

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH LEGISLATURE**

**S.F. No. 430**

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DATE	D-PG	OFFICIAL STATUS
02/13/2013	216	Introduction and first reading Referred to Judiciary

A bill for an act

1.1 relating to public safety; providing for an aggressive initiative against chemical  
 1.2 dependency; increasing the tax on alcoholic beverages to fund this initiative;  
 1.3 eliminating obsolete language and making technical corrections; appropriating  
 1.4 money; amending Minnesota Statutes 2012, sections 169A.275, subdivision 5;  
 1.5 169A.284, subdivision 1; 169A.70, subdivisions 2, 3, 7, by adding subdivisions;  
 1.6 254B.01, subdivision 2; 254B.02, subdivision 1; 254B.04, subdivisions 1, 3;  
 1.7 254B.06, subdivision 1; 297G.03, subdivisions 1, 2; 297G.04, subdivisions 1, 2;  
 1.8 609.115, subdivision 8; 609.135, by adding a subdivision; proposing coding for  
 1.9 new law in Minnesota Statutes, chapters 254A; 373; 609.  
 1.10

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

1.12 Section 1. **LEGISLATIVE FINDINGS AND INTENT.**

1.13 The legislature finds that:

1.14 (1) impaired driving offenses kill and injure more Minnesotans than any other  
 1.15 crime; and

1.16 (2) alcohol and drug abuse contribute to domestic violence and destroy families.

1.17 The legislature considers the need to address the problem of alcohol abuse to be a high  
 1.18 priority. Furthermore, the legislature determines that the costs of fighting alcohol abuse  
 1.19 should be funded by those who abuse alcohol. Consequently, the legislature is increasing  
 1.20 the tax on the sale of alcohol to fund aggressive efforts to reduce impaired driving  
 1.21 offenses and generally prevent crime, injury, and loss of life through chemical dependency  
 1.22 prevention, screening, and treatment.

1.23 Sec. 2. Minnesota Statutes 2012, section 169A.275, subdivision 5, is amended to read:

1.24 Subd. 5. **Level of care recommended in chemical use assessment.** Unless the  
 1.25 court commits the person to the custody of the commissioner of corrections as provided in

2.1 section 169A.276 (mandatory penalties; felony violations), in addition to other penalties  
2.2 required under this section, if the person has not already done so, the court shall order  
2.3 a person to submit to the ~~level of care recommended in the chemical use assessment~~  
2.4 treatment services clinically justified by a rule 25 assessment (Minnesota Rules, parts  
2.5 9530.6600 to 9530.6655) conducted under section 169A.70 (alcohol safety program;  
2.6 chemical use assessments) if the person: (1) is convicted of violating section 169A.20  
2.7 (driving while impaired) while having an alcohol concentration of 0.20 or more as  
2.8 measured at the time, or within two hours of the time, of the offense or if the violation  
2.9 occurs within ten years of one or more qualified prior impaired driving incidents; or (2) is  
2.10 arrested for violating section 169A.20, but is convicted of another offense arising out of  
2.11 the circumstances surrounding the arrest.

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

2.14 Sec. 3. Minnesota Statutes 2012, section 169A.284, subdivision 1, is amended to read:

2.15 Subdivision 1. **When required.** (a) When a court sentences a person convicted of  
2.16 an offense enumerated in section 169A.70, subdivision 2, paragraph (b), clause (1) or  
2.17 (2) (chemical use assessment; requirement; form), it shall order the person to pay the  
2.18 cost of the assessment directly to the entity conducting the assessment or providing the  
2.19 assessment services in an amount determined by the entity conducting or providing the  
2.20 service and shall impose a chemical dependency assessment charge of \$25. The court may  
2.21 waive the \$25 assessment charge, but may not waive the cost for the assessment paid  
2.22 directly to the entity conducting the assessment or providing assessment services. A  
2.23 person shall pay an additional surcharge of \$5 if the person is convicted of a violation of  
2.24 section 169A.20 (driving while impaired) within five years of a prior impaired driving  
2.25 conviction or a prior conviction for an offense arising out of an arrest for a violation of  
2.26 section 169A.20 ~~or Minnesota Statutes 1998, section 169.121 (driver under influence of~~  
2.27 ~~alcohol or controlled substance) or 169.129 (aggravated DWI-related violations; penalty).~~  
2.28 This section applies when the sentence is executed, stayed, or suspended. The court  
2.29 may not waive payment or authorize payment of the assessment charge and surcharge in  
2.30 installments unless it makes written findings on the record that the convicted person is  
2.31 indigent or that the assessment charge and surcharge would create undue hardship for the  
2.32 convicted person or that person's immediate family.

