

A bill for an act

relating to public safety; requiring inmates to co-pay a set minimum amount for health care provider visits; reauthorizing certain short-term commitments to commissioner of corrections be served in county jails; amending human rights education and program development requirements and certificates of compliance provisions; providing for indeterminate sentencing for certain convicted sex offenders; modifying frequency of in-service training in police pursuits; limiting medical aid payments in county jails; requiring a corrections reform working group; establishing the Juvenile Justice Reform Advisory Task Force; establishing the Sex Offender Policy Task Force; acquiring an easement for the correctional facility in Faribault; revising employment positions covered by correctional state employees retirement plan; modifying certain correctional state employee postretirement health insurance coverage; requiring reports; providing for penalties; appropriating money for public safety, corrections, and human rights; amending Minnesota Statutes 2010, sections 243.212; 297I.06, subdivision 3; 352.90; 352.91, subdivisions 1, 3h; 363A.06, subdivision 1; 363A.36, subdivision 1; 609.105, subdivision 1, by adding subdivisions; 626.8458, subdivision 5; 641.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2010, sections 352.91, subdivisions 2, 2a, 3c, 3d, 3e, 3f, 3g, 3i, 4a, 4b; 363A.36, subdivision 5.

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

ARTICLE 1

APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	<u>\$ 1,226,000</u>	<u>\$ 527,250,000</u>	<u>\$ 513,492,000</u>	<u>\$ 1,041,968,000</u>

2.1	<u>State</u>				
2.2	<u>Government</u>				
2.3	<u>Special</u>				
2.4	<u>Revenue</u>	<u>72,651,000</u>	<u>70,036,000</u>	<u>142,687,000</u>	
2.5	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>	<u>138,000</u>	
2.6	<u>Special</u>				
2.7	<u>Revenue</u>	<u>11,674,000</u>	<u>11,674,000</u>	<u>23,348,000</u>	
2.8	<u>Trunk</u>				
2.9	<u>Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>	<u>3,882,000</u>	
2.10	<u>Total</u>	<u>\$ 1,226,000</u>	<u>\$ 613,585,000</u>	<u>\$ 597,212,000</u>	<u>\$ 1,212,023,000</u>

2.11 Sec. 2. PUBLIC SAFETY APPROPRIATIONS.

2.12 The sums shown in the columns marked "Appropriations" are appropriated to the
2.13 agencies and for the purposes specified in this article. The appropriations are from the
2.14 general fund, or another named fund, and are available for the fiscal years indicated
2.15 for each purpose. The figures "2012" and "2013" used in this article mean that the
2.16 appropriations listed under them are available for the fiscal year ending June 30, 2012, or
2.17 June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal
2.18 year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal
2.19 year ending June 30, 2011, are effective the day following final enactment.

2.20		<u>APPROPRIATIONS</u>	
2.21		<u>Available for the Year</u>	
2.22		<u>Ending June 30</u>	
2.23	<u>2011</u>	<u>2012</u>	<u>2013</u>

2.24 Sec. 3. PUBLIC SAFETY

2.25 Subdivision 1. Total

2.26	<u>Appropriation</u>	<u>\$ 1,226,000</u>	<u>\$ 153,340,000</u>	<u>\$ 150,725,000</u>
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2.27	<u>Appropriations by Fund</u>			
2.28		<u>2011</u>	<u>2012</u>	<u>2013</u>
2.29	<u>General</u>	<u>1,226,000</u>	<u>71,665,000</u>	<u>71,665,000</u>
2.30	<u>Special Revenue</u>		<u>7,014,000</u>	<u>7,014,000</u>
2.31	<u>State Government</u>			
2.32	<u>Special Revenue</u>		<u>72,651,000</u>	<u>70,036,000</u>
2.33	<u>Environmental</u>		<u>69,000</u>	<u>69,000</u>
2.34	<u>Trunk Highway</u>		<u>1,941,000</u>	<u>1,941,000</u>

2.35 The amounts that may be spent for each
2.36 purpose are specified in the following
2.37 subdivisions.

3.1	<u>Subd. 2. Emergency</u>		
3.2	<u>Management</u>	<u>1,226,000</u>	<u>2,525,000</u>
3.3	<u>Appropriations by Fund</u>		
3.4	<u>General</u>	<u>1,226,000</u>	<u>1,852,000</u>
3.5	<u>Special Revenue</u>	<u>604,000</u>	<u>604,000</u>
3.6	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>
3.7	<u>(a) Disaster Match. \$1,226,000 in fiscal year</u>		
3.8	<u>2011 is appropriated from the general fund to</u>		
3.9	<u>provide a state match for Federal Emergency</u>		
3.10	<u>Management Agency (FEMA) disaster</u>		
3.11	<u>assistance to state agencies and political</u>		
3.12	<u>subdivisions under Minnesota Statutes,</u>		
3.13	<u>section 12.221, in the area designated</u>		
3.14	<u>under Presidential Declaration of Major</u>		
3.15	<u>Disaster, FEMA-1830-DR, for the flooding</u>		
3.16	<u>in Minnesota in the spring of 2009, whether</u>		
3.17	<u>included in the original declaration or added</u>		
3.18	<u>later by federal government action. This is a</u>		
3.19	<u>onetime appropriation. This appropriation is</u>		
3.20	<u>available until expended.</u>		
3.21	<u>(b) Hazmat and Chemical Assessment</u>		
3.22	<u>Teams. \$604,000 each year is appropriated</u>		
3.23	<u>from the fire safety account in the special</u>		
3.24	<u>revenue fund. These amounts must be used</u>		
3.25	<u>to fund the hazardous materials and chemical</u>		
3.26	<u>assessment teams.</u>		
3.27	<u>Subd. 3. Criminal</u>		
3.28	<u>Apprehension</u>	<u>41,887,000</u>	<u>41,887,000</u>
3.29	<u>Appropriations by Fund</u>		
3.30	<u>General</u>	<u>39,939,000</u>	<u>39,939,000</u>
3.31	<u>State Government</u>		
3.32	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
3.33	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>
3.34	<u>DWI Lab Analysis; Trunk Highway Fund.</u>		
3.35	<u>Notwithstanding Minnesota Statutes, section</u>		
3.36	<u>161.20, subdivision 3, \$1,941,000 each year</u>		

