

research and development shall, at least once each biennium, review scientifically and technologically related research funded by a state agency, board, commission, authority, or institution to assess whether or not the research and development is conducted in accordance with the guidelines required by section 1, clause (2), item (ii). The committee's assessment shall be sent to the legislature on or before January 15 of every odd-numbered year.

Subd. 9. STAFF APPOINTMENTS. The director of the office of science and technology shall appoint those staffers necessary to perform the functions of the science and technology division. The director shall appoint in the unclassified service an executive director of the committee on science and technology research and development, who shall report to the director. The executive director must hold a post-baccalaureate degree in scientific or technologically related studies, or demonstrate experience in technological policy formulation.

### Sec. 3. RESEARCH LINE ITEMS REQUIRED.

The commissioner of finance shall establish budget objects of expenditure that specifically identify money used for scientifically and technologically related research and development.

### Sec. 4. INITIAL APPOINTMENTS.

Notwithstanding section 2, subdivision 1, the governor shall make the following initial appointments: the first chair to serve from July 1, 1987, to January 1, 1990; three members to serve from July 1, 1987, to January 1, 1993; three members to serve from July 1, 1987, to January 1, 1991; and two members to serve from July 1, 1987, to January 1, 1989.

### Sec. 5. REPEALER.

Minnesota Statutes 1986, section 116J.94, is repealed.

Approved May 28, 1987

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## CHAPTER 315—S.F.No. 1472

*An act relating to traffic regulations; requiring certain persons convicted of DWI or a DWI-related offense and certain juveniles adjudicated for a DWI offense to undergo chemical use assessment; requiring courts to order chemical use treatment for habitual DWI offenders in accordance with the assessment recommendation; imposing a chemical dependency assessment charge on persons convicted of DWI or a DWI-related offense, and juveniles adjudicated for a DWI offense for the purpose of financing these chemical use assessments; appropriating money; amending Minnesota Statutes 1986, sections 169.121, subdivision 5, and by adding subdivisions; 169.124; 169.125; 169.126, subdivisions 1, 2, 3, 4, 6, and by adding subdivisions; and 260.193, subdivision 8; repealing Minnesota Statutes 1986, section 169.126, subdivision 5.*

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

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

Section 1. Minnesota Statutes 1986, section 169.121, is amended by adding a subdivision to read:

**Subd. 3b. HABITUAL OFFENDERS; CHEMICAL USE TREATMENT.** If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of violating this section, section 169.129, or an ordinance in conformity with either of them (1) once within five years of the first conviction or (2) two or more times within ten years after the first conviction, the court must order the person to submit to the level of care recommended in the chemical use assessment required under section 169.126.

Sec. 2. Minnesota Statutes 1986, section 169.121, subdivision 5, is amended to read:

Subd. 5. Except as otherwise provided in section 1, when a court sentences a person convicted of violating this section, section 169.129, or an ordinance in conformity with either of them, the court may stay imposition or execution of any sentence authorized by subdivision 3 or 4, except the revocation of the driver's license, on the condition that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of human services the level of care recommended in the chemical use assessment report required under section 169.126. If the court does not order a level of care in accordance with the assessment report recommendation as a condition of a stay of imposition or execution, it shall state on the record its reasons for not following the assessment report recommendation. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

Sec. 3. Minnesota Statutes 1986, section 169.121, is amended by adding a subdivision to read:

**Subd. 5a. CHEMICAL DEPENDENCY ASSESSMENT CHARGE.** When a court sentences a person convicted of an offense enumerated in section 169.126, subdivision 1, it shall impose a chemical dependency assessment charge of \$75. This section applies when the sentence is executed, stayed, or suspended. The court may not waive payment or authorize payment of the assessment charge in installments unless it makes written findings on the record that the convicted person is indigent or that the assessment charge would create undue hardship for the convicted person or that person's immediate family.

The court shall collect and forward to the commissioner of finance the total amount of the chemical dependency assessment charge and the commissioner shall credit the money to the drinking and driving repeat offense prevention account created in section 10.

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The chemical dependency assessment charge required under this section is in addition to the surcharge required by section 609.101.

Sec. 4. Minnesota Statutes 1986, section 169.124, is amended to read:

**169.124 ALCOHOL SAFETY PROGRAM.**

Subdivision 1. **COUNTY BOARD.** The county board of every county ~~having a population of more than 10,000 shall and the county board of every county having a population of less than 10,000 may~~ establish an alcohol safety program designed to provide alcohol problem screening and chemical use assessment and ~~evaluation~~ of persons convicted of ~~one of the offenses~~ an offense enumerated in section 169.126, subdivision 1.

