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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1870

02/25/2014 Authored by Holberg and Erickson, S.,

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

03/17/2014 Adoption of Report: Amended and re-referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to state government; modifying laws governing certain executive
1.3 branch advisory groups; amending Minnesota Statutes 2012, sections 299A.62,
1.4 subdivision 2; 299A.63, subdivision 2; 611A.32, subdivision 2; 611A.33;
1.5 611A.345; 611A.35; 629.342, subdivision 2; repealing Minnesota Statutes 2012,
1.6 sections 243.93; 299C.156; 299M.02; 611A.34.

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

1.8 Section 1. Minnesota Statutes 2012, section 299A.62, subdivision 2, is amended to read:

1.9 Subd. 2. **Awarding grant.** Grants under this section shall be awarded by the
1.10 commissioner of public safety. ~~Before any grants are awarded, a committee consisting~~
1.11 ~~of the attorney general, and representatives from the Minnesota Chiefs of Police~~
1.12 ~~Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace~~
1.13 ~~Officers Association, shall evaluate the grant applications. Before grants are awarded,~~
1.14 ~~the commissioner shall meet and consult with the committee concerning its evaluation~~
1.15 ~~of and recommendations on grant proposals.~~ A grant under subdivision 1, paragraph
1.16 (b), clause (1), may be awarded only to a law enforcement agency that demonstrates in
1.17 its application that it currently has a need for an additional officer to be assigned to: (1)
1.18 community-oriented policing duties; or (2) the investigation and prevention of juvenile
1.19 crime, based on the juvenile crime rate in the area over which the agency has jurisdiction.
1.20 More than one grant under subdivision 1, paragraph (b), clause (1), may be awarded to
1.21 an agency; however, each grant may fund only one position. At least 50 percent of the
1.22 grants awarded under subdivision 1, paragraph (b), clause (1), must be awarded to the
1.23 cities of Minneapolis and St. Paul.

1.24 Sec. 2. Minnesota Statutes 2012, section 299A.63, subdivision 2, is amended to read:

2.1 Subd. 2. **Awarding grant.** The commissioner of public safety shall act as fiscal
2.2 agent for the grant program and shall be responsible for receiving applications for grants
2.3 and awarding grants under this section. ~~Before any grants are awarded, a committee~~
2.4 ~~consisting of the attorney general, and representatives from the Minnesota Chiefs of Police~~
2.5 ~~Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace~~
2.6 ~~Officers Association, shall evaluate the grant applications. Before grants are awarded, the~~
2.7 ~~commissioner shall meet and consult with the committee concerning its evaluation of and~~
2.8 ~~recommendations on grant proposals.~~ At least 50 percent of the grants awarded under this
2.9 section must be awarded to the cities of Minneapolis and St. Paul.

2.10 Sec. 3. Minnesota Statutes 2012, section 611A.32, subdivision 2, is amended to read:

2.11 Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the
2.12 commissioner for a grant to provide emergency shelter services to battered women,
2.13 support services to domestic abuse victims, or both, to battered women and their children.
2.14 The application shall be submitted in a form approved by the commissioner by rule
2.15 adopted under chapter 14, ~~after consultation with the advisory council,~~ and shall include:

2.16 (1) a proposal for the provision of emergency shelter services for battered women,
2.17 support services for domestic abuse victims, or both, for battered women and their children;

2.18 (2) a proposed budget;

2.19 (3) the agency's overall operating budget, including documentation on the retention
2.20 of financial reserves and availability of additional funding sources;

2.21 (4) evidence of an ability to integrate into the proposed program the uniform method
2.22 of data collection and program evaluation established under ~~sections~~ section 611A.33
2.23 ~~and 611A.34;~~

2.24 (5) evidence of an ability to represent the interests of battered women and domestic
2.25 abuse victims and their children to local law enforcement agencies and courts, county
2.26 welfare agencies, and local boards or departments of health;

2.27 (6) evidence of an ability to do outreach to unserved and underserved populations
2.28 and to provide culturally and linguistically appropriate services; and

2.29 (7) any other content the commissioner may require by rule adopted under chapter
2.30 14, after considering the recommendations of the advisory council.

2.31 Programs which have been approved for grants in prior years may submit materials
2.32 which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal
2.33 funding. Nothing in this subdivision may be construed to require programs to submit
2.34 complete applications for each year of renewal funding.

Sec. 4. Minnesota Statutes 2012, section 611A.33, is amended to read:

611A.33 DUTIES OF COMMISSIONER.