2.33 (b) The chemical dependency assessment charge and surcharge required under  
2.34 this section are in addition to the surcharge required by section 357.021, subdivision 6  
2.35 (surcharges on criminal and traffic offenders).

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

3.3 Sec. 4. Minnesota Statutes 2012, section 169A.70, subdivision 2, is amended to read:

3.4 Subd. 2. **Chemical use assessment requirement.** (a) As used in this subdivision,  
 3.5 "violent crime" has the meaning given in section 609.133, subdivision 1.

3.6 (b) A chemical use assessment must be conducted and an assessment report  
 3.7 submitted to the court and to the Department of Public Safety by the county agency  
 3.8 administering the alcohol safety program when:

3.9 (1) the defendant is convicted of an offense described in section 169A.20 (driving  
 3.10 while impaired), 169A.31 (alcohol-related school bus and Head Start bus driving), or  
 3.11 360.0752 (impaired aircraft operation); ~~or~~

3.12 (2) the defendant is arrested for committing an offense described in clause (1) but is  
 3.13 convicted of another offense arising out of the circumstances surrounding the arrest; or

3.14 (3) the defendant is convicted of a violent crime.

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

3.17 Sec. 5. Minnesota Statutes 2012, section 169A.70, subdivision 3, is amended to read:

3.18 Subd. 3. **Assessment report.** ~~(a) The assessment and assessment report for this~~  
 3.19 ~~section must be on a form prescribed by the commissioner and shall contain an evaluation~~  
 3.20 ~~of the convicted defendant concerning the defendant's prior traffic and criminal record,~~  
 3.21 ~~characteristics and history of alcohol and chemical use problems, and amenability to~~  
 3.22 ~~rehabilitation through the alcohol safety program. The report is classified as private data~~  
 3.23 ~~on individuals as defined in section 13.02, subdivision 12~~ meet the requirements of section  
 3.24 254A.03 and rules adopted under the authority granted in section 254A.10. Additionally,  
 3.25 the assessment must include access to and review of criminal records and most recent  
 3.26 arrest reports.

3.27 (b) ~~The assessment report must include:~~

3.28 ~~(1) a diagnosis of the nature of the offender's chemical and alcohol involvement;~~

3.29 ~~(2) an assessment of the severity level of the involvement;~~

3.30 ~~(3) a recommended level of care for the offender in accordance with the criteria~~  
 3.31 ~~contained in rules adopted by the commissioner of human services under section 254A.03,~~  
 3.32 ~~subdivision 3 (chemical dependency treatment rules);~~

3.33 ~~(4) an assessment of the offender's placement needs;~~

4.1 ~~(5) recommendations for other appropriate remedial action or care, including~~  
4.2 ~~aftercare services in section 254B.01, subdivision 3, that may consist of educational~~  
4.3 ~~programs, one-on-one counseling, a program or type of treatment that addresses mental~~  
4.4 ~~health concerns, or a combination of them; and~~

4.5 ~~(6) a specific explanation why no level of care or action was recommended, if~~  
4.6 ~~applicable.~~

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

4.9 Sec. 6. Minnesota Statutes 2012, section 169A.70, subdivision 7, is amended to read:

4.10 Subd. 7. **Preconviction assessment.** (a) The court may not accept a chemical use  
4.11 assessment conducted before conviction as a substitute for the assessment required by this  
4.12 section unless the court ensures that the preconviction assessment meets the standards  
4.13 described in this section required under sections 254A.03 and 254A.10.

4.14 (b) If the commissioner of public safety is making a decision regarding reinstating  
4.15 a person's driver's license based on a chemical use assessment, the commissioner shall  
4.16 ensure that the assessment meets the standards described in this section.

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

4.19 Sec. 7. Minnesota Statutes 2012, section 169A.70, is amended by adding a subdivision  
4.20 to read:

4.21 Subd. 8. **Timing of assessment interview.** It is a strong preference that the  
4.22 chemical use assessment interview with the offender be conducted while the offender is  
4.23 being initially held in custody after arrest.