Subd. 2. **PRELIMINARY SCREENING.** ~~The~~ A preliminary alcohol problem ~~assessment screening~~ shall be conducted, under the direction of the court ~~and, by such persons or agencies as the court deems qualified to provide the alcohol problem assessment screening and assessment screening report as described in section 169.126.~~ The alcohol problem ~~assessment screening~~ may be conducted by court services probation officers ~~having with~~ the required knowledge and skills in the ~~assessment screening~~ of alcohol problems, by alcoholism counselors, by persons conducting court sponsored driver improvement clinics if in the judgment of the court ~~such persons they~~ have the required knowledge and skills in the assessment of alcohol problems, by appropriate staffmembers of public or private alcohol treatment programs and agencies or mental health clinics, by court approved volunteer workers such as members of alcoholics anonymous, or by ~~such other qualified persons as approved by the court may direct.~~ The commissioner of public safety shall provide the courts with information and assistance in establishing alcohol problem ~~assessment screening~~ programs suited to the needs of the area served by each court. The commissioner shall consult with the alcohol and other drug abuse section in the department of human services and with local community mental health boards in providing ~~such this~~ information and assistance to the courts. The commissioner of public safety shall promulgate rules and standards, consistent with this subdivision, for reimbursement under the provisions of subdivision 3. ~~The promulgation adoption of such rules and standards shall is~~ not be subject to chapter 14.

Subd. 3. **COST.** The cost of alcohol problem ~~assessment screening~~ outlined in this section shall be borne by the county. Upon application by the county to the commissioner of public safety, the commissioner shall reimburse the county up to 50 percent of the cost of each alcohol problem ~~assessment screening~~ not to exceed \$25 in each case. Payments shall be made annually and prorated if insufficient funds are appropriated.

Sec. 5. Minnesota Statutes 1986, section 169.125, is amended to read:

**169.125 COUNTY COOPERATION.**

County boards may enter into an agreement to establish a regional alcohol

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~~problem assessment alcohol~~ safety program. County boards may contract with other counties and agencies for alcohol problem screening and chemical use assessment services.

Sec. 6. Minnesota Statutes 1986, section 169.126, subdivision 1, is amended to read:

Subdivision 1. **SCREENING REQUIREMENT.** An alcohol problem ~~assessment~~ screening shall be conducted ~~in counties of more than 10,000 population and an assessment a~~ screening report submitted to the court by the county agency administering the alcohol safety ~~counseling~~ program when:

(a) The defendant is convicted of an offense described in section 169.121 or 169.129; or

(b) The defendant is arrested for committing an offense described in section 169.121 or 169.129, ~~is not convicted therefor~~, but is convicted of another offense arising out of the circumstances surrounding ~~such~~ the arrest.

Sec. 7. Minnesota Statutes 1986, section 169.126, subdivision 2, is amended to read:

Subd. 2. **EVALUATION REPORT.** The ~~assessment~~ screening report shall contain an evaluation of the convicted defendant concerning the defendant's prior traffic record, characteristics and history of alcohol problems, and amenability to rehabilitation through the alcohol safety program. The ~~assessment~~ screening report shall include a recommendation as to a treatment or rehabilitation program for the defendant. The ~~assessment~~ screening report shall be classified as private data on individuals as defined in section 13.02, subdivision 12.

Sec. 8. Minnesota Statutes 1986, section 169.126, subdivision 3, is amended to read:

Subd. 3. **REPORT PREPARATION.** The ~~assessment~~ screening report required by this section shall be prepared by a person knowledgeable in diagnosis of chemical dependency.

Sec. 9. Minnesota Statutes 1986, section 169.126, subdivision 4, is amended to read:

Subd. 4. **CHEMICAL USE ASSESSMENT.** ~~The court shall give due consideration to the agency's assessment report~~ (a) Except as otherwise provided in paragraph (d), when an alcohol problem screening shows that the defendant has an identifiable chemical use problem, the court shall require the defendant to undergo a comprehensive chemical use assessment conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An assessor providing a chemical use assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If an independent assessor is not available, the court may use the services of an

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assessor authorized to perform assessments for the county social services agency under a variance granted under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An appointment for the defendant to undergo the chemical use assessment shall be made by the court, a court services probation officer, or the court administrator as soon as possible but in no case more than one week after the defendant's court appearance. The comprehensive chemical use assessment must be completed no later than two weeks after the appointment date.

(b) The chemical use assessment report must include a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3.

(c) The state shall reimburse the county for the entire cost of each chemical use assessment and report at a rate established by the department of human services up to a maximum of \$100 in each case. The county may not be reimbursed for the cost of any chemical use assessment or report not completed within the time limit provided in this subdivision. Reimbursement to the county must be made from the special account established in section 10.