The commissioner shall:

(1) review applications for and award grants to a program pursuant to section 611A.32, subdivision 1, ~~after considering the recommendation of the advisory council;~~

(2) ~~appoint the members of the advisory council created under section 611A.34, and provide consultative staff and other administrative services to the advisory council;~~

(3) ~~after considering the recommendation of the advisory council,~~ appoint a program director to perform the duties set forth in section 611A.35;

(4) ~~(3)~~ design and implement a uniform method of collecting data on domestic abuse victims to be used to evaluate the programs funded under section 611A.32;

(5) ~~(4)~~ provide technical aid to applicants in the development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and

(6) ~~(5)~~ adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36.

Sec. 5. Minnesota Statutes 2012, section 611A.345, is amended to read:

611A.345 ~~ADVISORY COUNCIL~~ DIRECTOR RECOMMENDATIONS.

The commissioner shall consider the ~~advisory council's~~ domestic abuse program director's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women and domestic abuse victims funded under section 611A.32. Before taking action on matters related to programs and services for battered women and domestic abuse victims and their children, except day-to-day administrative operations, the commissioner shall notify the ~~advisory council~~ domestic abuse program director of the intended action. Notification of grant award decisions shall be given to the ~~advisory council~~ domestic abuse program director in time to allow the ~~council~~ director to request reconsideration.

Sec. 6. Minnesota Statutes 2012, section 611A.35, is amended to read:

611A.35 ~~ADVISORY COUNCIL ON BATTERED WOMEN AND DOMESTIC ABUSE PROGRAM~~ DIRECTOR.

The commissioner shall appoint a program director. ~~In appointing the program director the commissioner shall give due consideration to the list of applicants submitted~~

4.1 ~~to the commissioner pursuant to section 611A.34, subdivision 3, clause (3).~~ The program
4.2 director shall administer the funds appropriated for sections 611A.31 to 611A.36, ~~consult~~
4.3 ~~with and provide staff to the advisory council,~~ and perform other duties related to battered
4.4 women's and domestic abuse programs as the commissioner may assign. The program
4.5 director shall serve at the pleasure of the commissioner in the unclassified service.

4.6 Sec. 7. Minnesota Statutes 2012, section 629.342, subdivision 2, is amended to read:

4.7 Subd. 2. **Policies required.** (a) By July 1, 1993, each law enforcement agency
4.8 shall develop, adopt, and implement a written policy regarding arrest procedures for
4.9 domestic abuse incidents. In the development of a policy, each law enforcement agency
4.10 shall consult with domestic abuse advocates, community organizations, and other law
4.11 enforcement agencies with expertise in the recognition and handling of domestic abuse
4.12 incidents. The policy shall discourage dual arrests, include consideration of whether
4.13 one of the parties acted in self defense, and provide guidance to officers concerning
4.14 instances in which officers should remain at the scene of a domestic abuse incident until
4.15 the likelihood of further imminent violence has been eliminated.

4.16 (b) The Bureau of Criminal Apprehension, and the Board of Peace Officer Standards
4.17 and Training, and the Advisory Council on Battered Women and Domestic Abuse
4.18 ~~appointed by the commissioner of corrections under section 611A.34,~~ in consultation with
4.19 the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the
4.20 Minnesota Police and Peace Officers Association, shall develop a written model policy
4.21 regarding arrest procedures for domestic abuse incidents for use by local law enforcement
4.22 agencies. Each law enforcement agency may adopt the model policy in lieu of developing
4.23 its own policy under the provisions of paragraph (a).

4.24 (c) Local law enforcement agencies that have already developed a written policy
4.25 regarding arrest procedures for domestic abuse incidents before July 1, 1992, are not
4.26 required to develop a new policy but must review their policies and consider the written
4.27 model policy developed under paragraph (b).

4.28 Sec. 8. **CLARIFICATION OF CONTINUED EXISTENCE.**

4.29 This section clarifies that the Fire Service Advisory Committee, created in Minnesota
4.30 Statutes, section 299F.012, subdivision 2, did not expire June 30, 2009. Action taken by
4.31 that group and public funds spent on behalf of that group are valid.

4.32 **EFFECTIVE DATE.** This section is effective the day following final enactment
4.33 and applies retroactively to June 30, 2009.

5.1 Sec. 9. **REPEALER.**
5.2 Minnesota Statutes 2012, sections 243.93; 299C.156; 299M.02; and 611A.34, are
5.3 repealed.