4.1	<u>is appropriated from the trunk highway fund</u>		
4.2	<u>for laboratory analysis related to driving</u>		
4.3	<u>while impaired cases.</u>		
4.4	<u>Subd. 4. Fire Marshal</u>	<u>5,757,000</u>	<u>5,757,000</u>
4.5	<u>This appropriation is from the fire safety</u>		
4.6	<u>account in the special revenue fund and is for</u>		
4.7	<u>activities under Minnesota Statutes, section</u>		
4.8	<u>299F.012.</u>		
4.9	<u>Subd. 5. Alcohol and</u>		
4.10	<u>Gambling Enforcement</u>	<u>2,236,000</u>	<u>2,236,000</u>
4.11	<u>Appropriations by Fund</u>		
4.12	<u>General</u>	<u>1,583,000</u>	<u>1,583,000</u>
4.13	<u>Special Revenue</u>	<u>653,000</u>	<u>653,000</u>
4.14	<u>This appropriation is from the alcohol</u>		
4.15	<u>enforcement account in the special revenue</u>		
4.16	<u>fund. Of this appropriation, \$500,000 each</u>		
4.17	<u>year shall be transferred to the general fund.</u>		
4.18	<u>The transfer amount for fiscal year 2014 and</u>		
4.19	<u>fiscal year 2015 shall be \$500,000 per year.</u>		
4.20	<u>Subd. 6. Office of Justice</u>		
4.21	<u>Programs</u>	<u>28,387,000</u>	<u>28,387,000</u>
4.22	<u>Appropriations by Fund</u>		
4.23	<u>General</u>	<u>28,291,000</u>	<u>28,291,000</u>
4.24	<u>State Government</u>		
4.25	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>
4.26	<u>(a) Domestic Abuse Shelters.</u> The		
4.27	<u>commissioner may not reduce grants to</u>		
4.28	<u>domestic abuse shelters more than 11 percent</u>		
4.29	<u>from the base.</u>		
4.30	<u>(b) Administration Costs.</u> Up to 2.5 percent		
4.31	<u>of the grant money appropriated in this</u>		
4.32	<u>subdivision may be used to administer the</u>		
4.33	<u>grant program.</u>		
4.34	<u>Subd. 7. Emergency</u>		
4.35	<u>Communication Networks</u>	<u>72,548,000</u>	<u>69,933,000</u>

5.1 This appropriation is from the state
5.2 government special revenue fund for 911
5.3 emergency telecommunications services.

5.4 **(a) Public Safety Answering Points.**
5.5 \$13,664,000 each year is to be distributed
5.6 as provided in Minnesota Statutes, section
5.7 403.113, subdivision 2.

5.8 **(b) Medical Resource Communication**
5.9 **Centers.** \$683,000 each year is for grants
5.10 to the Minnesota Emergency Medical
5.11 Services Regulatory Board for the Metro
5.12 East and Metro West Medical Resource
5.13 Communication Centers that were in
5.14 operation before January 1, 2000.

5.15 **(c) ARMER Debt Service.** \$23,261,000
5.16 each year is to the commissioner of
5.17 management and budget to pay debt service
5.18 on revenue bonds issued under Minnesota
5.19 Statutes, section 403.275.

5.20 Any portion of this appropriation not needed
5.21 to pay debt service in a fiscal year may be
5.22 used by the commissioner of public safety to
5.23 pay cash for any of the capital improvements
5.24 for which bond proceeds were appropriated
5.25 by Laws 2005, chapter 136, article 1, section
5.26 9, subdivision 8, or Laws 2007, chapter 54,
5.27 article 1, section 10, subdivision 8.

5.28 **(d) Metropolitan Council Debt Service.**
5.29 \$1,410,000 each year is to the commissioner
5.30 of management and budget for payment to
5.31 the Metropolitan Council for debt service
5.32 on bonds issued under Minnesota Statutes,
5.33 section 403.27.

5.34 **(e) ARMER State Backbone Operating**
5.35 **Costs.** \$8,300,000 the first year and

6.1 \$8,650,000 the second year are to the
6.2 commissioner of transportation for costs
6.3 of maintaining and operating the statewide
6.4 radio system backbone.

6.5 (f) **ARMER Improvements.** \$1,000,000
6.6 each year is for the Statewide Radio Board
6.7 for costs of design, construction, maintenance
6.8 of, and improvements to those elements
6.9 of the statewide public safety radio and
6.10 communication system that support mutual
6.11 aid communications and emergency medical
6.12 services or provide enhancement of public
6.13 safety communication interoperability.

6.14 (g) **Transfer.** \$2,600,000 each year is
6.15 transferred to the general fund. This is a
6.16 onetime transfer.

6.17 Sec. 4. **PEACE OFFICER STANDARDS AND**
6.18 **TRAINING (POST) BOARD** \$ 3,770,000 \$ 3,770,000

6.19 (a) **Excess Amounts Transferred.** This
6.20 appropriation is from the peace officer
6.21 training account in the special revenue fund.
6.22 Any new receipts credited to that account in
6.23 the first year in excess of \$3,770,000 must be
6.24 transferred and credited to the general fund.
6.25 Any new receipts credited to that account in
6.26 the second year in excess of \$3,770,000 must
6.27 be transferred and credited to the general
6.28 fund.

6.29 (b) **Peace Officer Training**
6.30 **Reimbursements.** \$2,634,000 each
6.31 year is for reimbursements to local
6.32 governments for peace officer training costs.

6.33 Sec. 5. **PRIVATE DETECTIVE BOARD** \$ 120,000 \$ 120,000

7.1	Sec. 6. <u>HUMAN RIGHTS</u>	<u>\$</u>	<u>1,170,000</u>	<u>\$</u>	<u>1,170,000</u>
7.2	<u>Mission Priority.</u> The commissioner shall				
7.3	<u>dedicate the department's appropriation</u>				
7.4	<u>under this section to enforcement measures.</u>				
7.5	Sec. 7. <u>DEPARTMENT OF CORRECTIONS</u>				
7.6	Subdivision 1. <u>Total</u>				
7.7	<u>Appropriation</u>	<u>\$</u>	<u>455,185,000</u>	<u>\$</u>	<u>441,427,000</u>
7.8	<u>Appropriations by Fund</u>				
7.9	<u>General</u>	<u>454,295,000</u>	<u>440,537,000</u>		
7.10	<u>Special Revenue</u>	<u>890,000</u>	<u>890,000</u>		
7.11	<u>The amounts that may be spent for each</u>				
7.12	<u>purpose are specified in the following</u>				
7.13	<u>subdivisions.</u>				
7.14	Subd. 2. <u>Correctional</u>				
7.15	<u>Institutions</u>		<u>325,759,000</u>		<u>312,001,000</u>
7.16	<u>Appropriations by Fund</u>				
7.17	<u>General</u>	<u>325,179,000</u>	<u>311,421,000</u>		
7.18	<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>		
7.19	<u>(a) Position Reductions.</u> The commissioner				
7.20	<u>shall realize the cuts to correctional</u>				
7.21	<u>institutions by eliminating management</u>				
7.22	<u>positions within the department's facilities,</u>				
7.23	<u>particularly duplicate positions. The</u>				
7.24	<u>commissioner may not eliminate line officer</u>				
7.25	<u>positions. The commissioner shall focus the</u>				
7.26	<u>reductions in areas that will not compromise</u>				
7.27	<u>line officer or public safety.</u>				
7.28	<u>(b) Inmate Medical Cost Savings; Report.</u>				
7.29	<u>The commissioner shall reduce the inmate</u>				
7.30	<u>medical per diem by at least five percent.</u>				
7.31	<u>By January 15, 2012, the commissioner</u>				
7.32	<u>shall submit a report to the chairs and</u>				
7.33	<u>ranking minority members of the house</u>				

8.1 of representatives and senate committees
8.2 with jurisdiction over public safety finance
8.3 detailing how the commissioner achieved
8.4 the cost savings. If the commissioner fails
8.5 to realize five percent savings on inmate
8.6 medical costs, the report shall contain a
8.7 detailed explanation of why the savings were
8.8 not realized.