(d) If the preliminary alcohol problem screening is conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3, consists of a comprehensive chemical use assessment of the defendant, and complies with the chemical use assessment report requirements of paragraph (b), it is a chemical use assessment for the purposes of this section and the court may not require the defendant to undergo a second chemical use assessment under paragraph (a). The state shall reimburse counties for the cost of alcohol problem screenings that qualify as chemical use assessments under this paragraph in the manner provided in paragraph (c) in lieu of the reimbursement provisions of section 169.124, subdivision 3.

Sec. 10. Minnesota Statutes 1986, section 169.126, is amended by adding a subdivision to read:

Subd. 4a. DRINKING AND DRIVING REPEAT OFFENSE PREVENTION ACCOUNT. A special account is established in the state treasury known as the drinking and driving repeat offense prevention account. Money credited to the account is appropriated continuously to the commissioner of public safety and shall be spent by the commissioner to reimburse counties for the entire cost of each chemical use assessment and report completed within the time limit provided under subdivision 4, up to a maximum of \$100 in each case.

Sec. 11. Minnesota Statutes 1986, section 169.126, is amended by adding a subdivision to read:

Subd. 4b. EVALUATION. The commissioner of public safety shall, with the assistance of the department of human services and the state planning agency, monitor and evaluate the implementation and effects of the alcohol safety programs required in sections 169.124 to 169.126 and shall submit a

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written report to the legislature by January 1, 1989, containing the commissioner's findings and recommendations.

Sec. 12. Minnesota Statutes 1986, section 169.126, subdivision 6, is amended to read:

Subd. 6. **APPLICABILITY.** This section shall not apply to persons who are not residents of the state of Minnesota at the time of the offense and at the time of the alcohol problem assessment screening.

Sec. 13. Minnesota Statutes 1986, section 260.193, subdivision 8, is amended to read:

Subd. 8. If the juvenile court finds that the child is a juvenile major highway or water traffic offender, it may make any one or more of the following dispositions of the case:

(a) Reprimand the child and counsel with the child and the parents;

(b) Continue the case for a reasonable period under such conditions governing the child's use and operation of any motor vehicles or boat as the court may set;

(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the department of public safety suspension of the child's driver's license as provided in section 171.16;

(e) If the child is found to have committed two moving highway traffic violations or to have contributed to a highway accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of public safety or to the licensing authority of another state the cancellation of the child's license until the child reaches the age of 18 years, and the commissioner of public safety is hereby authorized to cancel the license without hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety, or to the licensing authority of another state, that the child's license be returned, and the commissioner of public safety is authorized to return the license;

(f) Place the child under the supervision of a probation officer in the child's own home under conditions prescribed by the court including reasonable rules relating to operation and use of motor vehicles or boats directed to the correction of the child's driving habits;

(g) Require the child to pay a fine of up to \$700. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(h) If the court finds that the child committed an offense described in section 169.121, the court shall order that an alcohol problem screening be

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conducted and a screening report submitted to the court in the manner prescribed in section 169.126. Except as otherwise provided in section 169.126, subdivision 4, paragraph (d), if the alcohol problem screening shows that the child has an identifiable chemical use problem, the court shall require the child to undergo a comprehensive chemical use assessment in accordance with section 169.126, subdivision 4. If the chemical use assessment recommends a level of care for the child, the court may require that level of care in its disposition order. In addition, the court may require any child ordered to undergo a chemical use assessment to pay a chemical dependency assessment charge of \$75. The court shall forward the assessment charge to the commissioner of finance to be credited to the special account created in section 10. The state shall reimburse counties for the total cost of the chemical use assessment in the manner provided in section 169.126, subdivision 4.

Sec. 14. **REPEALER.**

Minnesota Statutes 1986, section 169.126, subdivision 5, is repealed.

Approved May 28, 1987

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**CHAPTER 316—S.F.No. 1479**

*An act relating to economic development; establishing the Minnesota council on productivity and quality; assigning its powers and duties; proposing coding for new law in Minnesota Statutes, chapter 116J.*

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

Section 1. **[116J.941] COUNCIL ON PRODUCTIVITY AND QUALITY.**

Subdivision 1. MEMBERSHIP. The Minnesota council on productivity and quality consists of the commissioner of energy and economic development and eight members, appointed from the general public to four-year terms, who have backgrounds in or are representatives of management, labor, small business, engineering, or business-management education. The governor shall appoint four members, the speaker of the house of representatives shall appoint two members, and the senate majority leader shall appoint two members. The council shall elect two co-chairs from its membership, except that the commissioner of energy and economic development may not serve as a co-chair. Compensation of public members for expenses is as provided for members of advisory task forces under section 15.059, subdivision 6.

Subd. 2. STAFF. The council may employ an executive director. Subject to the approval of the council, the executive director may employ employees necessary to carry out the council's policies. Council employees, including the executive director, are not state employees, but, at the option of the council, may participate in the state unclassified employees retirement plan, the state deferred compensation plan, and the insurance plans for employees covered by section 43A.18, subdivision 3.

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