceedings against a parent providing instruction in a home; establishing a task force to make recommendations about compulsory attendance laws; amending Minnesota Statutes 1984, section 120.10, subdivision 2, and by adding subdivisions.*

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

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