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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1871

02/25/2014 Authored by Paymar

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

1.1 A bill for an act
1.2 relating to public safety; striking and repealing obsolete references to Advisory
1.3 Council on Battered Women; amending Minnesota Statutes 2012, sections
1.4 611A.31, subdivision 1; 611A.32, subdivision 2; 611A.33; 611A.35; repealing
1.5 Minnesota Statutes 2012, sections 611A.34; 611A.345; 611A.36.

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

1.7 Section 1. Minnesota Statutes 2012, section 611A.31, subdivision 1, is amended to read:
1.8 Subdivision 1. **Scope.** For the purposes of sections 611A.31 to ~~611A.36~~ 611A.35,
1.9 the following terms have the meanings given.

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

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

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

1.17 (1) a proposal for the provision of emergency shelter services for battered women,
1.18 support services for domestic abuse victims, or both, for battered women and their children;
1.19 (2) a proposed budget;
1.20 (3) the agency's overall operating budget, including documentation on the retention
1.21 of financial reserves and availability of additional funding sources;

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

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

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

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

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

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

Sec. 3. 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~~ 611A.35.

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

3.1 Sec. 4. Minnesota Statutes 2012, section 611A.35, is amended to read:

3.2 **~~611A.35 ADVISORY COUNCIL ON BATTERED WOMEN AND DOMESTIC~~**
3.3 **~~ABUSE PROGRAM DIRECTOR.~~**

3.4 The commissioner shall appoint a program director. ~~In appointing the program~~
3.5 ~~director the commissioner shall give due consideration to the list of applicants submitted~~
3.6 ~~to the commissioner pursuant to section 611A.34, subdivision 3, clause (3).~~ The program
3.7 director shall administer the funds appropriated for sections 611A.31 to ~~611A.36~~, consult
3.8 ~~with and provide staff to the advisory council, 611A.35~~ and perform other duties related to
3.9 battered women's and domestic abuse programs as the commissioner may assign. The
3.10 program director shall serve at the pleasure of the commissioner in the unclassified service.

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

3.12 Sec. 5. **REPEALER.**

3.13 Minnesota Statutes 2012, sections 611A.34; 611A.345; and 611A.36, are repealed.

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

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.

611A.345 ADVISORY COUNCIL RECOMMENDATIONS.

The commissioner shall consider the advisory council'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 of the intended action. Notification of grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration.

611A.36 DATA COLLECTION.

Subdivision 1. **Form prescribed.** The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, prescribe a uniform form and method for the collection of data on domestic abuse victims. The method and form of data collection shall be designed to document the incidence of assault on domestic abuse victims as defined in section 611A.31, subdivision 2. All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

APPENDIX

Repealed Minnesota Statutes: 14-3874

Subd. 2. **Mandatory data collection.** Every local law enforcement agency shall collect data related to domestic abuse victims in the form required by the commissioner. The data shall be collected and transmitted to the commissioner at such times as the commissioner shall, by rule, require.

Subd. 3. **Immunity from liability.** Any person participating in good faith and exercising due care in the collection and transmission of data pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of the person's action.