8.9 **(c) Juvenile Facilities; Report.** By
8.10 December 1, 2011, the commissioner of
8.11 corrections shall report to the chairs and
8.12 ranking minority members of the house of
8.13 representatives and senate committees with
8.14 jurisdiction over public safety finance on
8.15 the continued operation of the department's
8.16 two juvenile facilities. In the report, the
8.17 commissioner shall evaluate the cost savings
8.18 to the department and state of closing one or
8.19 both of the facilities. If the commissioner
8.20 determines one or both of the facilities
8.21 should remain open, the commissioner shall
8.22 make recommendations on how to operate
8.23 the facilities in the most cost-effective
8.24 manner possible. If the commissioner
8.25 recommends the closing of one or both of the
8.26 juvenile facilities, the report shall contain
8.27 recommendations for alternative placements
8.28 for juvenile offenders and alternative uses
8.29 for the facilities.

8.30 **(d) Reform Working Group; Report. (1)**
8.31 The commissioner of corrections shall form a
8.32 working group to study the following topics:
8.33 (i) adoption of an earned credit program for
8.34 inmates in the state correctional facilities
8.35 similar to the programs in 36 other states;

9.1 (ii) the federal immigration and customs
9.2 enforcement rapid REPAT program and the
9.3 potential for the state to participate in the
9.4 program;

9.5 (iii) expanding the use of medical and other
9.6 forms of early release; and

9.7 (iv) the feasibility of closing a wing or an
9.8 entire state facility or leasing vacant prison
9.9 space to house inmates from other states.

9.10 (2) The working group shall consist of
9.11 corrections personnel, the state public
9.12 defender, an individual representing victim
9.13 services, a representative from the county
9.14 attorneys association, a majority and
9.15 minority member of the house Public Safety
9.16 Committee and a majority and minority
9.17 member of the senate Judiciary and Public
9.18 Safety Committee, and any other members
9.19 that the commissioner deems necessary.

9.20 (3) The working group shall issue a report
9.21 to the chair and ranking minority member
9.22 of the house Public Safety Finance and
9.23 Policy Committee and the chair and
9.24 ranking minority member of the senate
9.25 Judiciary and Public Safety Committee by
9.26 January 15, 2012. The report must contain
9.27 recommendations for each of the areas
9.28 of study under paragraph (1) and specific
9.29 recommendations concerning the use of
9.30 earned credits for inmates that address:

9.31 (i) the feasibility of an earned credit policy;
9.32 (ii) the type and amount of earned credit that
9.33 could be offered;

10.1 (iii) the type of inmates to include and
10.2 exclude from an earned credit program; and
10.3 (iv) any potential cost savings that would
10.4 result from issuing earned credit.

10.5	<u>Subd. 3. Community</u>		
10.6	<u>Services</u>	<u>109,082,000</u>	<u>109,082,000</u>

10.7	<u>Appropriations by Fund</u>		
10.8	<u>General</u>	<u>108,982,000</u>	<u>108,982,000</u>
10.9	<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>

10.10 **Probation Revocation Reform; Report.**
10.11 The commissioner of corrections, in
10.12 consultation with staff of the Sentencing
10.13 Guidelines Commission and representatives
10.14 from community corrections agencies,
10.15 shall develop performance incentives for
10.16 counties to reduce the number of probation
10.17 revocations by at least ten percent. The
10.18 commissioner is encouraged to review
10.19 policies in states that have implemented
10.20 performance incentive programs. The
10.21 commissioner shall also examine and
10.22 consider:
10.23 (1) the revocation rate differences between
10.24 counties;
10.25 (2) granting earned compliance credits for
10.26 offenders on probation;
10.27 (3) recent innovations in probation services,
10.28 such as the HOPE program and the
10.29 Georgia model, to determine the feasibility
10.30 of implementing similar programs in
10.31 Minnesota;
10.32 (4) limiting prison time for first time
10.33 probation revocations; and

11.1 (5) the impact of adopting one, unified
11.2 probation and supervised release delivery
11.3 system in the state.

11.4 The commissioner shall submit a report to
11.5 the chairs and ranking minority members
11.6 of the house of representatives and senate
11.7 committees with jurisdiction over public
11.8 safety finance by January 15, 2012.

11.9 Subd. 4. **Operations**
11.10 **Support** 20,344,000 20,344,000

11.11 Appropriations by Fund

11.12 General 20,134,000 20,134,000
11.13 Special Revenue 210,000 210,000

11.14 **Position Reductions.** At least 50 percent
11.15 of the reductions in operations support must
11.16 come from the elimination of, or reduction
11.17 in benefits for, management positions. The
11.18 commissioner shall focus the reductions
11.19 in areas such as information technology,
11.20 finance, and other areas that will not
11.21 compromise line officer or public safety. The
11.22 commissioner shall also work to eliminate
11.23 positions that duplicate the duties of other
11.24 department employees.

11.25 Subd. 5. **Transfers**

11.26 (a) **MINNCOR.** Notwithstanding Minnesota
11.27 Statutes, section 241.27, the commissioner
11.28 of management and budget shall transfer
11.29 \$600,000 the first year and \$600,000 the
11.30 second year from the Minnesota correctional
11.31 industries revolving fund to the general fund.
11.32 These are onetime transfers.

11.33 (b) **Various Special Revenue Accounts.**
11.34 Notwithstanding any law to the contrary,
11.35 the commissioner of management and

12.1 budget shall transfer \$400,000 the first year
12.2 and \$400,000 the second year from the
12.3 Department of Corrections' special revenue
12.4 accounts to the general fund. These are
12.5 onetime transfers. The commissioner of
12.6 corrections shall adjust expenditures to stay
12.7 within the remaining revenues.

12.8 **ARTICLE 2**

12.9 **POLICY**

12.10 Section 1. Minnesota Statutes 2010, section 243.212, is amended to read:

12.11 **243.212 CO-PAYMENTS FOR HEALTH SERVICES.**

12.12 Any inmate of an adult correctional facility under the control of the commissioner
12.13 of corrections shall incur co-payment obligations for health care services provided. The
12.14 co-payment shall be at least \$5 per visit to a health care provider. The co-payment will be
12.15 paid from the inmate account of earnings and other funds, as provided in section 243.23,
12.16 subdivision 3. The funds paid under this subdivision are appropriated to the commissioner
12.17 of corrections for the delivery of health care services to inmates.