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

4.26 Sec. 8. Minnesota Statutes 2012, section 169A.70, is amended by adding a subdivision  
4.27 to read:

4.28 Subd. 9. **Court's authority to require assessments in other instances.** A court  
4.29 having jurisdiction over a person in a juvenile, criminal, or civil proceeding may order that  
4.30 the person submit to a chemical use assessment under this section if the court has reason  
4.31 to believe that the person may have a chemical dependency problem.

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

5.3 Sec. 9. **[254A.25] CARE COORDINATION RELATED TO CHEMICAL USE**  
 5.4 **ASSESSMENTS.**

5.5 The commissioner shall establish a process to distribute grant funds to counties that  
 5.6 provide care coordination to individuals who receive chemical use assessments. For  
 5.7 counties receiving grants, the care coordination must be provided to individuals eligible  
 5.8 for a chemical use assessment under Minnesota Rules, parts 9530.6600 to 9530.6655, if  
 5.9 the chemical use assessment establishes the need for treatment, and a plan of care is  
 5.10 developed. The care coordinator must meet the requirements of Minnesota Rules, part  
 5.11 9530.6615, subpart 2. The care coordination may include, but is not limited to, discharge  
 5.12 planning from treatment and routine follow-up with the client, access to community  
 5.13 resources that address the needs identified in the chemical use assessment, monitoring  
 5.14 services and the functioning of the client, and monitoring the client's chemical use and  
 5.15 modifying the plan as necessary.

5.16 Sec. 10. Minnesota Statutes 2012, section 254B.01, subdivision 2, is amended to read:

5.17 Subd. 2. **American Indian.** For purposes of services provided under section  
 5.18 ~~254B.09, subdivision 8~~ this chapter, "American Indian" means (1) a person who is a  
 5.19 member of an Indian tribe, and the commissioner shall use the definitions of "Indian" and  
 5.20 "Indian tribe" and "Indian organization" provided in Public Law 93-638. ~~For purposes of~~  
 5.21 ~~services provided under section 254B.09, subdivision 6,~~ "American Indian" means, or (2)  
 5.22 a resident of federally recognized tribal lands who is recognized as an Indian person by  
 5.23 the federally recognized tribal governing body.

5.24 Sec. 11. Minnesota Statutes 2012, section 254B.02, subdivision 1, is amended to read:

5.25 Subdivision 1. **Chemical dependency treatment allocation.** The chemical  
 5.26 dependency treatment appropriation shall be placed in a special revenue account. The  
 5.27 commissioner shall annually transfer funds from the chemical dependency fund to pay  
 5.28 for operation of the drug and alcohol abuse normative evaluation system and to pay for  
 5.29 all costs incurred by adding ~~two~~ three positions for licensing of chemical dependency  
 5.30 treatment and rehabilitation programs located in hospitals for which funds are not  
 5.31 otherwise appropriated. The remainder of the money in the special revenue account must  
 5.32 be used according to the requirements in this chapter.

6.1 Sec. 12. Minnesota Statutes 2012, section 254B.04, subdivision 1, is amended to read:

6.2 Subdivision 1. **Eligibility.** (a) Persons eligible for benefits under Code of Federal  
6.3 Regulations, title 25, part 20, persons ~~eligible for medical assistance benefits under~~  
6.4 ~~sections 256B.055, 256B.056, and 256B.057, subdivisions 1, 2, 5, and 6, or who meet~~  
6.5 ~~the income standards of section 256B.056, subdivision 4, and persons eligible for general~~  
6.6 ~~assistance medical care under section 256D.03, subdivision 3, whose income is at or~~  
6.7 ~~below 400 percent of the federal poverty guidelines who do not have insurance coverage~~  
6.8 ~~are entitled to chemical dependency fund services. State money appropriated for this~~  
6.9 ~~paragraph must be placed in a separate account established for this purpose.~~

6.10 Persons with dependent children who are determined to be in need of chemical  
6.11 dependency treatment pursuant to an assessment under section 626.556, subdivision 10, or  
6.12 a case plan under section 260C.201, subdivision 6, or 260C.212, shall be assisted by the  
6.13 local agency to access needed treatment services. Treatment services must be appropriate  
6.14 for the individual or family, which may include long-term care treatment or treatment in a  
6.15 facility that allows the dependent children to stay in the treatment facility. The county  
6.16 shall pay for out-of-home placement costs, if applicable.

