

(e) (f) Wholesalers of wines of not more than 25 percent alcohol by volume	\$ 750
(f) (g) Wholesalers of intoxicating malt liquor	\$ 300
Duplicates	\$ 15
(g) (h) Wholesalers of nonintoxicating malt liquor	\$ 10

If a business licensed under this section is destroyed, or damaged to the extent that it cannot be carried on, or if it ceases because of the death or illness of the licensee, the commissioner may refund the license fee for the balance of the license period to the licensee or to the licensee's estate.

Sec. 2. Minnesota Statutes 1986, section 340A.301, subdivision 7, is amended to read:

Subd. 7. **INTEREST IN OTHER BUSINESS.** Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or nonintoxicating malt liquor license, but a manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales if the manufacturer or wholesaler has owned the property continuously since November 1, 1933.

A licensed brewer of malt liquor described in subdivision 6, clause (d) may be issued an on-sale intoxicating liquor or nonintoxicating malt liquor license by a municipality for a restaurant operated in or immediately adjacent to the place of manufacture.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

Approved May 26, 1987

CHAPTER 250—S.F.No. 1345

An act relating to the judiciary; public defenders; providing for membership of the state board of public defense; providing for appointment of a chief administrator; requiring the state board of public defense to adopt standards governing district public defender offices; authorizing the state board of public defense to fix the salary of the state public defenders; requiring the state public defender to provide training for state and district public defenders, appointed counsel, and legal service corporation attorneys; providing that compensation of district public defenders may not exceed compensation of county attorneys; allowing representation of indigents by public defender before formal appointment; amending Minnesota Statutes 1986, sections 611.215, subdivisions 1 and 2, and by adding a subdivision; 611.216,

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

subdivisions 1, 2, and 3; 611.23; 611.24; 611.25; 611.26, subdivisions 1, 2, 3, 4, and 6; and 611.27, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 611; repealing Minnesota Statutes 1986, sections 611.22; and 611.26, subdivisions 5 and 8.

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

Section 1. ~~[611.214]~~ **APPLICABILITY.**

Sections 611.26 and 611.27 do not apply to Hennepin county or to Ramsey county.

Sec. 2. Minnesota Statutes 1986, section 611.215, subdivision 1, is amended to read:

Subdivision 1. ~~CREATION STRUCTURE; MEMBERSHIP.~~ ~~There is created~~ a (a) The state board of public defense as is a part of, but is not subject to the administrative control of, the judicial branch of government. The state board of public defense shall consist of seven members appointed by the supreme court including:

~~(a) (1) a district, county or county municipal court trial judge appointed by the supreme court;~~

~~(b) (2) four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not publicly employed as a prosecutor or defense counsel prosecutors, appointed by the supreme court; and~~

~~(c) (3) two public members appointed by the governor.~~

~~(b) All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. In making the four appointments of attorneys at law, the supreme court shall first consider a list of at least three nominees for each position submitted to the supreme court by the state bar association. The terms, compensation and removal of members shall be as provided in section 15.0575. The chair shall be elected by the members from among the membership for a term of two years.~~

~~(c) In addition, the state board of public defense shall consist of an 11-member ad hoc board when considering the appointment of district public defenders under section 611.26, subdivision 2. The terms of district public defenders currently serving shall terminate in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.~~

Sec. 3. Minnesota Statutes 1986, section 611.215, is amended by adding a subdivision to read:

Subd. 1a. CHIEF ADMINISTRATOR. The chair of the state board of public defense may, subject to the approval of the board, appoint a chief administrator who must be chosen solely on the basis of training, experience, and other qualifications, and who will serve at the pleasure of the board. The chief administrator need not be licensed to practice law. The administrator shall attend all meetings of the board, but may not vote, and shall:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

- (1) enforce all resolutions, rules, regulations, or orders of the board;
- (2) appoint and remove all subordinate officers and regular employees of the board upon the basis of merit and fitness, subject to the provisions of a personnel code adopted by the board;
- (3) present to the board plans, studies, and reports prepared for board purposes and recommend to the board for adoption measures necessary to enforce or carry out the powers and duties of the board, or to efficiently administer the affairs of the board;
- (4) keep the board fully advised as to its financial condition, and prepare and submit to the board its annual budget and other financial information as it may request;
- (5) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and its functions; and
- (6) perform other duties prescribed by the board.