12.18 **EFFECTIVE DATE.** This section is effective July 1, 2011.

12.19 Sec. 2. Minnesota Statutes 2010, section 297I.06, subdivision 3, is amended to read:

12.20 Subd. 3. **Fire safety account, annual transfers, allocation.** A special account, to
12.21 be known as the fire safety account, is created in the state treasury. The account consists of
12.22 the proceeds under subdivisions 1 and 2. \$468,000 in fiscal year 2008, \$4,268,000 in fiscal
12.23 year 2009, \$9,268,000 in fiscal year 2010, \$5,968,000 in fiscal year 2011, \$6,618,000 in
12.24 fiscal year 2012, \$6,618,000 in fiscal year 2013, and \$2,368,000 in each year thereafter is
12.25 transferred from the fire safety account in the special revenue fund to the general fund
12.26 to offset the loss of revenue caused by the repeal of the one-half of one percent tax on
12.27 fire insurance premiums.

12.28 Sec. 3. Minnesota Statutes 2010, section 363A.06, subdivision 1, is amended to read:

12.29 Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate
12.30 policies to effectuate the purposes of this chapter and shall do the following:

13.1 (1) exercise leadership under the direction of the governor in the development of
13.2 human rights policies and programs, and make recommendations to the governor and the
13.3 legislature for their consideration and implementation;

13.4 ~~(2) establish and maintain a principal office in St. Paul, and any other necessary~~
13.5 ~~branch offices at any location within the state;~~

13.6 ~~(3)~~ meet and function at any place within the state;

13.7 ~~(4)~~ (3) employ attorneys, clerks, and other employees and agents as the
13.8 commissioner may deem necessary and prescribe their duties;

13.9 ~~(5)~~ (4) to the extent permitted by federal law and regulation, utilize the records of
13.10 the Department of Employment and Economic Development of the state when necessary
13.11 to effectuate the purposes of this chapter;

13.12 ~~(6)~~ (5) obtain upon request and utilize the services of all state governmental
13.13 departments and agencies;

13.14 ~~(7)~~ (6) adopt suitable rules for effectuating the purposes of this chapter;

13.15 ~~(8)~~ (7) issue complaints, receive and investigate charges alleging unfair
13.16 discriminatory practices, and determine whether or not probable cause exists for hearing;

13.17 ~~(9)~~ (8) subpoena witnesses, administer oaths, take testimony, and require the
13.18 production for examination of any books or papers relative to any matter under
13.19 investigation or in question as the commissioner deems appropriate to carry out the
13.20 purposes of this chapter;

13.21 ~~(10)~~ (9) attempt, by means of ~~education~~, conference, conciliation, and persuasion to
13.22 eliminate unfair discriminatory practices as being contrary to the public policy of the state;

13.23 ~~(11) develop and conduct programs of formal and informal education designed to~~
13.24 ~~eliminate discrimination and intergroup conflict by use of educational techniques and~~
13.25 ~~programs the commissioner deems necessary;~~

13.26 ~~(12)~~ (10) make a written report of the activities of the commissioner to the governor
13.27 each year;

13.28 ~~(13)~~ (11) accept gifts, bequests, grants, or other payments public and private to help
13.29 finance the activities of the department;

13.30 ~~(14)~~ (12) create such local and statewide advisory committees as will in the
13.31 commissioner's judgment aid in effectuating the purposes of the Department of Human
13.32 Rights;

13.33 ~~(15) develop such programs as will aid in determining the compliance throughout~~
13.34 ~~the state with the provisions of this chapter, and in the furtherance of such duties, conduct~~
13.35 ~~research and study discriminatory practices based upon race, color, creed, religion,~~
13.36 ~~national origin, sex, age, disability, marital status, status with regard to public assistance,~~

14.1 ~~familial status, sexual orientation, or other factors and develop accurate data on the nature~~
14.2 ~~and extent of discrimination and other matters as they may affect housing, employment,~~
14.3 ~~public accommodations, schools, and other areas of public life;~~

14.4 ~~(16)~~ (13) develop and disseminate technical assistance to persons subject to the
14.5 provisions of this chapter, and to agencies and officers of governmental and private
14.6 agencies;

14.7 ~~(17)~~ (14) provide staff services to such advisory committees as may be created in
14.8 aid of the functions of the Department of Human Rights;

14.9 ~~(18)~~ (15) make grants in aid to the extent that appropriations are made available for
14.10 that purpose in aid of carrying out duties and responsibilities; and

14.11 ~~(19)~~ (16) cooperate and consult with the commissioner of labor and industry
14.12 regarding the investigation of violations of, and resolution of complaints regarding section
14.13 363A.08, subdivision 7. The commissioner may use nonstate funds to develop and
14.14 conduct programs of formal and informal education designed to eliminate discrimination
14.15 and further compliance with this chapter.

14.16 In performing these duties, the commissioner shall give priority to those duties in
14.17 clauses (7), (8), and (9), ~~and (10) and to the duties in section 363A.36.~~

14.18 (b) All gifts, bequests, grants, or other payments, public and private, accepted under
14.19 paragraph (a), clause ~~(13)~~ (11), must be deposited in the state treasury and credited to a
14.20 special account. Money in the account is appropriated to the commissioner of human
14.21 rights to help finance activities of the department.

14.22 **EFFECTIVE DATE.** This section is effective July 1, 2011.

14.23 Sec. 4. Minnesota Statutes 2010, section 363A.36, subdivision 1, is amended to read:

14.24 Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in
14.25 excess of ~~\$100,000~~ \$250,000, no department or agency of the state shall accept any bid or
14.26 proposal for a contract or agreement from any business having more than ~~40~~ 50 full-time
14.27 employees within this state on a single working day during the previous 12 months, unless
14.28 the commissioner is in receipt of the business' affirmative action plan for the employment
14.29 of minority persons, women, and qualified disabled individuals. No department or agency
14.30 of the state shall execute any such contract or agreement until the affirmative action plan
14.31 has been approved by the commissioner. Receipt of a certificate of compliance issued by
14.32 the commissioner shall signify that a firm or business has an affirmative action plan that
14.33 has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~
14.34 five years. A municipality as defined in section 466.01, subdivision 1, that receives state
14.35 money for any reason is encouraged to prepare and implement an affirmative action plan

15.1 for the employment of minority persons, women, and the qualified disabled and submit the
15.2 plan to the commissioner.