6.17 (b) A person not entitled to services under paragraph (a), ~~but with family income~~  
6.18 ~~that is less than 215 percent of the federal poverty guidelines for the applicable family~~  
6.19 ~~size, shall be eligible to receive chemical dependency fund services within the limit~~  
6.20 ~~of funds appropriated for this group for the fiscal year. If notified by the state agency~~  
6.21 ~~of limited funds, a county must give preferential treatment to persons with dependent~~  
6.22 ~~children who are in need of chemical dependency treatment pursuant to an assessment~~  
6.23 ~~under section 626.556, subdivision 10, or a case plan under section 260C.201, subdivision~~  
6.24 ~~6, or 260C.212. A county may spend money from its own sources to serve persons under~~  
6.25 ~~this paragraph. State money appropriated for this paragraph must be placed in a separate~~  
6.26 ~~account established for this purpose.~~

6.27 (c) Persons whose income is between 215 percent and 412 percent of the federal  
6.28 poverty guidelines for the applicable family size shall be eligible for chemical dependency  
6.29 services on a sliding fee basis, ~~within the limit of funds appropriated for this group for the~~  
6.30 ~~fiscal year. Persons eligible under this paragraph must contribute to the cost of services~~  
6.31 ~~according to the sliding fee scale established under subdivision 3. A county may spend~~  
6.32 ~~money from its own sources to provide services to persons under this paragraph. State~~  
6.33 ~~money appropriated for this paragraph must be placed in a separate account established~~  
6.34 ~~for this purpose.~~

6.35 Sec. 13. Minnesota Statutes 2012, section 254B.04, subdivision 3, is amended to read:

7.1 Subd. 3. **Amount of contribution.** The commissioner shall adopt a sliding fee scale  
 7.2 to determine the amount of contribution to be required from persons under this section.  
 7.3 The commissioner may adopt rules to amend existing fee scales. The commissioner  
 7.4 may establish a separate fee scale for recipients of chemical dependency transitional and  
 7.5 extended care rehabilitation services that provides for the collection of fees for board  
 7.6 and lodging expenses. The fee schedule shall ensure that employed persons are allowed  
 7.7 the income disregards and savings accounts that are allowed residents of community  
 7.8 mental illness facilities under section 256D.06, subdivisions 1 and 1b. ~~The fee scale~~  
 7.9 ~~must not provide assistance to persons whose income is more than 115 percent of the~~  
 7.10 ~~state median income.~~ Payments of liabilities under this section are medical expenses for  
 7.11 purposes of determining spenddown under sections 256B.055, 256B.056, 256B.06, and  
 7.12 256D.01 to 256D.21. The required amount of contribution established by the fee scale in  
 7.13 this subdivision is also the cost of care responsibility subject to collection under section  
 7.14 254B.06, subdivision 1.

7.15 Sec. 14. Minnesota Statutes 2012, section 254B.06, subdivision 1, is amended to read:

7.16 Subdivision 1. **State collections.** The commissioner is responsible for all collections  
 7.17 from persons determined to be partially responsible for the cost of care of an eligible  
 7.18 person receiving services under ~~Laws 1986, chapter 394, sections 8 to 20~~ this chapter.  
 7.19 The commissioner may initiate, or request the attorney general to initiate, necessary civil  
 7.20 action to recover the unpaid cost of care. The commissioner may collect all third-party  
 7.21 payments for chemical dependency services provided under ~~Laws 1986, chapter 394,~~  
 7.22 ~~sections 8 to 20~~ this chapter, including private insurance and federal Medicaid and  
 7.23 Medicare financial participation. The commissioner shall deposit in a dedicated account  
 7.24 a percentage of collections to pay for the cost of operating the chemical dependency  
 7.25 consolidated treatment fund invoice processing and vendor payment system, billing, and  
 7.26 collections. The remaining receipts must be deposited in the chemical dependency fund.