243.93 CORRECTIONAL FACILITY SITE SELECTION COMMITTEE.

Subdivision 1. **Creation; membership.** (a) An advisory task force is created to coordinate the site selection process for state correctional facilities. The task force shall convene when the legislature authorizes the planning of a new correctional facility. The task force, to be known as the site selection committee, consists of the:

- (1) commissioner of corrections or the commissioner's designee;
- (2) deputy commissioner of corrections who has supervision and control over correctional facilities;
- (3) commissioner of transportation or the commissioner's designee;
- (4) commissioner of administration or the commissioner's designee;
- (5) chairs of the senate Crime Prevention Committee and Crime Prevention Finance Division and the ranking members of that committee and division from the minority political caucus, or the chairs' and ranking members' designees; and
- (6) chairs of the house of representatives Judiciary Committee and Judiciary Finance Division and the ranking members of that committee and division from the minority political caucus or the chairs' and ranking members' designees.

(b) The chairs of the senate Crime Prevention Finance Division and house of representatives Judiciary Finance Division, or the chairs' designees, shall chair the committee.

Subd. 2. **Site selection process.** The committee shall develop a correctional site selection process that most effectively and efficiently utilizes state financial resources for construction of correctional facilities. The committee may include such other factors as the committee considers relevant as criteria for the site selection process.

Subd. 3. **Recommendations.** Before recommendation of an individual site for a correctional facility, the committee shall require that all costs associated with the facility and the site be identified and reported, including but not limited to construction costs, site improvement, infrastructure upgrades, and operating costs for that site. The commissioners of administration and corrections and any other agencies involved with site construction or land acquisition shall cooperate with the committee in supplying information described in this subdivision and any other information required for project budgets under section 16B.335.

Subd. 4. **Report.** The committee shall report its recommendations for the siting of correctional facilities to the legislature.

Subd. 5. **Legislative authorization of site.** Each site for a new state of Minnesota correctional facility shall be chosen in the law authorizing and providing funding for the facility.

Subd. 6. **Staffing.** The committee may utilize employees from the legislative and executive branch entities with membership on the committee. The Department of Administration shall provide administrative support.

299C.156 FORENSIC LABORATORY ADVISORY BOARD.

Subdivision 1. **Membership.** (a) The Forensic Laboratory Advisory Board consists of the following:

- (1) the superintendent of the Bureau of Criminal Apprehension or the superintendent's designee;
 - (2) the commissioner of public safety or the commissioner's designee;
 - (3) the commissioner of corrections or the commissioner's designee;
 - (4) an individual with expertise in the field of forensic science, selected by the governor;
 - (5) an individual with expertise in the field of forensic science, selected by the attorney general;
 - (6) a faculty member of the University of Minnesota, selected by the president of the university;
 - (7) the state public defender or a designee;
 - (8) a prosecutor, selected by the Minnesota County Attorneys Association;
 - (9) a sheriff, selected by the Minnesota Sheriffs Association;
 - (10) a police chief, selected by the Minnesota Chiefs of Police Association;
 - (11) a judge or court administrator, selected by the chief justice of the Supreme Court; and
 - (12) a criminal defense attorney, selected by the Minnesota State Bar Association.
- (b) The board shall select a chair from among its members.
- (c) Board members serve four-year terms and may be reappointed.
- (d) The board may employ staff necessary to carry out its duties.

Subd. 2. **Duties.** The board may:

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(1) develop and implement a reporting system through which laboratories, facilities, or entities that conduct forensic analyses report professional negligence or misconduct that substantially affects the integrity of the forensic results committed by employees or contractors;

(2) encourage all laboratories, facilities, or entities that conduct forensic analyses to report professional negligence or misconduct that substantially affects the integrity of the forensic results committed by employees or contractors to the board;

(3) investigate, in a timely manner, any allegation of professional negligence or misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a laboratory, facility, or entity; and

(4) encourage laboratories, facilities, and entities that conduct forensic analyses to become accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or other appropriate accrediting body and develop and implement a process for those entities to report their accreditation status to the board.

Subd. 3. **Investigations.** (a) An investigation under subdivision 2, clause (3):

(1) may include the preparation of a written report that identifies and describes the methods and procedures used to identify:

(i) the alleged negligence or misconduct;

(ii) whether negligence or misconduct occurred; and

(iii) any corrective action required of the laboratory, facility, or entity; and

(2) may include one or more:

(i) retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and

(ii) follow-up evaluations of the laboratory, facility, or entity to review:

(A) the implementation of any corrective action required under clause (1)(iii); or

(B) the conclusion of any retrospective reexamination under clause (2)(i).

(b) The costs of an investigation under this section must be borne by the laboratory, facility, or entity being investigated.

Subd. 4. **Delegation of duties.** The board by contract may delegate the duties described in subdivision 2, clauses (1) and (3), to any person or entity that the board determines to be qualified to assume those duties.