15.3 (b) This paragraph applies to a contract for goods or services in excess of ~~\$100,000~~
15.4 \$250,000 to be entered into between a department or agency of the state and a business
15.5 that is not subject to paragraph (a), but that has more than ~~40~~ 50 full-time employees on
15.6 a single working day during the previous 12 months in the state where the business has
15.7 its primary place of business. A department or agency of the state may not execute a
15.8 contract or agreement with a business covered by this paragraph unless the business has a
15.9 certificate of compliance issued by the commissioner under paragraph (a) or the business
15.10 certifies that it is in compliance with federal affirmative action requirements.

15.11 (c) This section does not apply to contracts entered into by the State Board of
15.12 Investment for investment options under section 352.965, subdivision 4.

15.13 **EFFECTIVE DATE.** This section is effective July 1, 2011.

15.14 Sec. 5. Minnesota Statutes 2010, section 609.105, subdivision 1, is amended to read:

15.15 Subdivision 1. **Sentence to ~~more than one year~~ 60 days or less.** In a felony
15.16 sentence to imprisonment ~~for more than one year shall commit~~, when the remaining term
15.17 of imprisonment is for 60 days or less, the defendant shall be committed to the custody of
15.18 the commissioner of corrections and must serve the remaining term of imprisonment at a
15.19 workhouse, work farm, county jail, or other place authorized by law.

15.20 **EFFECTIVE DATE.** This section is effective July 1, 2011.

15.21 Sec. 6. Minnesota Statutes 2010, section 609.105, is amended by adding a subdivision
15.22 to read:

15.23 **Subd. 1c. Sentence to more than 60 days.** A felony sentence to imprisonment
15.24 when the warrant of commitment has a remaining term of imprisonment for more than 60
15.25 days shall commit the defendant to the custody of the commissioner of corrections.

15.26 **EFFECTIVE DATE.** This section is effective July 1, 2011.

15.27 Sec. 7. Minnesota Statutes 2010, section 609.105, is amended by adding a subdivision
15.28 to read:

15.29 **Subd. 4. Definitions.** (a) For the purposes of this section, the terms in this
15.30 subdivision have the meanings given them.

15.31 (b) "Remaining term of imprisonment" as applied to inmates whose crimes were
15.32 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, 2011.

Sec. 8. **[609.3458] INDETERMINATE SENTENCE FOR PREDATORY SEX OFFENDERS.**

Subdivision 1. **Definitions.** As used in this section:

(1) "sex offense" means a violation of section 609.342, 609.343, 609.344, or 609.345;

(2) "predatory sex offender" means a person who:

(i) is unable to control the person's sexual impulses;

(ii) is dangerous to other persons; and

(iii) has a pattern of harmful sexual conduct; and

(3) "harmful sexual conduct" means sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another.

Subd. 2. **Applicability.** A prosecuting attorney may charge a person under this section when probable cause exists that the person:

(1) committed a sex offense; and

(2) is a predatory sex offender.

Subd. 3. **Procedures.** A person subject to prosecution under this section shall have a bifurcated trial. The first phase of the trial shall determine the person's guilt on the sex offense charge. If the person is found guilty of the sex offense, the second phase of the trial shall determine whether the person is a predatory sex offender. In both phases of the trial, the burden of proof is on the state and the standard of proof is beyond a reasonable doubt. A person charged under this section has all of the rights of a criminal defendant in both phases of the trial.

Subd. 4. **Indeterminate sentence; minimum and maximum term specified.** (a) A person convicted of a sex offense who has been found by the fact finder to be a predatory sex offender shall be committed to the custody of the commissioner of corrections for the term required by paragraph (b).

(b) The minimum sentence of incarceration for offenders sentenced under paragraph (a) shall be twice the presumptive sentence under the sentencing guidelines for a person with the offender's criminal history. When the sentencing guidelines presume a stayed sentence for the sex offense, the court shall specify a minimum sentence. Notwithstanding

17.1 any law to the contrary and the statutory maximum sentence for the offense, the maximum
17.2 sentence is 60 years.

17.3 (c) A person sentenced under this section and subsequently released shall be placed
17.4 on conditional release as provided for in subdivision 9.

17.5 (d) Notwithstanding section 609.135, the court may not stay the imposition or
17.6 execution of the sentence required by this subdivision. An offender committed to the
17.7 custody of the commissioner of corrections under this section may not be released from
17.8 incarceration except as provided in this section and section 244.05, subdivision 8.

17.9 Subd. 5. **Sentence of persons not found to be predatory sex offenders.** If the
17.10 person is convicted of the sex offense but is not determined to be a predatory sex offender,
17.11 the court shall sentence the offender as otherwise provided by law.

17.12 Subd. 6. **Release authority.** The commissioner of corrections, under rules adopted
17.13 by the commissioner, may grant supervised release to offenders sentenced under this
17.14 section.

17.15 Subd. 7. **Petition for release, hearing.** (a) A person who has served the minimum
17.16 period of incarceration to which the person was sentenced may petition the commissioner
17.17 of corrections for release. The commissioner shall hold a hearing on each petition
17.18 for release prior to making any determination. Within 45 days of the hearing, the
17.19 commissioner shall give written notice of the time and place of the hearing to all interested
17.20 parties, including the petitioner, the sentencing court, the county attorney's office that
17.21 prosecuted the case, and any victims of the crime who requested notification. The hearing
17.22 must be held on the record. Upon the approval of the commissioner, the petitioner may
17.23 subpoena witnesses to appear at the hearing.

17.24 (b) If the commissioner determines the person satisfies the criteria for conditional
17.25 release, the commissioner shall release the person from incarceration no later than 14
17.26 days after making a determination.

17.27 (c) If the commissioner rejects the person's petition for release, the commissioner
17.28 must specify in writing the reasons for the rejection. The person may not petition for
17.29 release again until 24 months have elapsed since the rejection, unless the commissioner
17.30 specifies a shorter time period.

17.31 Subd. 8. **Criteria for release.** (a) A person sentenced under this section shall not
17.32 be released from incarceration unless it appears to the satisfaction of the commissioner
17.33 that the person:

17.34 (1) no longer poses a threat to the public;

17.35 (2) is no longer in need of programming in a secure facility; and

17.36 (3) is capable of reintegration with the general public.

(b) The person seeking release has the burden of showing, by clear and convincing evidence, that the criteria in paragraph (a) have been met.

Subd. 9. **Conditional release.** (a) A person sentenced under this section shall serve, upon release from incarceration, a conditional release term. The conditional release term shall be the 60-year maximum term under this section less the amount of time actually served, but the term cannot be less than ten years.

(b) The commissioner of corrections shall establish the conditions of release for a person granted conditional release.

(c) The county attorney in the county where the conviction occurred, the person's conditional release agent, or any other interested party may file a petition with the court alleging that the person failed to satisfy any condition of release. If the court determines that a person has violated a condition of release, the court may order an appropriate sanction, including, but not limited to, incarcerating the person for a period specified by the court in a local or state correctional facility. The period may be of any duration up to the remainder of time left in the person's conditional release term.

