

an attorney, law firm, party to a legal proceeding, or party having a financial interest in a legal proceeding that provides for ongoing court reporting services not limited to a particular case or reporting incident.

Subd. 2. DISCLOSURE; COURT REPORTER REQUIREMENTS; OBJECTIONS. (a) The existence of a contract or agreement for court reporting services must be disclosed as provided by this paragraph. Written notice of a contract or agreement must be included in the notice of taking deposition or the notice of legal proceeding before commencement of a legal proceeding at which court reporting services are being provided. Oral disclosure of a contract or agreement must be made on the record by the court reporter at the commencement of the legal proceeding.

(b) A freelance court reporter:

(1) shall treat all parties to an action equally, providing comparable services to all parties;

(2) may not act as an advocate for any party or act partially to any party to an action; and

(3) shall comply with all state and federal court rules that govern the activities of court reporters.

(c) An attorney shall state the reason for the objection to the provision of court reporting services by a freelance court reporter or court reporting firm and shall note the objection and the reason on the record.

Subd. 3. REMEDIES. Upon the court's or presiding officer's learning of a violation of subdivision 2, paragraph (a), the court or presiding officer may declare that the record for which the court reporting services were provided is void and may order that the legal proceeding be reconducted. Parties who violate subdivision 2, paragraph (a), are jointly and severally liable for costs associated with reconducting the legal proceeding and preparing the new record. Costs include, but are not limited to, attorney, witness, and freelance court reporter appearance and transcript fees.

Presented to the governor May 21, 1999

Signed by the governor May 24, 1999, 9:45 a.m.

CHAPTER 216—S.F.No. 2221

An act relating to the operation of state government; crime prevention and judiciary finance; appropriating money for the judicial branch, public safety, public defense, crime victims, corrections, human rights, and related purposes; establishing and expanding grant programs, task forces, and pilot projects; requiring reports and studies; increasing the number of judges; transferring, modifying, and expanding responsibility for various governmental responsibilities; providing procedures for integrated criminal justice information systems; adopting various provisions relating to corrections; expanding the categories of offenders that must provide a biological specimen for DNA testing; expanding postconviction relief for certain offenders; establishing the Rush city correctional facility; authorizing a lease-purchase agreement for a northern satellite laboratory facility and additional work related to a new facility in St. Paul for the bureau of criminal apprehension; impos-

New language is indicated by underline, deletions by ~~strikeout~~.

ing, clarifying, and expanding certain criminal and civil provisions and penalties; closing a work program for nonviolent offenders; making certain changes related to sex offenders; expanding the housing and court calendar program; creating a program to license qualified court interpreters; increasing the state's fiscal responsibility for certain persons prior to civil commitment; establishing requirements relating to out-of-home placements of juveniles; providing for state funding of certain programs and personnel; providing for state funding of court administration costs in specified judicial districts; establishing collective bargaining provisions for court employees and public defenders; extending the sunset date for a juvenile records provision; amending Minnesota Statutes 1998, sections 2.722, subdivision 1; 16B.35, by adding a subdivision; 43A.02, subdivision 25; 43A.24, subdivision 2; 119A.26; 119A.28, subdivisions 2 and 3; 119A.29, subdivision 1; 119A.31, subdivision 3; 119A.32; 119A.33; 119A.34, subdivisions 3 and 4; 168A.40, subdivision 2; 179A.03, subdivisions 7, 14, 15, and by adding a subdivision; 179A.06, subdivision 2; 179A.10, subdivision 4; 179A.12, subdivision 4; 179A.22, subdivisions 2 and 3; 241.016; 241.0221, subdivision 4; 241.275, subdivisions 1 and 2; 242.192; 243.50; 244.052, subdivisions 1, 3, 4, and by adding a subdivision; 244.18, subdivision 3; 253B.185, by adding a subdivision; 253B.23, subdivisions 1 and 8; 256.01, subdivision 2; 256.486, subdivisions 1 and 2; 257.69, subdivision 2; 260.151, subdivision 3; 260.161, subdivision 1; 260.181, by adding a subdivision; 260.185, by adding a subdivision; 260.251, subdivisions 2 and 5; 260.56; 299A.62, subdivision 1; 299A.64, subdivision 10; 299C.65, subdivisions 2, 5, and by adding subdivisions; 340A.703; 346.56; 466.01, subdivision 6; 480.181, subdivision 1; 484.013, subdivisions 1 and 2; 484.64, subdivision 3; 484.65, subdivision 3; 485.018, subdivisions 2 and 6; 485.03; 485.27; 487.10, subdivision 4; 518.165, subdivision 3; 546.13; 546.44, subdivision 3; 563.01, subdivisions 2, 9, and 10; 590.01, subdivision 1, and by adding a subdivision; 609.035, subdivisions 1, 2, and by adding a subdivision; 609.102, by adding a subdivision; 609.3461, subdivisions 1 and 2; 611.33, subdivision 3; 611A.77; 626.843, subdivision 4; 626.845, subdivision 1; 626.8462; 626.8463, subdivision 1; and 626.8465, subdivision 2; Laws 1997, chapter 85, article 3, section 53; proposing coding for new law in Minnesota Statutes, chapters 179A; 241; 243; 260; 299A; 480; and 626; repealing Minnesota Statutes 1998, sections 119A.04, subdivision 5; 241.275, subdivision 5; 241.277; 256D.05, subdivisions 3 and 3a; 357.021, subdivision 2a; 563.01, subdivision 1; 609.113; 626.5532, subdivision 2; and 626.8463, subdivision 2.

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

ARTICLE 1

APPROPRIATIONS

Section 1. CRIMINAL JUSTICE APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1999," "2000," and "2001," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1999, June 30, 2000, or June 30, 2001, respectively.

New language is indicated by underline, deletions by ~~strikeout~~.

SUMMARY BY FUND

	1999	2000	2001	TOTAL
General	\$ 2,074,000	\$ 547,845,000	\$ 582,487,000	\$1,130,332,000
Special Revenue		8,258,000	7,902,000	16,160,000
Environmental		44,000	46,000	90,000
State Government				
Special Revenue		7,000	7,000	14,000
Trunk Highway		1,626,000	1,656,000	3,282,000
TOTAL	\$	\$ 557,780,000	\$ 592,098,000	\$1,149,878,000

APPROPRIATIONS
Available for the Year
Ending June 30

2000 2001

Sec. 2. SUPREME COURT

Subdivision 1. Total

Appropriation	\$ 26,359,000	\$ 25,474,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Supreme Court Operations

4,506,000	4,549,000
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\$5,000 the first year and \$5,000 the second year are for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

When purchasing furniture or fixtures, the Supreme Court must consider purchasing furniture or fixtures that were made as part of an industrial and commercial activity authorized by Minnesota Statutes, section 241.27.

\$55,000 the first year and \$18,000 the second year are for access to justice initiatives.

\$50,000 the first year and \$50,000 the second year are for judicial branch infrastructure.

\$14,000 the first year is for the judicial salary supplement.