7.27 Sec. 15. Minnesota Statutes 2012, section 297G.03, subdivision 1, is amended to read:

7.28 Subdivision 1. **General rate; distilled spirits and wine.** The following excise tax is  
 7.29 imposed on all distilled spirits and wine manufactured, imported, sold, or possessed in  
 7.30 this state:

	Standard	Metric
7.31 (a) Distilled spirits, liqueurs, cordials, 7.32 and specialties regardless of alcohol 7.33 content (excluding ethyl alcohol) 7.34	\$ <del>5.03</del> <u>17.69</u> per gallon	\$ <del>1.33</del> <u>4.73</u> per liter

8.1	(b) Wine containing 14 percent or less	\$	<del>.30</del> <u>2.40</u> per	\$	<del>.08</del> <u>0.64</u> per
8.2	alcohol by volume (except cider as		gallon		liter
8.3	defined in section 297G.01, subdivision				
8.4	3a)				
8.5	(c) Wine containing more than 14	\$	<del>.95</del> <u>3.01</u> per	\$	<del>.25</del> <u>0.81</u> per
8.6	percent but not more than 21 percent		gallon		liter
8.7	alcohol by volume				
8.8	(d) Wine containing more than 21	\$	<del>1.82</del> <u>3.88</u> per	\$	<del>.48</del> <u>1.04</u> per
8.9	percent but not more than 24 percent		gallon		liter
8.10	alcohol by volume				
8.11	(e) Wine containing more than 24	\$	<del>3.52</del> <u>5.56</u> per	\$	<del>.93</del> <u>1.49</u> per
8.12	percent alcohol by volume		gallon		liter
8.13	(f) Natural and artificial sparkling wines	\$	<del>1.82</del> <u>3.88</u> per	\$	<del>.48</del> <u>1.04</u> per
8.14	containing alcohol		gallon		liter
8.15	(g) Cider as defined in section 297G.01,	\$	<del>.15</del> <u>2.25</u> per	\$	<del>.04</del> <u>0.60</u> per
8.16	subdivision 3a		gallon		liter
8.17	(h) Low-alcohol dairy cocktails	\$	.08 per gallon	\$	.02 per liter

8.18 In computing the tax on a package of distilled spirits or wine, a proportional tax at a  
 8.19 like rate on all fractional parts of a gallon or liter must be paid, except that the tax on a  
 8.20 fractional part of a gallon less than 1/16 of a gallon is the same as for 1/16 of a gallon.

8.21 Sec. 16. Minnesota Statutes 2012, section 297G.03, subdivision 2, is amended to read:

8.22 Subd. 2. **Tax on miniatures; distilled spirits.** The tax on miniatures is ~~14~~ 24  
 8.23 cents per bottle.

8.24 Sec. 17. Minnesota Statutes 2012, section 297G.04, subdivision 1, is amended to read:

8.25 Subdivision 1. **Tax imposed.** The following excise tax is imposed on all fermented  
 8.26 malt beverages that are imported, directly or indirectly sold, or possessed in this state:

8.27 (1) on fermented malt beverages containing not more than 3.2 percent alcohol by  
 8.28 weight, ~~\$2.40~~ \$35.32 per 31-gallon barrel; and

8.29 (2) on fermented malt beverages containing more than 3.2 percent alcohol by  
 8.30 weight, ~~\$4.60~~ \$37.52 per 31-gallon barrel.

8.31 For fractions of a 31-gallon barrel, the tax rate is calculated proportionally.

8.32 Sec. 18. Minnesota Statutes 2012, section 297G.04, subdivision 2, is amended to read:

8.33 Subd. 2. **Tax credit.** A qualified brewer producing fermented malt beverages is  
 8.34 entitled to a tax credit of ~~\$4.60~~ \$37.52 per barrel on 25,000 barrels sold in any fiscal year  
 8.35 beginning July 1, regardless of the alcohol content of the product. Qualified brewers may  
 8.36 take the credit on the 18th day of each month, but the total credit allowed may not exceed  
 8.37 in any fiscal year the lesser of:

8.38 (1) the liability for tax; or



9.1 (2) \$115,000.

9.2 For purposes of this subdivision, a "qualified brewer" means a brewer, whether  
9.3 or not located in this state, manufacturing less than 100,000 barrels of fermented malt  
9.4 beverages in the calendar year immediately preceding the calendar year for which the  
9.5 credit under this subdivision is claimed. In determining the number of barrels, all brands  
9.6 or labels of a brewer must be combined. All facilities for the manufacture of fermented  
9.7 malt beverages owned or controlled by the same person, corporation, or other entity  
9.8 must be treated as a single brewer.