Sec. 4. Minnesota Statutes 1986, section 611.215, subdivision 2, is amended to read:

Subd. 2. **DUTIES AND RESPONSIBILITIES.** (a) The state board of public defense shall have these duties and responsibilities imposed upon it by this chapter appoint the state public defender, who serves full-time for a term of four years. The board must prepare an annual report to the governor, the legislature, and the supreme court on the operation of the state public defender's office, district defender systems, and appointed counsel systems. The board shall approve and recommend to the legislature a budget for the board, the office of state public defender, and the public defense corporations. The board shall establish procedures for distribution of state funding under this chapter to the state and district public defenders, including Hennepin and Ramsey county public defenders, and to the public defense corporations.

(b) The board shall establish standards for the offices of the state and district public defenders and for the conduct of all appointed counsel systems. The standards must include, but are not limited to:

- (1) standards needed to maintain and operate an office of public defender including requirements regarding the qualifications, training, and size of the legal and supporting staff for a public defender or appointed counsel system;
- (2) standards for public defender caseloads;
- (3) standards and procedures for the eligibility for appointment, assessment and collection of the costs for legal representation provided by public defenders or appointed counsel;
- (4) standards for contracts between a board of county commissioners and a county public defender system for the legal representation of indigent persons;

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(5) standards prescribing minimum qualifications of counsel appointed under the board's authority or by the courts; and

(6) standards ensuring the economical and efficient delivery of legal services, including alternatives to the present geographic boundaries of the public defender districts.

The board may require the reporting of statistical data, budget information, and other cost factors by the state and district public defenders and appointed counsel systems.

Sec. 5. Minnesota Statutes 1986, section 611.216, subdivision 1, is amended to read:

Subdivision 1. **ELIGIBLE RECIPIENTS.** The board of public defense shall establish procedures for public defense corporations based in this state to apply for funding by the legislature. The applications must be submitted to the board. The board must review and prioritize them and include a recommended funding level for each corporation in the budget request the board submits to the legislature. Money appropriated to provide criminal and juvenile defense to indigent individuals must be distributed by the board of public defense to the nonprofit criminal and juvenile defense corporations included in the board's budget request or otherwise designated by law. Money may not be disbursed to a corporation in the Leech Lake reservation area or the White Earth reservation area without prior approval by the respective reservation ~~business committee~~ tribal council. ~~Within its geographic area of responsibility each~~ A corporation ~~shall~~ may accept cases involving felony, gross misdemeanor, and misdemeanor charges, and juvenile cases if financial eligibility standards are met, unless there is a legal or ethical reason for rejecting a case. A corporation may accept cases arising outside its geographic area of responsibility, as appropriate. Each corporation, in order to ensure broad support, shall provide matching money received from nonstate sources, which may include money or in-kind contribution from federal agencies, local governments, private agencies, and community groups, equal to ten percent of its state appropriation. The board of public defense shall give notice 30 days in advance and conduct a hearing if it has reasonable grounds to believe money appropriated for this purpose is being improperly used, or if it has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. Payment must cease from the date of notice until either the board of public defense determines that the money appropriated will be properly handled, or the board of public defense determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance.

Sec. 6. Minnesota Statutes 1986, section 611.216, subdivision 2, is amended to read:

Subd. 2. **DISCRIMINATION; PENALTY.** An employee, administrator, ~~or~~ officer, contractor, or agent of a recipient of the money provided by this section

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

who discriminates on the basis of sex, race, color, national origin, religion, or creed is guilty of a gross misdemeanor.