Subd. 3. Civil Legal Services

6,484,000	6,484,000
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This appropriation is for legal services to low-income clients and for family farm legal

assistance under Minnesota Statutes, section 480.242. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium. A qualified legal services program, as defined in Minnesota Statutes, section 480.24, subdivision 3, may provide legal services to persons eligible for family farm legal assistance under Minnesota Statutes, section 480.242.

Of this appropriation, \$877,000 the first year and \$877,000 the second year are to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

Subd. 4. State Court Administration
13,498,000 12,595,000

\$1,500,000 the first year and \$1,500,000 the second year are to begin development and implementation of the infrastructure for a coordinated and integrated statewide criminal and juvenile justice information system; and for implementation of the judicial branch justice information network. This appropriation must be included in the budget base for the 2002–2003 biennium.

\$50,000 the first year and \$50,000 the second year are for a grant writer.

\$25,000 the first year and \$25,000 the second year are for court document translation costs.

\$1,000,000 the first year is for regional adult detention facility construction planning grants under article 2, section 22. Of this amount, \$200,000 is for a grant to plan, develop, and issue a request for proposals for the construction and operation of a regional

adult detention facility by a private vendor. This is a one-time appropriation.

\$150,000 the first year and \$150,000 the second year are for the state's share of the costs associated with the precommitment detention of persons as described in Minnesota Statutes, section 253B.185, subdivision 5. This is a one-time appropriation.

The appropriation in Laws 1998, chapter 367, article 1, section 2, subdivision 4, for the parental cooperation task force is available until expended.

\$75,000 each year is transferred from the base amount to the Center for Crime Victim Services to operate the mediation programs for crime victims and offenders under Minnesota Statutes, section 611A.77.

Subd. 5. Law Library Operations
 1,871,000 1,846,000

\$40,000 the first year and \$40,000 the second year are for increased costs in maintaining the library's publication collection.

\$50,000 the first year and \$13,000 the second year are for a law library MNET connection.

Sec. 3. COURT OF APPEALS	6,450,000	6,549,000
Sec. 4. DISTRICT COURTS	76,665,000	79,334,000

\$1,570,000 the first year and \$3,168,000 the second year are for human resource enhancements, including one trial court judge unit each in the seventh, ninth, and tenth judicial districts beginning July 1, 1999; two trial court judge units in the first judicial district and one trial court judge unit in the tenth judicial district beginning January 1, 2000; one judge unit each in the seventh, ninth, and tenth judicial districts beginning on July 1, 2000, and one judge unit each in the first and tenth judicial districts and two judge units in the fourth judicial district beginning January 1, 2001. Each judge unit consists of a judge, law clerk, and court reporter. This appropriation also is to fund six new law clerk positions beginning on or after July 1, 1999.

\$46,000 the first year and \$48,000 the second year are for one referee conversion in the second judicial district and one referee conversion in the fourth judicial district.

\$65,000 the first year and \$65,000 the second year are for salary costs related to the community court in the fourth judicial district. This is a one-time appropriation.

\$110,000 the first year and \$110,000 the second year are for the continued funding of the community court in the second judicial district. This is a one-time appropriation.

The second judicial district and fourth judicial district shall each report quarterly to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over criminal justice funding on:

(1) how money appropriated for this initiative was spent; and

(2) the cooperation of other criminal justice agencies and county units of government in the community courts' efforts.

The first report is due on October 1, 1999. None of this appropriation may be used for the purpose of complying with these reporting requirements.

\$200,000 the first year and \$25,000 the second year are for the statewide expansion of video technology in the court system.

\$200,000 the first year and \$200,000 the second year are for upgrading the infrastructure of the judicial branch.

Sec. 5. BOARD ON JUDICIAL STANDARDS

233,000 238,000

Sec. 6. TAX COURT

660,000 671,000

Sec. 7. PUBLIC SAFETY

Subdivision 1. Total

Appropriation 44,595,000 41,848,000

Summary by Fund

	2000	2001
General	42,398,000	39,607,000
Special Revenue	520,000	532,000

State Government		
Special Revenue	7,000	7,000
Environmental	44,000	46,000
Trunk Highway	1,626,000	1,656,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Emergency Management

Summary by Fund

General	3,861,000	3,892,000
Environmental	44,000	46,000

\$60,000 the first year and \$60,000 the second year are one-time appropriations to provide the bomb disposal reimbursements authorized by Minnesota Statutes, section 299C.063, subdivision 2.

The commissioner shall develop an implementation plan under which the division of emergency management makes bomb disposal and domestic terrorism response services available to requesting local governments and agencies on a statewide basis. The statewide plan shall identify and establish a service delivery system that is based on regional needs and resources and through which the necessary services are provided in an efficient and cost-effective manner by state agencies, local municipalities, and private service providers. The commissioner shall submit the implementation plan to the chairs and ranking minority members of the senate and house committees with jurisdiction over criminal justice funding and policy by January 15, 2001.

Subd. 3. Criminal Apprehension

Summary by Fund

General	23,327,000	23,080,000
Special Revenue	520,000	532,000
State Government		
Special Revenue	7,000	7,000
Trunk Highway	1,626,000	1,656,000

\$99,000 the first year and \$99,000 the second year from the Bureau of Criminal Ap-

prehension account in the special revenue fund are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$421,000 the first year and \$433,000 the second year from the Bureau of Criminal Apprehension account in the special revenue fund are for laboratory activities.

\$5,000,000 the first year and \$4,000,000 the second year are for the statewide criminal and juvenile justice data information system upgrade.

\$210,000 the first year and \$210,000 the second year are to be transferred to the commissioner of corrections for a statewide probation system component of the criminal justice information system. This appropriation must be included in the budget base for the 2002–2003 biennium.

\$500,000 the first year and \$55,000 the second year are for a lab information management system.

\$344,000 the first year and \$400,000 the second year are for laboratory supplies and equipment. This is a one-time appropriation.

\$800,000 the second year is for start-up costs, including employee hiring and training, for the northern BCA satellite laboratory facility in the city of Bemidji, for which pre-design money was appropriated in Laws 1998, chapter 404, section 13, subdivision 11.

\$15,000 the first year is for the capitol security study described in article 5, section 13. This is a one-time appropriation.

\$125,000 the second year is to expand DNA testing of predatory offenders.

Subd. 4. Fire Marshal	
3,099,000	3,203,000

\$52,000 the second year is for a fire code development and training position. The perma-

ment complement of the division is increased by one position.

The state fire marshal shall purchase and maintain equipment for use at fire scenes to enhance its response in arson investigations. The costs related to purchase and maintenance of this equipment shall come out of the fire marshal's base budget.

Subd. 5. Alcohol and Gambling Enforcement

1,821,000	1,849,000
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\$75,000 the first year and \$75,000 the second year are for liquor law compliance check grants under article 2, section 21. By January 15, 2002, the commissioner shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding on the grants awarded under this paragraph. This is a one-time appropriation.