9.9 Sec. 19. **[373.75] REQUIREMENT TO PROVIDE CHEMICAL DEPENDENCY**  
9.10 **TREATMENT.**

9.11 The state shall provide adequate funding for counties to provide comprehensive,  
9.12 needs-specific chemical dependency treatment programs and services to individuals within  
9.13 the county. The programs and services must be provided based on rule 25 (Minnesota  
9.14 Rules, parts 9530.6600 to 9530.6655) placement criteria.

9.15 Sec. 20. Minnesota Statutes 2012, section 609.115, subdivision 8, is amended to read:

9.16 Subd. 8. **Chemical use assessment required.** (a) If a person is convicted of a felony,  
9.17 the probation officer shall determine in the report prepared under subdivision 1 whether or  
9.18 not alcohol or drug use was a contributing factor to the commission of the offense. If so,  
9.19 the report shall contain the results of a chemical use assessment conducted in accordance  
9.20 with this subdivision. The probation officer shall make an appointment for the defendant to  
9.21 undergo the chemical use assessment if so indicated. If the person is convicted of a violent  
9.22 crime as defined in section 609.133, subdivision 1, the provisions of that section apply.

9.23 (b) The chemical use assessment report must include a recommended level of  
9.24 care for the defendant in accordance with the criteria contained in rules adopted by the  
9.25 commissioner of human services under section 254A.03, subdivision 3. The assessment  
9.26 must be conducted by an assessor qualified under rules adopted by the commissioner of  
9.27 human services under section 254A.03, subdivision 3. An assessor providing a chemical  
9.28 use assessment may not have any direct or shared financial interest or referral relationship  
9.29 resulting in shared financial gain with a treatment provider, except as authorized under  
9.30 section 254A.19, subdivision 3. If an independent assessor is not available, the probation  
9.31 officer may use the services of an assessor authorized to perform assessments for the  
9.32 county social services agency under a variance granted under rules adopted by the  
9.33 commissioner of human services under section 254A.03, subdivision 3.

10.1 (c) A chemical use assessment and report conducted under this subdivision must  
10.2 meet the standards described in section 169A.70.

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

10.5 Sec. 21. **[609.133] CHEMICAL DEPENDENCY TREATMENT; ASSESSMENT**  
10.6 **CHARGE.**

10.7 Subdivision 1. **Definition.** As used in this section, "violent crime" has the meaning  
10.8 given in section 609.1095, subdivision 1. The term also includes violations of sections  
10.9 609.2231, 609.224, and 609.2242.

10.10 Subd. 2. **Assessment conducted.** The court shall ensure that a chemical use  
10.11 assessment is conducted on a person convicted of a violent crime as required in section  
10.12 169A.70, subdivision 2.

10.13 Subd. 3. **Charge.** (a) When a court sentences a person convicted of a violent crime,  
10.14 it shall order the person to pay the cost of the assessment directly to the entity conducting  
10.15 the assessment or providing the assessment services in an amount determined by the entity  
10.16 conducting or providing the service and shall impose a chemical dependency assessment  
10.17 charge of \$25. The court may waive the \$25 assessment charge, but may not waive the  
10.18 cost for the assessment paid directly to the entity conducting the assessment or providing  
10.19 assessment services. A person shall pay an additional surcharge of \$5 if the person is  
10.20 convicted of a violation of section 169A.20 (driving while impaired) within five years  
10.21 of a prior impaired driving conviction or a prior conviction for an offense arising out of  
10.22 an arrest for a violation of section 169A.20. This section applies when the sentence is  
10.23 executed, stayed, or suspended. The court may not waive payment or authorize payment  
10.24 of the assessment charge and surcharge in installments unless it makes written findings on  
10.25 the record that the convicted person is indigent or that the assessment charge and surcharge  
10.26 would create undue hardship for the convicted person or that person's immediate family.

10.27 (b) The chemical dependency assessment charge and surcharge required under this  
10.28 section are in addition to the surcharge required by section 357.021, subdivision 6.

10.29 (c) The court administrator shall collect and forward the chemical dependency  
10.30 assessment charge and the \$5 surcharge, if any, to the commissioner of management and  
10.31 budget to be deposited in the state treasury and credited to the general fund.