Sec. 7. Minnesota Statutes 1986, section 611.216, subdivision 3, is amended to read:

Subd. 3. **REPORT.** Each corporation shall submit to the board of public defense twice each year a report on a form supplied by the council reports showing, at a minimum, the number of clients served, the number of charges brought, the number of cases of each kind, such as felonies, gross misdemeanors, misdemeanors, and juvenile delinquencies, the number of dispositions of each kind, such as jury trials, court trials, plea bargains guilty pleas, and dismissals, ~~and~~ the number of court appearances, and financial data. This information must be summarized for each corporation in the budget documents submitted to the legislature.

Sec. 8. Minnesota Statutes 1986, section 611.23, is amended to read:

611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT; SALARY.

The office of state public defender is under the supervision of the state board of public defense. The state public defender shall be appointed by the state board of public defense for a term of four years, except as otherwise provided herein in this section, and until a successor is appointed and qualified. The state public defender shall be a full-time qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state, and be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by law the state board of public defense but must not exceed the salary of the chief deputy attorney general. Terms of the state public defender shall commence on January 1. The state public defender shall devote full time to the performance of duties and shall not engage in the general practice of law.

Sec. 9. Minnesota Statutes 1986, section 611.24, is amended to read:

611.24 ORGANIZATION OF OFFICE; ASSISTANTS.

The state public defender, subject to the limitations imposed by, and the supervision of, the state board of public defense, may employ or retain assistant state public defenders and other personnel as may be necessary to discharge the function of the office. The commissioner of administration shall provide the office with suitable quarters outside the capitol building. An assistant public defender shall be a qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state if employed, and serve at the pleasure of the appointing authority at a salary or retainer fee not to exceed reasonable compensation for comparable services performed for other governmental agencies or departments. Retained or part-time employed assistant state public defenders may engage in the general practice of law.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 10. Minnesota Statutes 1986, section 611.25, is amended to read:

611.25 POWERS; DUTIES; LIMITATIONS.

Subdivision 1. REPRESENTATION. The state public defender shall represent, without charge, a defendant or other person appealing from a conviction or pursuing a post conviction proceeding after the time for appeal has expired when the state public defender is directed to do so by a judge of the district court, of the court of appeals or of the supreme court. The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the supreme court or the court of appeals, except that the state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. When requested by a district public defender or appointed counsel, the state public defender may assist a the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties when the district public defender requests, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. ~~Whenever~~ When the state public defender is directed by a court to represent any a defendant or other person, with the approval of the court the state public defender may, with the court's approval, assign the representation to any district public defender.

Subd. 2. GENERAL DUTIES. The state public defender ~~also~~ shall super-
wise design and conduct programs, with the approval of the board of public
defense, for the training of all state and district public defenders, and may
establish a training course for such purpose appointed counsel, and attorneys for
legal service corporations funded in section 611.216.

Sec. 11. Minnesota Statutes 1986, section 611.26, subdivision 1, is amended to read:

Subdivision 1. A majority of the judges of any judicial district not subject to the provisions of section 611.12, except the second district, may, by written order filed with the state board of public defense, establish in the district the public defender system provided in Laws 1965, chapter 869. The order shall be effective 30 days after its filing. Notwithstanding this subdivision the state public defender may assist the public defenders of the second and fourth judicial districts at their request. Each judicial district shall have a district public defender. Public defenders and appointed counsel may request the assistance of the state public defender as provided in section 611.25, subdivision 1.

Sec. 12. Minnesota Statutes 1986, section 611.26, subdivision 2, is amended to read:

Subd. 2. Upon the filing of an order pursuant to subdivision 1 The state board of public defense shall appoint a district public defender after receiving recommendations from the judges of the district. When appointing a district public defender, the state board of public defense membership shall be increased to include two judges of the district and two county commissioners of the counties within the district. The additional members shall serve only in the