Subd. 6. Law Enforcement and Community Grants

10,290,000	7,583,000
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\$1,000,000 the first year is for grants to pay the costs of developing or implementing a criminal justice information integration plan as described in Minnesota Statutes, section 299C.65, subdivision 6 or 7. The commissioner shall make a minimum of two grants from this appropriation. This is a one-time appropriation.

The commissioner of public safety shall consider using a portion of federal Byrne grant funds for costs related to developing or implementing a criminal justice information system integration plan as described in Minnesota Statutes, section 299C.65, subdivision 6 or 7.

\$400,000 the first year is for a grant to the city of Marshall to construct, furnish, and equip a regional emergency response training center. The balance, if any, does not cancel but is available for the fiscal year ending June 30, 2001.

\$10,000 the first year is for the commissioner of public safety to reconvene the task force

that developed the statewide master plan for fire and law enforcement training facilities under Laws 1998, chapter 404, section 21, subdivision 3, for the purpose of developing specific recommendations concerning the siting, financing and use of these training facilities. The commissioner's report shall include detailed recommendations concerning the following issues:

- (1) the specific cities, counties, or regions of the state where training facilities should be located;
- (2) the reasons why a training facility should be sited in the recommended location, including a description of the public safety training needs in that part of the state;
- (3) the extent to which neighboring cities and counties should be required to collaborate in funding and operating the recommended training facilities;
- (4) an appropriate amount for a local funding match (up to 50 percent) for cities and counties using the training facility to contribute in money or other resources to build, expand, or operate the facility;
- (5) the feasibility of providing training at one or more of the recommended facilities for both law enforcement and fire safety personnel;
- (6) whether the regional or statewide need for increased public safety training resources can be met through the expansion of existing training facilities rather than the creation of new facilities and, if so, which facilities should be expanded; and
- (7) any other issues the task force deems relevant.

By January 15, 2000, the commissioner shall submit the report to the chairs and ranking minority members of the house and senate committees and divisions with jurisdiction over capital investment issues and criminal justice funding and policy.

\$746,000 the first year and \$766,000 the second year are for personnel and administra-

tive costs for the criminal gang oversight council and strike force described in Minnesota Statutes, section 299A.64.

\$1,171,000 the first year and \$2,412,000 are for the grants authorized under Minnesota Statutes, section 299A.66, subdivisions 1 and 2. Of this appropriation, \$1,595,000 each year shall be included in the 2002–2003 biennial base budget.

By January 15, 2000, the criminal gang oversight council shall submit a report to the chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy describing the following:

- (1) the types of crimes on which the oversight council and strike force have primarily focused their investigative efforts since their inception;
- (2) a detailed accounting of how the oversight council and strike force have spent all funds and donations they have received since their inception, including donations of goods and services;
- (3) the extent to which the activities of the oversight council and strike force overlap or duplicate the activities of the fugitive task force or the activities of any federal, state, or local task forces that investigate interjurisdictional criminal activity; and
- (4) the long-term goals that the criminal gang oversight council and strike force hope to achieve.

The commissioner of public safety shall consider using a portion of federal Byrne grant funds for criminal gang prevention and intervention activities to (1) help gang members separate themselves, or remain separated, from gangs; and (2) prevent individuals from becoming affiliated with gangs.

\$50,000 the first year is for a grant to the Minnesota Safety Council to continue the crosswalk safety awareness campaign. The Minnesota Safety Council shall work with

the department of transportation to develop a long range plan to continue the crosswalk safety awareness campaign.

\$500,000 the first year is for grants under Minnesota Statutes, section 299A.62, subdivision 1. These grants shall be distributed as provided in Minnesota Statutes, section 299A.62, subdivision 2. This is a one-time appropriation.

Up to \$30,000 of the appropriation for grants under Minnesota Statutes, section 299A.62, is for grants to requesting local law enforcement agencies to purchase dogs trained to detect or locate controlled substances by scent. Grants are limited to one dog per county.

\$500,000 the first year is a one-time appropriation for a grant to the Ramsey county attorney's office to establish and fund the domestic assault and child abuse prosecution unit. This is a one-time appropriation.* **(The preceding text beginning "\$500,000 the first year" was vetoed by the governor.)**

\$50,000 the first year and \$50,000 the second year are for grants to the northwest Hennepin human services council to administer the northwest community law enforcement project, to be available until June 30, 2001. This is a one-time appropriation.

\$30,000 the first year is to assist volunteer ambulance services, licensed under Minnesota Statutes, chapter 144E, in purchasing automatic external defibrillators. Ambulance services are eligible for a grant under this provision if they do not already possess an automatic external defibrillator and if they provide a 25 percent match in nonstate funds. This is a one-time appropriation.

\$50,000 the first year and \$50,000 the second year are for grants under Minnesota Statutes, section 119A.31, subdivision 1, clause (12), to organizations that focus on intervention and prevention of teenage prostitution.

The commissioner of public safety shall administer a program to distribute tire deflators

to local or state law enforcement agencies selected by the commissioner of public safety and to distribute or otherwise make available a computer-controlled driving simulator to local or state law enforcement agencies or POST-certified skills programs selected by the commissioner of public safety.

Before any decisions are made on which law enforcement agencies will receive tire deflators or the driving simulator, a committee consisting of a representative from the Minnesota chiefs of police association, a representative from the Minnesota sheriffs association, a representative from the state patrol, and a representative from the Minnesota police and peace officers association shall evaluate the applications. The commissioner shall consult with the committee concerning its evaluation and recommendations on distribution proposals prior to making a final decision on distribution.

Law enforcement agencies that receive tire deflators under this section must: (i) provide any necessary training to their employees concerning use of the tire deflators; (ii) compile statistics on use of the tire deflators and the results; (iii) provide a one-to-one match in nonstate funds; and (iv) report this information to the commissioner as required.

Law enforcement agencies or POST-certified skills programs that receive a computer-controlled driving simulator under this section must:

- (1) provide necessary training to their employees in emergency vehicle operations and in the conduct of police pursuits;
- (2) provide a five-year plan for maintaining the hardware necessary to operate the driving simulator;
- (3) provide a five-year plan to update software necessary to operate the driving simulator;
- (4) provide a plan to make the driving simulator available at a reasonable cost and with

reasonable availability to other law enforcement agencies to train their officers; and

(5) provide an estimate of the availability of the driving simulator for use by other law enforcement agencies.

By January 15, 2001, the commissioner shall report to the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over criminal justice matters on the tire deflators and the driving simulator distributed under this section.

\$285,000 the first year is for a one-time grant to the city of Minneapolis to implement a coordinated criminal justice system response to the CODEFOR (Computer Optimized Development-Focus on Results) law enforcement strategy. This appropriation is available until expended.

\$795,000 the first year is for a one-time grant to Hennepin county to implement a coordinated criminal justice system response to the CODEFOR (Computer Optimized Development-Focus on Results) law enforcement strategy. This appropriation is available until expended.

\$420,000 the first year is for a one-time grant to the fourth judicial district public defender's office to accommodate the CODEFOR (Computer Optimized Development-Focus on Results) law enforcement strategy. This appropriation is available until expended.