Subd. 5. **Reviews and reports are public.** The board shall make all investigation reports completed under subdivision 3, paragraph (a), clause (1), available to the public. A report completed under subdivision 3, paragraph (a), clause (1), in a subsequent civil or criminal proceeding is not prima facie evidence of the information or findings contained in the report.

Subd. 6. **Reports to legislature.** By January 15 of each year, the board shall submit any report prepared under subdivision 3, paragraph (a), clause (1), during the preceding calendar year to the governor and the legislature.

Subd. 7. **Forensic analysis processing time period guidelines.** (a) By July 1, 2007, the board shall recommend forensic analysis processing time period guidelines applicable to the Bureau of Criminal Apprehension and other laboratories, facilities, and entities that conduct forensic analyses. When adopting and recommending these guidelines and when making other related decisions, the board shall consider the goals and priorities identified by the presidential DNA initiative. The board shall consider the feasibility of the Bureau of Criminal Apprehension completing the processing of forensic evidence submitted to it by sheriffs, chiefs of police, or state or local corrections authorities.

(b) The bureau shall provide information to the board in the time, form, and manner determined by the board and keep it informed of the most up-to-date data on the actual forensic analysis processing turnaround time periods. By January 15 of each year, the board shall report to the legislature on these issues, including the recommendations made by the board to improve turnaround times.

Subd. 8. **Forensic evidence processing deadline.** The board may recommend reasonable standards and deadlines for the Bureau of Criminal Apprehension to test and catalog forensic evidence samples relating to alleged crimes committed, including DNA analysis, in their control and possession.

Subd. 9. **Office space.** The commissioner of public safety may provide adequate office space and administrative services to the board.

Subd. 10. **Expenses.** Section 15.059 applies to the board.

Subd. 11. **Definition.** As used in this section, "forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence,

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including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action.

299M.02 FIRE PROTECTION ADVISORY COUNCIL.

Subdivision 1. **Creation.** The commissioner shall establish a Fire Protection Advisory Council.

Subd. 2. **Membership.** The council consists of the commissioner of public safety, or the commissioner's designee, and eight members appointed for a term of three years by the commissioner. Two members must be licensed fire protection contractors or full-time, managing employees actively engaged in a licensed fire protection contractor business. Two members must be journeyman sprinkler fitters certified as competent under this chapter. One member of the council must be an active member of the Minnesota State Fire Chiefs Association. One member must be an active member of the Fire Marshals Association of Minnesota. One member must be a building official certified by the Department of Administration, who is professionally competent in fire protection system inspection. One member must be a member of the general public. The commissioner or designee is a nonvoting member.

Subd. 3. **Duties.** The council shall advise the commissioner of public safety on matters within the council's expertise or under the regulation of the commissioner.

611A.34 ADVISORY COUNCIL ON BATTERED WOMEN.

Subdivision 1. **Generally.** The commissioner shall appoint a 12-member advisory council to advise the commissioner on the implementation and continued operation of sections 611A.31 to 611A.36. The Advisory Council on Battered Women and Domestic Abuse shall also serve as a liaison between the commissioner and organizations that provide services to battered women and domestic abuse victims. Section 15.059 governs the filling of vacancies and removal of members of the advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Notwithstanding section 15.059, the council shall not expire. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Subd. 2. **Membership.** Persons appointed shall be knowledgeable about and have experience or interest in issues concerning battered women and domestic abuse victims, including the need for effective advocacy services. The membership of the council shall broadly represent the interests of battered women and domestic abuse victims in Minnesota. No more than six of the members of the Advisory Council on Battered Women and Domestic Abuse may be representatives of community or governmental organizations that provide services to battered women and domestic abuse victims. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver Counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. **Duties.** The advisory council shall:

- (1) advise the commissioner on all planning, development, data collection, rulemaking, funding, and evaluation of programs and services for battered women and domestic abuse victims that are funded under section 611A.32, other than matters of a purely administrative nature;
- (2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs are consistent with section 611A.32, subdivision 1;
- (3) recommend to the commissioner the names of five applicants for the position of domestic abuse program director;
- (4) advise the commissioner on the rules adopted under chapter 14 pursuant to section 611A.33;
- (5) review applications received by the commissioner for grants under section 611A.32 and make recommendations on the awarding of grants;
- (6) advise the program director in the performance of duties in the administration and coordination of the programs funded under section 611A.32; and
- (7) advise the director of domestic violence and sexual assault prevention in matters related to preventing these occurrences of these types of violence.

Subd. 4. **Conflicts of interest.** A member of the advisory council shall be excluded from participating in review and recommendations concerning a grant application if the member:

- (1) serves or has served at any time during the past three years as an employee, volunteer, or governing board member of an organization whose application is being reviewed; or
- (2) has a financial interest in the funding of the applicant organization.