

be distributed equally among all other qualifying candidates for the same office until all have reached the 50 percent limit or the balance in the general account is exhausted. The board shall not use the information contained in the report of the principal campaign committee of any candidate due ten days before the general election for the purpose of reducing the amount due that candidate from the general account.

Sec. 5. **REPEALER.**

Minnesota Statutes 1992, section 10A.312, as added by Laws 1993, chapter 318, article 2, section 37, is repealed.

Sec. 6. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 27, 1993

Signed by the governor May 27, 1993, 4:25 p.m.

CHAPTER 4—H.F.No. 2

An act relating to state government; providing for replacement of a state airplane; providing for a budget contingency plan; appropriating money; amending Minnesota Statutes 1992, section 360.024.

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

Section 1. Minnesota Statutes 1992, section 360.024, is amended to read:

360.024 AIR TRANSPORTATION SERVICES.

The commissioner shall charge users of air transportation services provided by the commissioner for all direct operating costs, including salaries and acquisition of aircraft. All receipts for these services shall be deposited in the air transportation services account in the state airports fund and are appropriated to the commissioner to pay all direct air service operating costs, including salaries. Receipts to cover the cost of acquisition of aircraft must be transferred and credited to the ~~hangar construction revolving~~ account or fund whose assets were used for the acquisition.

Sec. 2. **BUDGET CONTINGENCY PLAN.**

(a) Notwithstanding the provisions of Minnesota Statutes, section 16A.15, subdivision 1, or any other law, the commissioner of finance shall determine on November 30, 1993, if forecast general fund revenues and expenditures permit funding the budget reserve and cash flow account at \$400,000,000.

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

(b) If the commissioner determines that for the remainder of the biennium, sufficient resources are not available to fund the reserve at \$400,000,000, then the commissioner shall, with the concurrence of the legislative commission on planning and fiscal policy, uniformly unallot all general fund and local government trust fund appropriations, up to a maximum of one percent of the total biennial appropriation from these funds to maintain the budget reserve and cash flow account at \$400,000,000 according to the following criteria and authorities:

(1) biennial allotment reductions under this authority may not exceed one percent of total biennial appropriations to these funds;

(2) the commissioner of finance may defer or suspend prior statutorily created obligations or entitlements to benefits that would prevent making the reductions to the extent necessary to accomplish uniform reductions;

(3) sufficient undistributed, unobligated balances of all appropriations must be reserved to satisfy the requirements under this section;

(4) appropriations for debt service and maximum effort school loans are excluded from calculation of the reductions under this section;

(5) the appropriations for aid to families with dependent children, Minnesota supplemental aid, and any appropriations for which a reduction would violate federal law are excluded from calculation of the reductions under this section;

(6) appropriations which would result in an insufficient remaining balance available so as to constitute an unconstitutional impairment of contract are excluded from the calculation of the reductions under this section;

(7) the reduction applied to all aids and credits paid by the department of revenue to cities, counties, towns, and special districts shall be allocated by the commissioner of revenue among those entities that receive aids and credits as a uniform percent of the sum of the aid plus levy base;

(8) the amounts reduced in the local government trust fund transfer to the general fund;

(9) the reduction share for judges', legislators', and constitutional officers' retirement annuities shall be allocated to the operating appropriations for the courts, the legislature, or constitutional officers, as applicable;

(10) the reduction share for the appropriation for firefighting expenses in Laws 1993, chapter 172, section 5, subdivision 4, and Indian treaty agreements funds appropriated in Minnesota Statutes, section 97A.165, shall be allocated to the appropriation for the department of natural resources; and

(11) notwithstanding the provisions of Minnesota Statutes, section 124A.032, the reductions authorized in this section apply to all programs for

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which appropriations were made in Laws 1993, chapter 224, and any other law providing appropriations to school districts, except the appropriation for debt service aid and homestead and agricultural credit aid amounts or other credits attributed to debt service accounts. These debt service aids or credits are included in determining the total amount of the reduction made to the total amount allotted. The commissioner of education shall allocate the reduction among school districts and other entities as a uniform percent of the sum of the state aid entitlement plus property tax levies associated with state aid programs. If aid to a school district is reduced under this section for the current school year or the next year after the levy year, the district's levy limit shall not be increased as a result of the reduction.

(c) If it is determined that unallotment is necessary, the commissioner of finance shall present to the legislative commission on planning and fiscal policy by November 30, 1993, a plan for effecting up to a one percent reduction in the state's general fund and local government trust fund biennial budget. The plan shall include, at a minimum, the following information at the appropriation account level: the amount of reduction in state operations; the amount of reduction by grant program; and the method of reduction in education aids, local government aid and credit programs, and income maintenance programs. The commissioner shall submit any necessary appropriation adjustments as part of the supplemental budget recommendations presented in 1994. The commissioner may modify the plan in response to recommendations of the commission. The commission shall act on the plan as a whole. If the commission does not vote on the plan by December 15, 1993, the plan is deemed approved.

(d) The legislative commission on planning and fiscal policy shall, with the cooperation of the executive branch, undertake a study of unallotment authority and related budget forecasting issues. The study must include consideration of guidelines and standards for unallotment in other states, division of executive branch and legislative branch unallotment responsibilities in other states, the scope and size of budget reserve and cash flow accounts in other states, and methods to reduce the cash flow needs of the state. The commission may also, as a result of the study, recommend modifications to this section. The commission shall complete the study and report findings and recommendations to the legislature by February 1, 1994.

Sec. 3. APPROPRIATION.

\$2,700,000 is appropriated to the commissioner of transportation to replace a state airplane. \$1,620,000 is from the trunk highway fund and \$1,080,000 is from the state airports fund. The appropriation is available until June 30, 1995.

Sec. 4. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor May 27, 1993

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

Signed by the governor May 27, 1993, 4:26 p.m.

CHAPTER 5—H.F.No. 3

An act relating to crime; clarifying certain sentencing provisions relating to repeat violators of the domestic abuse or harassment crimes; correcting an erroneous cross reference; amending Minnesota Statutes 1992, sections 518B.01, subdivision 14, as amended; 609.224, subdivisions 2, as amended, 4, as added; 609.748, subdivision 6, as amended; and Laws 1993, chapter 326, article 2, section 22, subdivision 4.

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

Section 1. Minnesota Statutes 1992, section 518B.01, subdivision 14, as amended by Laws 1993, chapter 326, article 2, section 9, is amended to read:

Subd. 14. **VIOLATION OF AN ORDER FOR PROTECTION.** (a) Whenever an order for protection is granted pursuant to this section, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor. Upon conviction, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A person is guilty of a gross misdemeanor who violates this paragraph within five years after being discharged from sentence for during the time period between a previous conviction under this paragraph or within five years after being discharged from sentence for a previous conviction under a similar law of another state; is guilty of a gross misdemeanor and the end of the five years following discharge from sentence for that conviction. Upon conviction, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant

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