\$150,000 the first year and \$150,000 the second year are for weed and seed grants under Minnesota Statutes, section 299A.63. Money not expended the first year is available for grants during the second year. This is a one-time appropriation.

\$200,000 each year is a one-time appropriation for a grant to the center for reducing rural violence to continue the technical assistance and related rural violence prevention services the center offers to rural communities.

\$500,000 the first year and \$500,000 the second year are to operate the weekend camp program at Camp Ripley described in Laws 1997, chapter 239, article 1, section 12, subdivision 3, as amended by Laws 1998, chapter 367, article 10, section 13. The powers and duties of the department of corrections with respect to the weekend program are transferred to the department of public safety under Minnesota Statutes, section 15.039. The commissioner shall attempt to expand the program to serve 500 juveniles per year within this appropriation.

An additional \$125,000 the first year and \$125,000 the second year are for the weekend camp program at Camp Ripley.

\$500,000 the first year and \$500,000 the second year are for Asian-American juvenile crime intervention and prevention grants under Minnesota Statutes, section 256.486. The powers and duties of the department of human services, with respect to that program, are transferred to the department of public safety under Minnesota Statutes, section 15.039. This is a one-time appropriation.

Sec. 8. CRIME VICTIM SERVICES CENTER

Subdivision 1. Total Appropriation

	13,617,000	31,535,000
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Subd. 2. Crime Victim Reparations Board

2,126,000	2,133,000	
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\$50,000 the first year and \$45,000 the second year are for computer system enhancements. This is a one-time appropriation.

Subd. 3. Crime Victims Assistance

11,491,000	29,402,000	
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The executive director of the center and the commissioner of human services shall, in consultation with affected parties, report by October 15, 1999, to the governor, the commissioner of finance, and appropriate legis-

lative committee chairs, on a complete plan and legislation necessary for implementation of the transfer of payments to battered women's shelters from the department to the center effective July 1, 2000. The plan must not exceed funding appropriated for that purpose in fiscal year 2001 and shall assume funding at that same level for the following biennium.

\$50,000 the first year and \$50,000 the second year are for the crime victim emergency fund.

\$109,000 the second year is for the administration of the battered women's shelter per diem payments.

\$37,000 the first year and \$38,000 the second year are for the pilot project grant program to provide neighborhood-based services to crime victims and witnesses described in article 2, section 23. This appropriation must be used by the grant recipient to begin offering services in new locations. This is a one-time appropriation.

\$103,000 the first year and \$103,000 the second year are for grants under Minnesota Statutes, section 611A.32, to an existing battered women's shelter in the city of Bloomington.

\$103,000 the first year and \$103,000 the second year are for grants under Minnesota Statutes, section 611A.32, to an American Indian battered women's shelter in the city of Duluth.

\$50,000 the first year is for a grant to the Minnesota state colleges and universities board to be used by the center for applied research and policy analysis at Metropolitan state university to conduct a research project to assess violence in the Asian-Pacific communities and improve data collection practices of mainstream systems and institutions that work with Asian-Pacific communities. By March 1, 2000, the center shall report the results of the study to the chairs and ranking minority members of the senate and house

committees and divisions having jurisdiction over criminal justice policy and funding.

\$143,000 the first year is for grants to the family violence coordinating council in the fourth judicial district for the development of a plan and the evaluation and report by the domestic fatality review team under article 2, section 27. This appropriation is available until expended.

\$300,000 the first year and \$300,000 the second year shall be used to award a grant for the residential program for women leaving prostitution described in article 2, section 25. This is a one-time appropriation.

\$30,000 the first year and \$30,000 the second year are for grants to the city of St. Paul to provide support services to the surviving family members of homicide, suicide, and accidental death victims. This is a one-time appropriation.

Sec. 9. CRIME VICTIM
OMBUDSMAN

	404,000	389,000
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\$20,000 the first year is for the crime victims case management system.

Sec. 10. BOARD OF PRIVATE DETECTIVE
AND PROTECTIVE AGENT SERVICES

	135,000	140,000
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Sec. 11. BOARD OF PEACE OFFICER
STANDARDS AND TRAINING

Summary by Fund

Special Revenue Fund Total	4,339,000	4,362,000
General Fund Total	300,000	300,000

This appropriation is from the peace officer training account in the special revenue fund. Any receipts credited to the peace officer training account in the special revenue fund in the first year in excess of \$4,339,000 must be transferred and credited to the general fund. Any receipts credited to the peace officer training account in the special revenue fund in the second year in excess of \$4,362,000 must be transferred and credited to the general fund.

\$300,000 each year is appropriated from the general fund for reimbursement to local law enforcement agencies for the cost of providing training in emergency vehicle operations and police pursuit.

The board may transfer positions to conduct the compliance reviews required in Minnesota Statutes, section 626.8459.

Sec. 12. BOARD OF PUBLIC DEFENSE

Subdivision 1. Total

Appropriation	44,272,000	47,617,000
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None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

The state public defender may use money appropriated as part of the office's base budget to hire a personnel director.

Subd. 2. State Public Defender

3,080,000	3,383,000
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\$220,000 the second year is for salary increases.

Subd. 3. Administrative Services Office

1,215,000	1,243,000
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\$7,000 the second year is for salary increases.

Subd. 4. District Public Defense

39,977,000	42,991,000
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\$2,214,000 the second year is for salary increases.

\$1,069,000 the first year and \$1,119,000 the second year are for grants to the five existing public defense corporations under Minnesota Statutes, section 611.216.

\$300,000 the first year is for the statewide connection project.

\$50,000 the first year is for increased public defender costs in the second judicial district related to the activities of the Ramsey county attorney's domestic assault and child abuse prosecution unit. This appropriation is available until June 30, 2001.

Sec. 13. CORRECTIONS

Subdivision 1. Total			
Appropriation		325,897,000	343,753,000
	Summary by Fund		
General	327,362,000	345,243,000	
Special Revenue	1,122,000	1,122,000	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium.

Positions and administrative money may be transferred within the department of corrections as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

For the biennium ending June 30, 2001, the commissioner of corrections may, with the approval of the commissioner of finance, transfer funds to or from salaries.

During the biennium ending June 30, 2001, the commissioner may enter into contracts with private corporations or governmental units of the state of Minnesota to house adult offenders committed to the commissioner of corrections. Every effort shall be made to house individuals committed to the commissioner of corrections in Minnesota correctional facilities.

If the commissioner deems it necessary to reduce staff positions during the biennium ending June 30, 2001, the commissioner shall reduce at least the same percentage of management and supervisory personnel as line and support personnel to ensure em-

ployee safety, inmate safety, and facility security. By January 15, 2002, the commissioner shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding on whether it was necessary to reduce staff positions, and, if so, the percentage of management and supervisory personnel positions that were reduced compared with the number of line and support personnel positions reduced.

During the biennium ending June 30, 2001, if it is necessary to reduce services or staffing within a correctional facility, the commissioner or the commissioner's designee shall meet with affected exclusive representatives. The commissioner shall make every reasonable effort to retain correctional officer and prison industry employees should reductions be necessary.