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

capacity of selecting the district public defender. The judges within the district shall elect their two ad hoc members. The two county commissioners within the district shall be selected by the county boards of the counties within the district. The ad hoc state board of public defense shall appoint a district public defender only after requesting and giving reasonable time to receive any recommendations from the public, the local bar association, the judges of the district, and the county commissioners within the district. Each district public defender shall be a qualified attorney, licensed to practice law in this state. The district public defender shall be appointed for a term of four years, beginning August 1, pursuant to the following staggered term schedule: (1) in 1987, the third and eighth districts; (2) in 1988, the first and tenth districts; (3) in 1989, the fifth and ninth districts; and (4) in 1990, the sixth and seventh districts. The district public defender defenders shall serve for staggered four year terms and may be removed for cause upon the order of the state board of public defense. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

Sec. 13. Minnesota Statutes 1986, section 611.26, subdivision 3, is amended to read:

Subd. 3. The compensation of the district public defender for each judicial district shall be set by the board of public defense at a specified sum per month or an hourly or per diem basis. The compensation of each assistant district public defender shall be set by the district public defender with the approval of the board of public defense. The compensation for district public defenders may not exceed the prevailing compensation for county attorneys within the district, and the compensation for assistant district public defenders may not exceed the prevailing compensation for assistant county attorneys within the district. To assist the board of public defense in determining prevailing compensation under this subdivision, counties shall include in their review and comment on proposed district public defender budgets information on the compensation of county attorneys, including salaries and benefits, rent, secretarial staff, and other pertinent budget data. For purposes of this subdivision, compensation means salaries, cash payments, and employee benefits including paid time off and group insurance benefits, and other direct and indirect items of compensation including the value of office space provided by the employer.

Sec. 14. Minnesota Statutes 1986, section 611.26, subdivision 4, is amended to read:

Subd. 4. A district public defender ~~may~~ shall appoint assistants, ~~after receiving recommendations from the judges of the district, each of whom shall be a who are qualified attorney, attorneys licensed to practice law in this state, and other staff as the district public defender finds prudent and necessary subject to the approval of the standards adopted by the state board of public defense and the provisions of this section.~~ Assistant district public defenders must be appointed to ensure broad geographic representation and caseload distribution within the district. Each assistant district public defender shall serve serves at the pleasure of the district public defender.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 15. Minnesota Statutes 1986, section 611.26, subdivision 6, is amended to read:

Subd. 6. The district public defender shall represent, without charge, a defendant ~~or other person charged with a felony or a gross misdemeanor~~ when so directed by the district court.

Sec. 16. [611.262] REPRESENTATION BEFORE APPOINTMENT.

A district public defender or appointed assistant may, on request of a peace officer, a defendant, suspect, or other person, represent or consult with a person before formal appointment if there is a substantial factual basis to believe the person is indigent.

Sec. 17. Minnesota Statutes 1986, section 611.27, subdivision 1, is amended to read:

Subdivision 1. (a) ~~The compensation and~~ total compensation and expenses, including office equipment and supplies, of the district public defender are to be paid by the county or counties comprising the judicial district ~~and in conformity with the following:~~

(b) A district public defender shall annually submit a comprehensive budget to the state board of public defense. The budget shall be in compliance with standards and forms required by the board and must, at a minimum, include detailed substantiation as to all revenues and expenditures. The district public defender shall, at times and in the form required by the board, submit reports to the board concerning its operations, including the number of cases handled and funds expended for these services.

(4) ~~Within ten days after a district public defender or an assistant district public defender is appointed and on or before July 1 of each year thereafter, the appointing authority district public defender shall certify to the district judges of the respective judicial districts state board of public defense the compensation which that has been set for each such district public defender and each such recommended for the assistant.~~

(c) The state board of public defense shall transmit the proposed budget of each district public defender to the respective district court administrators and county budget officers for comment before the board's final approval of the budget. (2) Immediately thereafter, the judges of such district The board shall determine and certify to the respective county boards a final comprehensive budget for the office of the district public defender including all salaries, expenses, and that includes office equipment and supplies all expenses. Suitable office space shall be provided where available in publicly owned buildings in a location within the district selected by such judges. If no such space is available, the judges shall include in the budget a reasonable allowance for office rental which shall be in addition to the district public defender's compensation. Except in the second and fourth judicial districts, the district judges of the judicial district After the board determines the allocation of the state funds