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

11.1 Sec. 22. Minnesota Statutes 2012, section 609.135, is amended by adding a subdivision  
11.2 to read:

11.3 **Subd. 9. Certain persons to receive mandatory chemical dependency treatment.**

11.4 If a court stays the imposition or execution of sentence for a person convicted of a violent  
11.5 crime as defined in section 609.133, subdivision 1, as a condition of probation and in  
11.6 addition to any other conditions imposed, the court shall order the person to submit to the  
11.7 level of care recommended in the chemical use assessment described in section 169A.70,  
11.8 unless there are compelling reasons to do otherwise.

11.9 **EFFECTIVE DATE.** This section is effective July 1, 2013.

11.10 Sec. 23. **JUDICIAL TRAINING.**

11.11 The Supreme Court shall include in its judicial education program training relating  
11.12 to a judge's powers and duties regarding chemical use assessments.

11.13 **EFFECTIVE DATE.** This section is effective July 1, 2013.

11.14 Sec. 24. **REPEAT DUI OFFENDER PILOT PROGRAM.**

11.15 The commissioner of public safety shall establish a pilot program in up to three  
11.16 counties for repeat driving while impaired offenders. The pilot program is an alternative  
11.17 to incarceration or traditional chemical treatment, and must provide a highly structured  
11.18 treatment program with 12 months of supervision following treatment. The probation  
11.19 officer, treatment provider, chemical use assessor, and possibly police officers, must work  
11.20 as partners in the recovery of the client. The pilot program must explore and use different  
11.21 monitoring devices to monitor the client's chemical use.

11.22 **EFFECTIVE DATE.** This section is effective July 1, 2013.

11.23 Sec. 25. **APPROPRIATIONS.**

11.24 (a) \$..... for the fiscal year ending June 30, 2014, and \$..... for the fiscal year  
11.25 ending June 30, 2015, are appropriated from the general fund to the commissioner of  
11.26 public safety. Of these amounts:

11.27 (1) \$..... the first year and \$..... the second year are for grants to local units of  
11.28 government to conduct compliance checks for on-sale and off-sale intoxicating liquor  
11.29 license holders to determine whether the license holder is complying with Minnesota  
11.30 Statutes, section 340A.503;

11.31 (2) \$..... the first year and \$..... the second year are for grants to prevent domestic  
11.32 violence and to provide services to victims of domestic violence; and

- 12.1 (3) \$..... for the biennium is for the repeat DUI offender pilot program.
- 12.2 (b) \$..... for the fiscal year ending June 30, 2014, and \$..... for the fiscal year
- 12.3 ending June 30, 2015, are appropriated from the general fund to the commissioner of
- 12.4 human services. Of these amounts:
- 12.5 (1) \$..... the first year and \$..... the second year are for the purpose of fully funding
- 12.6 Minnesota Statutes, section 254B.04, subdivision 1. This appropriation must become part
- 12.7 of the base appropriation for this program;
- 12.8 (2) \$..... the first year and \$..... the second year are to fund the chemical
- 12.9 dependency treatment requirements under Minnesota Statutes, section 373.75;
- 12.10 (3) \$..... for the biennium is for care coordination related to chemical use
- 12.11 assessments under Minnesota Statutes, section 254A.25; and
- 12.12 (4) \$..... for the biennium is to be transferred to the Board of Behavioral Health
- 12.13 and Therapy under Minnesota Statutes, chapter 148C, to hire staff to conduct timely
- 12.14 licensing of counselors.
- 12.15 (c) \$..... for the fiscal year ending June 30, 2014, and \$..... for the fiscal year
- 12.16 ending June 30, 2015, are appropriated from the general fund to the Supreme Court.
- 12.17 Of these amounts:
- 12.18 (1) \$..... the first year and \$..... the second year are for the increased judicial
- 12.19 training described in section 23;
- 12.20 (2) \$..... the first year and \$..... the second year are to counties for drug courts; and
- 12.21 (3) \$..... the first year and \$..... the second year are for grants to counties for court
- 12.22 services and correctional costs related to conducting chemical use assessments.
- 12.23 (d) \$..... for the fiscal year ending June 30, 2014, and \$..... for the fiscal year ending
- 12.24 June 30, 2015, are appropriated from the general fund to the commissioner of health. Of
- 12.25 these amounts, \$..... the first year and \$..... the second year are for grants to public
- 12.26 health for education and prevention initiatives designed to eliminate underage drinking.