During the biennium ending June 30, 2001, the commissioner shall consider ways to reduce the per diem in adult correctional facilities. As part of this consideration, the commissioner shall consider reduction in management and supervisory personnel levels in addition to line staff levels within adult correctional institutions, provided this objective can be accomplished without compromising safety and security. By January 15, 2002, the commissioner shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding on what methods were considered to reduce per diems under this paragraph and what changes, if any, were implemented to achieve the reductions.

Subd. 2. Correctional Institutions

	Summary by Fund	
General Fund	207,086,000	222,346,000
Special Revenue Fund	865,000	785,000

\$11,116,000 the first year and \$22,205,000 the second year are for start-up and operat-

ing expenses of the new custody level 4 correctional facility at Rush City.

If the commissioner contracts with other states, local units of government, or the federal government to rent beds in the Rush City correctional facility under Minnesota Statutes, section 243.51, subdivision 1, to the extent possible, the commissioner shall charge a per diem under the contract that is equal to or greater than the per diem cost of housing Minnesota inmates in the facility. This per diem cost shall be based on the assumption that the facility is at or near capacity. Notwithstanding any laws to the contrary, the commissioner may use the per diem monies to operate the state correctional institutions.

\$500,000 the first year and \$500,000 the second year are for asset preservation and facility repair. This funding may be transferred between programs, to the extent it is used for the same purpose. The commissioner may use any other available funding for this purpose, to the extent it is not inconsistent with any other law.

\$532,000 the first year and \$866,000 the second year are for the expansion of the mental health and infirmary unit at the Minnesota Correctional Facility—Oak Park Heights.

\$15,000 the first year is for a grant to a Rice county-based organization for the purpose of purchasing and placing cemetery monuments or memorial monuments on graves of former Faribault Regional Center residents who are buried in any cemetery located on the grounds of MCF—Faribault or other nearby cemeteries in Rice county. Monuments shall not be placed if the family of the deceased resident objects to the placement of the monument. The grant recipient must include family members of deceased residents of the regional center, members of local service or charitable organizations, members of the Faribault Chamber of Commerce, and former employees of the Faribault regional center.

Subd. 3. Juvenile Services

13,468,000	13,441,000
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\$100,000 the first year and \$100,000 the second year are for asset preservation and facility repair. This funding may be transferred between programs, to the extent it is used for the same purpose. The commissioner may use any other available funding for this purpose, to the extent it is not inconsistent with any other law.

\$200,000 the first year and \$200,000 the second year are to expand aftercare and transition services to youth under the care of the commissioner of corrections.

\$100,000 the first year and \$100,000 the second year are for two academic teacher positions at the Minnesota Correctional Facility—Red Wing.

\$65,000 the first year and \$65,000 the second year are for increased vocational education at the Minnesota Correctional Facility—Red Wing.

\$200,000 the first year is for severance costs related to the closure of the Minnesota Correctional Facility—Sauk Centre.

Subd. 4. Community Services

Summary by Fund

General	95,327,000	97,416,000
Special Revenue	90,000	90,000

All money received by the commissioner of corrections pursuant to the domestic abuse investigation fee under Minnesota Statutes, section 609.2244, is available for use by the commissioner and is appropriated annually to the commissioner of corrections for costs related to conducting the investigations.

\$500,000 the first year and \$500,000 the second year are for increased funding for intensive community supervision.

\$1,500,000 the first year and \$3,500,000 the second year are for a statewide probation and supervised release caseload and workload

reduction grant program. Counties that deliver correctional services through Minnesota Statutes, chapter 244, and that qualify for new probation officers under this program shall receive full reimbursement for the officers' salaries and reimbursement for the officers' benefits and support as set forth in the probations standards task force report, not to exceed \$70,000 per officer annually. Positions funded by this appropriation may not supplant existing services. Position control numbers for these positions must be annually reported to the commissioner of corrections.

The commissioner shall distribute money appropriated for state and county probation officer caseload and workload reduction, increased supervised release and probation services, and county probation officer reimbursement according to the formula contained in Minnesota Statutes, section 401.10. These appropriations may not be used to supplant existing state or county probation officer positions or existing correctional services or programs. The money appropriated under this provision is intended to reduce state and county probation officer caseload and workload overcrowding and to increase supervision of individuals sentenced to probation at the county level. This increased supervision may be accomplished through a variety of methods, including, but not limited to:

- (1) innovative technology services, such as automated probation reporting systems and electronic monitoring;
- (2) prevention and diversion programs;
- (3) intergovernmental cooperation agreements between local governments and appropriate community resources; and
- (4) traditional probation program services.

By January 15, 2001, the commissioner of corrections shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding on

the outcomes achieved through the use of state probation caseload reduction appropriations made since 1995. The commissioner shall, to the extent possible, include an analysis of the ongoing results relating to the measures described in the uniform statewide probation outcome measures workgroup's 1998 report to the legislature.

\$150,000 each year is for a grant to the Dodge-Filmore-Olmsted community corrections agency for a pilot project to increase supervision of sex offenders who are on probation, intensive community supervision, supervised release, or intensive supervised release by means of caseload reduction. The grant shall be used to reduce the number of offenders supervised by officers with specialized caseloads to an average of 35 offenders. This is a one-time appropriation. The grant recipient shall report by January 15, 2002, to the House and Senate committees and divisions with jurisdiction over criminal justice policy and funding on the outcomes of the pilot project.

\$175,000 the first year and \$175,000 the second year are for county probation officer reimbursements.

\$50,000 the first year and \$50,000 the second year are for the emergency housing initiative.

\$150,000 the first year and \$150,000 the second year are for probation and supervised release services.

\$250,000 the first year and \$250,000 the second year are for increased funding of the sentencing to service program and for a housing coordinator for the institution work crews in the sentencing to serve program.

\$25,000 the first year and \$25,000 the second year are for sex offender transition programming.

\$250,000 each year is for increased bed capacity for work release offenders.

\$50,000 each year is for programming for adult female offenders.

The following amounts are one-time appropriations for the statewide productive day initiative program defined in Minnesota Statutes, section 241.275:

\$472,000 to the Hennepin county community corrections agency;

\$472,000 to the Ramsey county community corrections agency;

\$590,000 to the Arrowhead regional community corrections agency;

\$425,000 to the Dodge-Fillmore-Olmsted community corrections agency;

\$283,000 to the Anoka county community corrections agency; and

\$118,000 to the Tri-county (Polk, Norman, and Red Lake) community corrections agency.

\$250,000 the first year and \$250,000 the second year are for grants to Dakota county for the community justice zone pilot project described in article 2, section 24. This is a one-time appropriation.

\$230,000 the first year is for grants related to restorative justice programs. The commissioner may make grants to fund new as well as existing programs. This is a one-time appropriation.

The money appropriated for restorative justice program grants under this subdivision may be used to fund the use of restorative justice in domestic abuse cases, except in cases where the restorative justice process that is used includes a meeting at which the offender and victim are both present at the same time. "Domestic abuse" has the meaning given in Minnesota Statutes, section 518B.01, subdivision 2.