Changes or additions are indicated by underline, deletions by strikeout.

authorized pursuant to paragraph (e), the board shall apportion the compensation expenses of such the district public defenders in their respective judicial districts among the several counties and each county shall be required by such order to pay the specific amounts thereof its share in monthly installments. The specified amount of the compensation which each county shall pay shall be such county share is the proportion of the whole compensation as total expenses that the population in such the county bears to the total population in the district as set forth in determined by the last federal census. If the district public defender or an assistant district public defender is temporarily transferred to some a county not situated in that public defender's judicial district, said county shall pay the proportionate part of that public defender's compensation expenses for the services performed in said county.

(3) (d) Reimbursement for actual and necessary travel expenses in the conduct of the office of the district public defender shall be charged to either (1) the general expenses of the office, (2) the general expenses of the district for which the expenses were incurred if outside the district, or (3) the office of the state public defender if the services were rendered for that office.

(e) Money appropriated to the state board of public defense and the public defender must be spent with the approval of the state board of public defense for the board's administration and for the state public defender and public defense corporations in amounts determined by the board. Funds may also be distributed by the state board of public defense to district public defenders including those in Hennepin and Ramsey counties. In making distributions to district public defenders, priority must be given, to the extent feasible and reasonable, to those districts having the greatest number of felonies and gross misdemeanors, and to those districts having the greatest number of distressed counties designated under section 297A.257. The board shall further consider each district's number of dispositions, such as jury trials, court trials and guilty pleas, the number of court appearances, and other trial-related financial data, and any special needs of districts organized in the calendar year 1987.

Sec. 18. Minnesota Statutes 1986, section 611.27, subdivision 2, is amended to read:

Subd. 2. The judges of the judicial district by order state board of public defense, after consultation with the county boards, shall: (1) designate the county officials of one or more counties within the district to handle the funds for the office of district public defender and provide that charges pay the expenses of the district public defender. The county share assessed under subdivision 1 against each county of the district shall must be paid to the county treasurer of such the designated county who shall be responsible for the payment of the expenses of the office of district public defender. The order board may provide for reimbursement of reimburse the designated counties so designated for extra services costs incurred. (2) The board must provide for a revolving fund in the custody of the officials of the designated county designated in subdivision 2(1) into which revolving fund each county shall must pay an initial deposit and its

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

respective share of the expenses of the office of district public defender and from which the expenses of said office shall be paid in the manner provided in Laws 1965, chapter 869.

Sec. 19. **COMPLEMENT.**

The complement of the state board of public defense is increased by one position in the unclassified service.

Sec. 20. **REPEALER.**

Minnesota Statutes 1986, sections 611.22 and 611.26, subdivisions 5 and 8, are repealed.

Sec. 21. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved May 26, 1987

CHAPTER 251—S.F.No. 1524

An act relating to claims against the state; providing for payment of various claims; appropriating money.

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

Section 1. **VETERANS BONUS CLAIMS; APPROPRIATIONS; GENERAL FUND.**

Subdivision 1. GENERALLY. The sums set forth in this section are appropriated from the general fund to the persons named in subdivisions 2, 3, and 4 in full and final payment of claims against the state for adjusted compensation arising from World War II, the Korean conflict, and Vietnam service.

Subd. 2. WORLD WAR II. Robert E. Amundson, 320 Northwest 4th Avenue, Faribault, Minnesota 55021\$245.

Subd. 3. KOREAN CONFLICT. Robert E. Amundson, 320 Northwest 4th Avenue, Faribault, Minnesota 55021.....\$180.

Frank H. Bellanger, Box 367, Cass Lake, Minnesota 56633.....\$97.50.

David Hoff, Route 2, Box 140, Cohasset, Minnesota 55721.....\$90.

Walter R. Kaisler, Route 3, Cambridge, Minnesota 55008.....\$45.

Calvin E. Peterson, Box 9, Tri-Court Motel, East Highway 12, Willmar, Minnesota 56201.....\$195.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.