EFFECTIVE DATE. This section is effective July 1, 2013, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2010, section 626.8458, subdivision 5, is amended to read:

Subd. 5. In-service training in police pursuits required. The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency who the chief law enforcement officer determines may be involved in a police pursuit given the officer's responsibilities. The training shall comply with learning objectives developed and approved by the board and shall consist of at least eight hours of classroom and skills-based training every ~~four~~ five years.

Sec. 10. Minnesota Statutes 2010, section 641.15, subdivision 2, is amended to read:

Subd. 2. ~~Medical aid.~~ Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners pursuant to this section. The amount paid by the ~~Anoka~~ county board for a medical service shall not exceed the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. ~~For all other counties,~~ In the absence of a health or medical insurance or health plan that has a contractual obligation with the provider or the prisoner, medical providers shall charge no higher than the rate negotiated between

the county and the provider. In the absence of an agreement between the county and the provider, the provider may not charge ~~no more than the discounted rate the provider has negotiated with the nongovernmental third-party payer that provided the most revenue to the provider during the previous calendar year~~ an amount that exceeds the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur co-payment obligations for health care services provided by a county correctional facility. The county board shall determine the co-payment amount. Notwithstanding any law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held by the county, to the extent possible. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program or the general assistance medical care program.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 11. **JUVENILE JUSTICE REFORM ADVISORY TASK FORCE.**

Subdivision 1. Creation; duties. (a) A task force is established to study, evaluate, and analyze issues related to juvenile justice reform. At a minimum, the task force shall examine the following issues and assess whether and how a change to law, rule, or practice would best serve public safety, address the needs of juvenile offenders, and promote cost-efficiency or cost-savings in the juvenile justice system:

(1) the purpose and intent of the delinquency and child protection provisions of the Juvenile Court Act;

(2) the age at which a juvenile who is alleged of committing a felony may be certified as an adult or prosecuted as an extended jurisdiction juvenile;

(3) the minimum age at which a juvenile may be prosecuted for committing a delinquent act or a petty juvenile offense;

(4) the age at which the juvenile court's jurisdiction over the following individuals should terminate: delinquent children, juvenile petty offenders, and extended jurisdiction juveniles;

(5) laws relating to juvenile records, including data classifications, retention periods, expungement provisions, effect on future juvenile and adult sentencing, and restrictions on the release of records by different agencies and the courts;

(6) laws which prevent youth involved with the CHIPs, juvenile justice, or adult court systems from later being employed in various jobs;

(7) laws relating to continuances and stays of adjudication in juvenile delinquency cases, including length of continuance or stay, extensions, collateral consequences, and disposition of such cases; and

(8) laws relating to diversion in juvenile cases, including eligibility, program components, and diversion alternatives.

(b) In addition, the task force shall:

(1) identify the types of dispositions, including treatment and counseling, that have been most and least successful in reforming and treating juvenile offenders and in deterring juvenile offenders from committing specific crimes; and

(2) identify the types of dispositions, including treatment and counseling, that have been the most and least cost-effective in reforming, treating, and deterring juvenile offenders.

(c) In its evaluation and analysis, the task force shall consider approaches taken by other states in these areas and may examine other issues that the task force or commissioner of corrections finds relevant.

Subd. 2. Membership. The task force consists of the following members:

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

(2) the commissioner of public safety, or the commissioner's designee;

(3) the commissioner of human services, or the commissioner's designee;

(4) the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over criminal justice policy, or their designees;

(5) a county attorney selected by the Minnesota County Attorneys Association;

(6) a representative from the Board of Public Defense, selected by that board;

(7) a representative of the Minnesota Chiefs of Police Association;

(8) a representative of the Minnesota Sheriffs Association;

(9) a juvenile probation officer selected by the commissioner of corrections;

(10) a member of the Juvenile Justice Advisory Committee, selected by that committee;

(11) a member of the Juvenile Justice Coalition, selected by that coalition; and

(12) a law professor who is knowledgeable in juvenile justice issues, selected by the commissioner of corrections.

Subd. 3. **Meetings.** The commissioner of corrections, or the commissioner's designee, shall convene the initial meeting of the task force. The members of the task force must elect a chair or co-chairs at the initial meeting. The task force shall meet sufficiently enough to accomplish the tasks identified in this section.

Subd. 4. **Terms; compensation; removal; vacancies.** The expiration, membership terms, removal of members, and filling of vacancies on the task force shall be as provided in Minnesota Statutes, section 15.059. Members shall serve without compensation and expense reimbursement. The task force expires June 30, 2012.

Subd. 5. **Report.** By January 15, 2012, the task force shall submit its report, including any proposed legislative changes, to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over criminal justice policy and funding.

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

Sec. 12. **SEX OFFENDER POLICY TASK FORCE.**

Subdivision 1. **Creation; duties.** (a) A task force is established to study, evaluate, and analyze issues related to sex offenders. At a minimum, the task force shall examine and make recommendations on the following issues:

(1) sex offender sentencing, including expanded use of indeterminate sentencing and implementation of section 8;

(2) sex offender treatment, both in prison and in the community;

(3) sex offender civil commitment, including less costly alternatives;

(4) the effectiveness in cost and outcomes of the Minnesota sex offender program;

(5) best practices for supervising sex offenders such as intensive supervised release, specialized caseloads, and other innovative methods; ideal caseload sizes for supervising agents; and methods to implement this in a manner that does not negatively impact the supervision of other types of offenders;

(6) sex offender community notification and registration, including the effectiveness of posting offender information on the Internet; and

(7) any other issues related to sex offender management and treatment that the task force deems appropriate.

(b) In its evaluation and analysis, the task force shall consider approaches taken by other states in the areas in paragraph (a).

Subd. 2. **Membership.** The task force consists of the following members:

(1) the commissioner of public safety, or the commissioner's designee;

(2) the commissioner of corrections, or the commissioner's designee;

(3) the commissioner of human services, or the commissioner's designee;

(4) the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over public safety finance and human services finance, or their designees;

(5) a county attorney, selected by the Minnesota County Attorneys Association;

(6) one representative from the Board of Public Defense, selected by that board;

(7) a representative of the Minnesota Chiefs of Police Association;

(8) a representative of the Minnesota Sheriffs Association;

(9) a probation officer, selected by the commissioner of corrections; and

(10) a sex offender treatment provider who is privately employed, selected by the commissioner of human services.

Subd. 3. **Meetings.** The commissioner of public safety, or the commissioner's designee, shall convene the initial meeting of the task force and serve as the chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section.

Subd. 4. **Terms; compensation; removal; vacancies.** The expiration, membership terms, removal of members, and filling of vacancies on the task force shall be as provided in Minnesota Statutes, section 15.059. Members shall serve without compensation and expense reimbursement. The task force expires June 30, 2012.

Subd. 5. **Report.** By January 15, 2012, the task force shall submit its report, including any proposed legislative changes, to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance and human services policy and finance.