\$25,000 each year is for the juvenile mentoring project. This is a one-time appropriation.

Subd. 6. Management Services

Summary by Fund

General Fund	11,481,000	12,040,000
Special Revenue Fund	167,000	247,000

\$800,000 the first year and \$1,200,000 the second year are for technology improvements.

Sec. 14. CORRECTIONS OMBUDSMAN	470,000	400,000
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If the reduction in the base level funding causes a reduction in the number of employees, then the commissioner of corrections and commissioner of public safety shall make reasonable efforts to transfer the affected employees to positions within the department of corrections or department of public safety.

Sec. 15. SENTENCING GUIDELINES COMMISSION	567,000	528,000
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\$100,000 the first year and \$50,000 the second year are for the sentencing guidelines worksheet. This is a one-time appropriation.

Sec. 16. HUMAN RIGHTS	3,862,000	3,924,000
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Sec. 17. UNIFORM LAWS COMMISSION	37,000	38,000
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Sec. 18. AUTOMOBILE THEFT PREVENTION BOARD	2,277,000	1,886,000
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This appropriation is from the automobile theft prevention account in the special revenue fund.

Of this appropriation, up to \$400,000 the first year is transferred to the commissioner of public safety for the purchase and distribution of tire deflators to local or state law enforcement agencies and for the purchase of a computer-controlled driving simulator. Any amount not spent by the commissioner of public safety for this purpose shall be returned to the automobile theft prevention account in the special revenue fund and may be used for other automobile theft prevention activities.

The automobile theft prevention board may not spend any money it receives from sur-

charges in the fiscal year 2000–2001 biennium, unless the legislature approves the spending.

The executive director of the automobile theft prevention board may not sit on the automobile theft prevention board.

Sec. 19. ADMINISTRATION

3,554,000

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\$3,386,000 is to complete design documents and site preparation for the new facility for the bureau of criminal apprehension in St. Paul for which site acquisition and preliminary design money were appropriated in Laws 1998, chapter 404, section 13, subdivision 11. The commissioner may use a design–build method of project development and construction for this project. The commissioner may award a design–build contract on the basis of requests for proposals or requests for qualifications without bids. This is a one–time appropriation.

\$168,000 the first year is for the maintenance of the former Minnesota correctional facility–Sauk Centre. This appropriation is available until expended. This is a one–time appropriation.

Sec. 20. ECONOMIC SECURITY

500,000

500,000

\$500,000 the first year and \$500,000 the second year are for grants to cities of the first class that demonstrate a need for creating and expanding curfew enforcement, truancy prevention, and pretrial diversion programs. Programs funded under this section must have clearly established neighborhood, community, and family outcome measures of success and must report to the commissioner on the achievement of these outcomes on or before June 30, 2001.

Sec. 21. DEFICIENCY APPROPRIATION

Fiscal Year 1999

General

2,074,000

This appropriation for fiscal year 1999 is added to the appropriation in Laws 1997, chapter 239, article 1, section 7, subdivision

2, to provide matching funds for federal emergency management assistance funds received for natural disaster assistance payments. This appropriation is available the day following final enactment.

Sec. 22. SUNSET OF
UNCODIFIED LANGUAGE

All uncodified language contained in this article expires on June 30, 2001, unless a different expiration date is explicit.

ARTICLE 2

CRIME PREVENTION AND LAW ENFORCEMENT GRANTS

Section 1. Minnesota Statutes 1998, section 119A.26, is amended to read:

119A.26 OFFICE OF DRUG POLICY AND VIOLENCE PREVENTION.

Subdivision 1. ~~OFFICE; ASSISTANT COMMISSIONER.~~ The office of drug policy and violence prevention is an office in the department of ~~children, families, and learning~~ public safety, headed by an ~~assistant commissioner appointed by the commissioner to serve in the unclassified service.~~ The ~~assistant commissioner~~ may appoint other employees. The ~~assistant commissioner~~ shall coordinate the violence prevention activities and the prevention and supply reduction activities of state and local agencies and ~~provide one professional staff member to assist on a full-time basis the work of the chemical abuse prevention resource council use the resources of the office to conduct activities related to crime prevention and enforcement as deemed necessary.~~

Subd. 2. DUTIES. (a) The ~~assistant commissioner~~ shall:

(1) gather, develop, and make available throughout the state information and educational materials on preventing and reducing violence in the family and in the community, both directly and by serving as a clearinghouse for information and educational materials from schools, state and local agencies, community service providers, and local organizations;

(2) foster collaboration among schools, state and local agencies, community service providers, and local organizations that assist in violence intervention or prevention;

(3) assist schools, state and local agencies, service providers, and organizations, on request, with training and other programs designed to educate individuals about violence and reinforce values that contribute to ending violence;

(4) after consulting with all state agencies involved in preventing or reducing violence within the family or community, develop a statewide strategy for preventing and reducing violence that encompasses the efforts of those agencies and takes into account all money available for preventing or reducing violence from any source;

New language is indicated by underline, deletions by ~~strikeout~~.

(5) submit the strategy to the governor by January 15 of each calendar year, along with a summary of activities occurring during the previous year to prevent or reduce violence experienced by children, young people, and their families; and

(6) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of activities to prevent or reduce violence within the family or community; and

(7) take other actions deemed necessary to reduce the incidence of crime.

The commissioner also may, through this program, support activities and strategies of the criminal gang council and strike force as specified in sections 299A.64, 299A.65, and 299A.66.

(b) The assistant commissioner shall gather and make available information on prevention and supply reduction activities throughout the state, foster cooperation among involved state and local agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of prevention and supply reduction activities.

(c) The assistant commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. The assistant commissioner shall ~~recommend to the commissioner~~ determine recipients of grants under sections 119A.30 and 299A.33, after consultation with the chemical abuse prevention resource council.

(d) The assistant commissioner shall:

(1) after consultation with all state agencies involved in prevention or supply reduction activities, develop a state chemical abuse and dependency strategy encompassing the efforts of those agencies and taking into account all money available for prevention and supply reduction activities, from any source;

(2) submit the strategy to the governor by January 15 of each year, along with a summary of prevention and supply reduction activities during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of prevention and supply reduction activities;

(4) provide information, including information on drug trends, and assistance to state and local agencies, both directly and by functioning as a clearinghouse for information from other agencies;

(5) facilitate cooperation among drug program agencies; and

(6) in coordination with the chemical abuse prevention resource council, review, approve, and coordinate the administration of prevention, criminal justice, and treatment grants.

Sec. 2. Minnesota Statutes 1998, section 119A.28, subdivision 2, is amended to read:

Subd. 2. **SPECIFIC DUTIES AND RESPONSIBILITIES.** In furtherance of the general purpose specified in subdivision 1, the council shall:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) assist state agencies in the coordination of drug policies and programs and in the provision of services to other units of government, communities, and citizens;

(2) promote among state agencies policies to achieve uniformity in state and federal grant programs and to streamline those programs;

(3) oversee comprehensive data collection and research and evaluation of alcohol and drug program activities;

(4) seek the advice and counsel of appropriate interest groups and advise the assistant commissioner of the office of drug policy and violence prevention public safety;

(5) seek additional private funding for community-based programs and research and evaluation;

(6) evaluate whether law enforcement narcotics task forces should be reduced in number and increased in geographic size, and whether new sources of funding are available for the task forces;

(7) continue to promote clarity of roles among federal, state, and local law enforcement activities; and

(8) establish criteria to evaluate law enforcement drug programs.

Sec. 3. Minnesota Statutes 1998, section 119A.28, subdivision 3, is amended to read:

Subd. 3. **GRANT PROGRAMS.** The council shall, in coordination with the assistant commissioner of the office of drug policy and violence prevention, review and approve state agency plans regarding the use of federal funds for programs to reduce chemical abuse or reduce the supply of controlled substances. The appropriate state agencies would have responsibility for management of state and federal drug grant programs.

Sec. 4. Minnesota Statutes 1998, section 119A.29, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT; REQUIREMENTS.** The commissioner of ~~children, families, and learning~~ public safety may establish pilot projects at neighborhood centers serving youths between the ages of 11 to 21. The centers may offer recreational activities, social services, meals, job skills and career services, and provide referrals for youths to other available services outside the centers. The commissioner may consult with other appropriate agencies and, to the extent possible, use existing resources and staff in creating the programs. The commissioner shall ensure that the programs, if offered, are adequately staffed by specially trained personnel and outreach street workers. Each center may integrate community volunteers into the program's activities and services and cooperate with local law enforcement agencies. The centers must be open during hours convenient to youths including evenings, weekends, and extended summer hours. However, there may not be any conflicts with truancy laws. Each center must have a plan for evaluation designed to measure the program's effectiveness in aiding youths.

Sec. 5. Minnesota Statutes 1998, section 119A.31, subdivision 3, is amended to read:

Subd. 3. **REPORT.** The commissioner shall submit a written report to the ~~children's~~ cabinet and chairs of the committees of the senate and house of representatives with juris-

New language is indicated by underline, deletions by ~~strikeout~~.

diction over criminal justice policy and funding of crime prevention programs, by February 1 each year, based on the information provided by applicants under this subdivision.

Sec. 6. Minnesota Statutes 1998, section 119A.32, is amended to read:

119A.32 OTHER DUTIES.

The ~~assistant commissioner assigned to the office of drug policy and violence prevention of public safety~~, in consultation with the chemical abuse and violence prevention council, shall:

(1) provide information and assistance upon request to school preassessment teams established under section 121A.26 and school and community advisory teams established under section 121A.27;

(2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;

(4) ~~assist in coordinating~~ coordinate the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; and

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

Sec. 7. Minnesota Statutes 1998, section 119A.33, is amended to read:

119A.33 COOPERATION OF OTHER AGENCIES.

State agencies, and agencies and governing bodies of political subdivisions, shall cooperate with the ~~assistant commissioner assigned to the office of drug policy commissioner of public safety~~ and shall provide any public information requested by the ~~assistant commissioner assigned to the office of drug policy~~.

Sec. 8. Minnesota Statutes 1998, section 119A.34, subdivision 3, is amended to read:

Subd. 3. **GRANTS FOR DEMONSTRATION PROGRAM.** The ~~assistant commissioner of the office of drug policy~~ public safety may award a grant to a county, multi-county organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse prevention team. The ~~assistant commissioner~~ may approve up to five applications for grants under this subdivision. The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.

Sec. 9. Minnesota Statutes 1998, section 119A.34, subdivision 4, is amended to read:

Subd. 4. **ASSISTANT COMMISSIONER; ADMINISTRATION OF GRANTS.** The ~~assistant commissioner~~ shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program under the Drug Free Schools and Communities Act, Public Law Number 100-690. The

New language is indicated by underline, deletions by ~~strikeout~~.

process for administering the grants must include establishing criteria the ~~assistant~~ commissioner shall apply in awarding grants. The ~~assistant~~ commissioner shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information about the applicant and other information the ~~assistant~~ commissioner considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the ~~assistant~~ commissioner. The ~~assistant~~ commissioner shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.

Sec. 10. Minnesota Statutes 1998, section 256.486, subdivision 1, is amended to read:

Subdivision 1. **GRANT PROGRAM.** The commissioner of ~~human services~~ public safety shall establish a grant program for coordinated, family-based crime intervention and prevention services for Asian-American youth. The commissioners of human services, children, families, and learning, and public safety shall work together to coordinate grant activities.

Sec. 11. Minnesota Statutes 1998, section 256.486, subdivision 2, is amended to read:

Subd. 2. **GRANT RECIPIENTS.** The commissioner, in consultation with the Asian-Pacific council, shall award grants in amounts up to \$150,000 to agencies based in the Asian-American community that have experience providing coordinated, family-based community services to Asian-American youth and families.

Sec. 12. **[299A.015] TRANSFER FROM OTHER AGENCY; CHILDREN, FAMILIES, AND LEARNING.**

The powers and duties of the department of children, families, and learning with respect to the office of drug policy and violence prevention and community advisory violence prevention council under Minnesota Statutes 1998, sections 119A.25, 119A.26, 119A.27, 119A.28, 119A.29, 119A.31, 119A.32, 119A.33, and 119A.34, are transferred to the department of public safety under section 15.039.

Sec. 13. Minnesota Statutes 1998, section 299A.62, subdivision 1, is amended to read:

Subdivision 1. **PROGRAM ESTABLISHED.** A community-oriented policing grant program is established under the administration of the commissioner of public safety. Grants may be awarded as provided in subdivision 2 for the following purposes:

(1) to enable local law enforcement agencies to hire law enforcement officers. The grants must be used by law enforcement agencies to increase the complement of officers in the agency by paying the salaries of new officers who replace an existing officer who has been reassigned primarily to investigate and prevent juvenile crime or to perform community-oriented policing duties; and

(2) to enable local law enforcement agencies to assign overtime officers to high crime areas within their jurisdictions; and

New language is indicated by underline, deletions by ~~strikeout~~.

(3) to enable local law enforcement agencies to implement or expand community-oriented policing projects, liaison efforts with local school districts, and other innovative community policing initiatives.

Sec. 14. Minnesota Statutes 1998, section 299C.65, subdivision 2, is amended to read:

Subd. 2. **REPORT, TASK FORCE.** The policy group shall file an annual report with the governor, supreme court, and legislature chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy by December 1 of each even-numbered year.