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

Sec. 13. ACQUISITION OF EASEMENT; MINNESOTA CORRECTIONAL FACILITY IN FARIBAULT.

Notwithstanding Minnesota Statutes, section 16B.31, subdivision 5, the commissioner of administration may acquire an easement for utility and access purposes to serve the Minnesota correctional facility in the city of Faribault by any of the acquisition methods permitted by that subdivision even in the absence of a specific appropriation to the commissioner to acquire the easement.

23.1 Sec. 14. **REPEALER.**

23.2 Minnesota Statutes 2010, section 363A.36, subdivision 5, is repealed.

23.3 **EFFECTIVE DATE.** This section is effective July 1, 2011.

23.4 **ARTICLE 3**

23.5 **CORRECTIONAL STATE EMPLOYEES RETIREMENT PLAN I**

23.6 Section 1. Minnesota Statutes 2010, section 352.90, is amended to read:

23.7 **352.90 POLICY.**

23.8 It is the policy of the legislature to provide special retirement benefits for and special
23.9 contributions by certain correctional employees who may be required to retire at an early
23.10 age because they lose the mental or physical capacity required to maintain the safety,
23.11 security, discipline, and custody of inmates at state correctional facilities ~~or~~ of patients at
23.12 the Minnesota Security Hospital, or of patients in the Minnesota sex offender program, ~~or~~
23.13 ~~of patients in the Minnesota extended treatment options program.~~

23.14 Sec. 2. Minnesota Statutes 2010, section 352.91, subdivision 1, is amended to read:

23.15 Subdivision 1. **Qualifying jobs.** "Covered correctional service" means service
23.16 performed by a state employee, as defined in section 352.01, who is employed at a state
23.17 correctional facility, the Minnesota Security Hospital, or the Minnesota sex offender
23.18 program as:

- 23.19 (1) a corrections officer 1;
23.20 (2) a corrections officer 2;
23.21 (3) a corrections officer 3;
23.22 ~~(4) a corrections officer supervisor;~~
23.23 ~~(5)~~ (4) a corrections lieutenant;
23.24 ~~(6)~~ (5) a corrections captain;
23.25 ~~(7)~~ (6) a security counselor;
23.26 ~~(8)~~ (7) a security counselor lead; ~~or~~
23.27 ~~(9)~~ (8) a corrections canine officer;
23.28 (9) a group supervisor; or
23.29 (10) a group supervisor assistant.

23.30 Sec. 3. Minnesota Statutes 2010, section 352.91, subdivision 3h, is amended to read:

23.31 Subd. 3h. **Employment occupation name changes.** (a) If the occupational title of a
23.32 state employee covered by the Minnesota correctional employees retirement plan changes

from the applicable title listed in subdivision 1, ~~2, 2a, 3c, 3d, 3e, 3f, or 3g~~, qualification for coverage by the correctional state employees retirement plan continues until the July 1 next following the title change if the commissioner of management and budget certifies to the executive director of the Minnesota State Retirement System and to the executive director of the Legislative Commission on Pensions and Retirement that the duties, requirements, and responsibilities of the new occupational title are substantially identical to the duties, requirements, and responsibilities of the prior occupational title.

(b) If the commissioner of management and budget does not certify a new occupational title under paragraph (a), eligibility for future correctional state employees retirement coverage terminates as of the start of the first payroll period next following the effective date of the occupational title change.

(c) For consideration by the Legislative Commission on Pensions and Retirement during the legislative session next following an occupational title change involving a state employee in covered correctional service, the commissioner of management and budget shall submit the applicable draft proposed legislation reflecting the occupational title change covered by this section.

Sec. 4. **MODIFICATION IN CERTAIN POSTRETIREMENT
EMPLOYER-PAID HEALTH INSURANCE COVERAGE.**

Notwithstanding any provision to the contrary of any agreement under Minnesota Statutes, chapter 179A, for any member of the correctional state employees retirement plan of the Minnesota State Retirement System to be eligible for employer-paid health insurance coverage after retirement, the person must have at least ten years of covered correctional service credit under Minnesota Statutes, section 352.91, prior to the commencement of the retirement annuity under Minnesota Statutes, section 352.93.

Sec. 5. **REPEALER.**

Minnesota Statutes 2010, section 352.91, subdivisions 2, 2a, 3c, 3d, 3e, 3f, 3g, 3i, 4a, and 4b, are repealed.

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352.91 COVERED CORRECTIONAL SERVICE.

Subd. 2. **Maintenance, correctional industry, and trades.** "Covered correctional service" also means service rendered at any time by state employees as maintenance personnel, correctional industry personnel, or members of trades certified by the commissioner of management and budget to the executive director as being engaged for at least 75 percent of the employee's working time in the rehabilitation, treatment, custody, or supervision of inmates at a Minnesota correctional facility, or of patients at the Minnesota Security Hospital or the Minnesota sex offender program.

Subd. 2a. **Special teachers.** "Covered correctional service" also means service rendered by a state employee as a special teacher employed by the Department of Corrections or by the Department of Human Services at a security unit, provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

Subd. 3c. **Nursing personnel.** (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota Security Hospital, or in the Minnesota sex offender program that are specified in paragraph (b) if at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner.

(b) The employment positions are as follows:

- (1) registered nurse - senior;
- (2) registered nurse;
- (3) registered nurse - principal;
- (4) licensed practical nurse 2; and
- (5) registered nurse advance practice.

Subd. 3d. **Other correctional personnel.** (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota Security Hospital specified in paragraph (b) if at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner.

(b) The employment positions are:

- (1) automotive mechanic;
- (2) baker;
- (3) central services administrative specialist, intermediate;
- (4) central services administrative specialist, principal;
- (5) chaplain;
- (6) chief cook;
- (7) cook;
- (8) cook coordinator;
- (9) corrections program therapist 1;
- (10) corrections program therapist 2;
- (11) corrections program therapist 3;
- (12) corrections program therapist 4;
- (13) corrections inmate program coordinator;
- (14) corrections transitions program coordinator;
- (15) corrections security caseworker;
- (16) corrections security caseworker career;
- (17) corrections teaching assistant;
- (18) delivery van driver;
- (19) dentist;
- (20) electrician supervisor;
- (21) general maintenance worker lead;
- (22) general repair worker;
- (23) library/information research services specialist;
- (24) library/information research services specialist senior;
- (25) library technician;
- (26) painter lead;
- (27) plant maintenance engineer lead;
- (28) plumber supervisor;

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- (29) psychologist 1;
- (30) psychologist 3;
- (31) recreation therapist;
- (32) recreation therapist coordinator;
- (33) recreation program assistant;
- (34) recreation therapist senior;
- (35) sports medicine specialist;
- (36) work therapy assistant;
- (37) work therapy program coordinator; and
- (38) work therapy technician.

Subd. 3e. **Minnesota extended treatment options program.** (a) "Covered correctional service" means service by a state employee in one of the employment positions with the Minnesota extended treatment options program specified in paragraph (b) if at least 75 percent of the employee's working time is spent in direct contact with patients who are in the Minnesota extended treatment options program and if service in such a position is certified to the executive director by the commissioner of human services.

- (b) The employment positions are:
- (1) behavior analyst 1;
 - (2) behavior analyst 2;
 - (3) behavior analyst 3;
 - (4) group supervisor;
 - (5) group supervisor assistant;
 - (6) human services support specialist;
 - (7) residential program lead;
 - (8) psychologist 2;
 - (9) recreation program assistant;
 - (10) recreation therapist senior;
 - (11) registered nurse senior;
 - (12) skills development specialist;
 - (13) social worker senior;
 - (14) social worker specialist; and
 - (15) speech pathology specialist.

Subd. 3f. **Additional Department of Human Services personnel.** (a) "Covered correctional service" means service by a state employee in one of the employment positions specified in paragraph (b) at the Minnesota Security Hospital or in the Minnesota sex offender program if at least 75 percent of the employee's working time is spent in direct contact with patients and the determination of this direct contact is certified to the executive director by the commissioner of human services.

- (b) The employment positions are:
- (1) behavior analyst 2;
 - (2) behavior analyst 3;
 - (3) certified occupational therapy assistant 1;
 - (4) certified occupational therapy assistant 2;
 - (5) chemical dependency counselor senior;
 - (6) client advocate;
 - (7) customer services specialist principal;
 - (8) dental assistant registered;
 - (9) group supervisor;
 - (10) group supervisor assistant;
 - (11) human services support specialist;
 - (12) licensed alcohol and drug counselor;
 - (13) licensed practical nurse 1;
 - (14) management analyst 3;
 - (15) occupational therapist;
 - (16) occupational therapist, senior;
 - (17) psychologist 1;
 - (18) psychologist 2;
 - (19) psychologist 3;
 - (20) recreation program assistant;
 - (21) recreation therapist lead;
 - (22) recreation therapist senior;
 - (23) rehabilitation counselor senior;

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- (24) security supervisor;
- (25) skills development specialist;
- (26) social worker senior;
- (27) social worker specialist;
- (28) social worker specialist, senior;
- (29) special education program assistant;
- (30) speech pathology clinician;
- (31) work therapy assistant; and
- (32) work therapy program coordinator.

Subd. 3g. **Additional Corrections Department personnel.** (a) "Covered correctional service" means service by a state employee in one of the employment positions specified in paragraph (b) if at least 75 percent of the employee's working time is spent in direct contact with inmates and the determination of this direct contact is certified to the executive director by the commissioner of corrections.

(b) The qualifying employment positions are:

- (1) corrections discipline unit supervisor;
- (2) dental assistant registered;
- (3) dental hygienist;
- (4) psychologist 2; and
- (5) sentencing to service crew leader involved with the inmate community work crew program.

Subd. 3i. **Lateral transfers to new correctional facilities.** If a new correctional facility is established, a state employee rendering covered correctional service immediately before the transfer remains eligible for coverage by the correctional state employees retirement plan for future state employment at the new facility if the person is employed in the same occupational title at the new facility. The eligibility for future coverage continues until the July 1 next following the effective date of the establishment of the new facility.

Subd. 4a. **Process for evaluating and recommending potential employment positions for membership inclusion.** (a) The Department of Corrections and the Department of Human Services must establish a procedure for evaluating periodic requests by department employees for qualification for recommendation by the commissioner for inclusion of the employment position in the correctional facility or human services facility in the correctional retirement plan and for periodically determining employment positions that no longer qualify for continued correctional retirement plan coverage.

(b) The procedure must provide for an evaluation of the extent of the employee's working time spent in direct contact with patients or inmates, the extent of the physical hazard that the employee is routinely subjected to in the course of employment, and the extent of intervention routinely expected of the employee in the event of a facility incident. The percentage of routine direct contact with inmates or patients may not be less than 75 percent.

(c) The applicable commissioner shall notify the employee of the determination of the appropriateness of recommending the employment position for inclusion in the correctional retirement plan, if the evaluation procedure results in a finding that the employee:

(1) routinely spends 75 percent of the employee's time in direct contact with inmates or patients; and

(2) is regularly engaged in the rehabilitation, treatment, custody, or supervision of inmates or patients.

(d) After providing the affected employee an opportunity to dispute or clarify any evaluation determinations, if the commissioner determines that the employment position is appropriate for inclusion in the correctional retirement plan, the commissioner shall forward that recommendation and supporting documentation to the chair of the Legislative Commission on Pensions and Retirement, the chair of the State and Local Governmental Operations Committee of the senate, the chair of the Governmental Operations and Veterans Affairs Policy Committee of the house of representatives, and the executive director of the Legislative Commission on Pensions and Retirement in the form of the appropriate proposed legislation. The recommendation must be forwarded to the legislature before January 15 for the recommendation to be considered in that year's legislative session.

Subd. 4b. **Department of Corrections; procedure for coverage change considerations.**

(a) The commissioner of corrections shall appoint a standing review committee to review and determine positions that should be included in legislative requests for correctional employees retirement plan coverage under subdivision 4a.

(b) Periodically, the Department of Corrections will convene meetings of the review committee. The review committee must review all requests and the supporting documentation

APPENDIX

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for coverage by the correctional employees retirement plan and must determine which classes or positions meet the statutory requirements for coverage. The review committee also must determine if incumbents of and recent retirees from classes or positions determined for inclusion in correctional employees retirement plan coverage have prior Department of Corrections employment which also qualified as correctional service and which should be transferred from the general state employees retirement plan to the plan and the initial date for each potential service credit transfer.

(c) The review committee must evaluate and determine the eligibility date for initial plan participation and all periods of eligibility in the correctional employees retirement plan.

(d) The department must provide a notice of each determination and of the employee's right to appeal from the review committee to each employee who requested inclusion. Appeals must be filed with the agency human resource manager within 30 days of the date of the notice of determination.

(e) The commissioner of corrections shall appoint a standing appeals committee to hear appeals of determinations for coverage. The appeal committee must include relevant department employees and employee representatives. Appeal committee determinations are final.

(f) All positions approved for inclusion must be forwarded to the commissioner of corrections for the preparation of legislation to implement the coverage change and submission. The commissioner will submit a written recommendation documenting classes or positions that should or should not be covered by the correctional employees retirement plan. Documentation of each request and the final determination must be retained in the Department of Corrections' Office of Human Resource Management.

363A.36 CERTIFICATES OF COMPLIANCE FOR PUBLIC CONTRACTS.

Subd. 5. **Technical assistance.** In the case of a contractor whose certificate of compliance has been suspended, the commissioner shall provide technical assistance that may enable the contractor to be recertified within 90 days after the contractor's certificate has been suspended.