The report must make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently. To assist them in developing their recommendations, the chair, the commissioners, and the administrator shall appoint a task force consisting of the members of the criminal and juvenile justice information policy group or their designees and the following additional members:

- (1) the director of the office of strategic and long-range planning;
- (2) two sheriffs recommended by the Minnesota sheriffs association;
- (3) two police chiefs recommended by the Minnesota chiefs of police association;
- (4) two county attorneys recommended by the Minnesota county attorneys association;
- (5) two city attorneys recommended by the Minnesota league of cities;
- (6) two public defenders appointed by the board of public defense;
- (7) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;
- (8) two community corrections administrators recommended by the Minnesota association of counties, one of whom represents a community corrections act county;
- (9) two probation officers;
- (10) two four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems;
- (11) two court administrators;
- (12) ~~two members~~ one member of the house of representatives appointed by the speaker of the house; and
- (13) ~~two members~~ one member of the senate appointed by the majority leader;
- (14) the attorney general or a designee;
- (15) the commissioner of administration or a designee;
- (16) an individual recommended by the Minnesota league of cities; and

New language is indicated by underline, deletions by ~~strikeout~~.

(17) an individual recommended by the Minnesota association of counties.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

Sec. 15. Minnesota Statutes 1998, section 299C.65, subdivision 5, is amended to read:

Subd. 5. REVIEW OF FUNDING REQUEST AND GRANT REQUESTS. (a) The criminal and juvenile justice information policy group shall review the funding requests for criminal justice information systems from state, county, and municipal government agencies. The policy group shall review the requests for compatibility to statewide criminal justice information systems system standards. The review shall be forwarded to the chairs and ranking minority members of the house judiciary committee and judiciary finance division, and the chairs of the senate crime prevention committee and crime prevention and judiciary finance division and senate committees and divisions with jurisdiction over criminal justice funding and policy.

(b) The policy group shall also review funding requests for criminal justice information systems grants to be made by the commissioner of public safety as provided in this section. Within the limits of available appropriations, the commissioner of public safety shall make grants for projects that have been approved by the policy group.

(c) If a funding request is for development of a comprehensive criminal justice information integration plan, the policy group shall ensure that the request contains the components specified in subdivision 6. If a funding request is for implementation of a plan or other criminal justice information systems project, the policy group shall ensure that:

(1) the government agency has adopted a comprehensive plan that complies with subdivision 6;

(2) the request contains the components specified in subdivision 7; and

(3) the request demonstrates that it is consistent with the government agency's comprehensive plan.

Sec. 16. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 6. DEVELOPMENT OF INTEGRATION PLAN. (a) If a funding request is for funds to develop a comprehensive criminal justice information integration plan to integrate all systems within a jurisdiction, the requesting agency must submit to the policy group a request that contains the following components:

(1) the vision, mission, goals, objectives, and scope of the integration plan;

(2) a statement of need identifying problems, inefficiencies, gaps, overlaps, and barriers within the requesting agency's jurisdiction, including those related to current systems and interfaces, business practices, policies, laws, and rules;

(3) a list of agency heads and staff who will direct the effort and a statement demonstrating collaboration among all of the agencies involved;

New language is indicated by underline, deletions by ~~strikeout~~.

(4) a statement that the integration plan would integrate all systems within the six major business functions of the criminal justice community, including incident reporting, investigation, arrest, detention, adjudication, and disposition, including postsentence supervision and treatment, and related civil, family, and human services proceedings, processes, and services, to the extent it was cost beneficial;

(5) a statement demonstrating that the requesting agency has consulted with individuals involved in day-to-day business practices, use, and operation of current criminal justice information systems so as to identify barriers and gaps;

(6) a planning methodology that will result in at least the following deliverables:

(i) an identification of problems in the state's criminal justice data model, where applicable, including data policy problems and proposed changes;

(ii) a function and process model that includes business process improvement and redesign opportunities, prioritized business change objectives, and short-term opportunities for improvement that can be pursued immediately while developing and implementing the long-range integration plan;

(iii) a technology model that includes network, communication, and security standards and guidelines;

(iv) an application architecture;

(v) a complete gap analysis that includes identification of gaps, omissions, and redundancies in the collection and dissemination of criminal justice information in the requesting agency's jurisdiction;

(vi) an assessment of current and alternative directions for business practices, applications, and technology, ranging from simple modifications to complete redesign;

(vii) a business process redesign model, showing existing and redesigned process and process vision, future performance targets, design principles, new process flow, and benefits; and

(viii) a long-range integration plan that includes time frames for the retirement, renewal, or redevelopment of systems and applications identified in clauses (i) to (vii) along with justification based on age, business processes not supported, and data deficiencies;

(7) projected timelines for developing and executing the plan;

(8) an estimate of the resources needed to develop, execute, operate, and maintain the integration plan;

(9) a statement that the final integration plan will contain all the components in this subdivision in final form;

(10) an identification of how the applicant will satisfy the match requirements of subdivision 8; and

(11) any other matters the policy group deems necessary for successful development or implementation of the integration plan and resulting systems.

(b) An agency may submit an interim integration plan to the policy group if it identifies high priority integration tasks during the development of the integration plan. The

New language is indicated by underline, deletions by ~~strikeout~~.

interim plan shall identify the tasks and the business case for completing these tasks in advance of completing the entire plan.

Sec. 17. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 7. IMPLEMENTATION OF INTEGRATION PLAN. If the request is for funds to implement an integration plan, the requesting agency must submit the following to the policy group:

- (1) an integration plan containing the components described in subdivision 6;
- (2) a description of how implementation of the integration plan will improve operation of the criminal justice system in the requesting agency's jurisdiction;
- (3) an identification of how the applicant will satisfy the match requirement in subdivision 8; and
- (4) a means for evaluating outcomes of the plan's implementation.

Sec. 18. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 8. LOCAL MATCH. The policy group may approve grants only if the applicant provides matching funds to pay one-half of the costs of developing or implementing the integration plan. The policy group shall adopt policies concerning the use of in kind resources to satisfy a portion of the match requirement and the sources from which matching funds may be obtained.

Sec. 19. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 9. DOCUMENTATION AND REPORTING REQUIREMENTS. Every recipient of matching funds to develop or implement an integration plan shall submit to the policy group all requested documentation, including final plans and a report evaluating whether and how the development or implementation of the integration plan improved the operation of the criminal justice system in the requesting agency's jurisdiction. The policy group shall establish the recipient's reporting dates at the time funds are awarded.

Sec. 20. INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM AID; REPORT REQUIRED.

By January 15, 2000, the legislative commission on planning and fiscal policy shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding and policy on the advisability of using county criminal justice aid to encourage the development of integrated criminal justice information systems.

Sec. 21. LIQUOR LAW COMPLIANCE CHECK GRANT PROGRAM.

The commissioner of public safety may award grants to local units of government to conduct compliance checks for on-sale and off-sale intoxicating liquor license holders to determine whether the license holder is complying with Minnesota Statutes, section 340A.503. The commissioner shall develop criteria for issuing grants under this section.

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By February 1, 2000; and February 1, 2001, grant recipients shall report to the commissioner on how grant money was used, including information on compliance checks conducted in the reporting period.

Sec. 22. REGIONAL ADULT DETENTION FACILITY CONSTRUCTION PLANNING GRANTS.

Subdivision 1. GRANT PROGRAM ESTABLISHED; CONTENTS OF REQUIRED PLANS. The supreme court, through the state court administrator, shall make grants under this section to judicial districts, groups of two or more counties, or groups that include at least one county or judicial district and a tribal government, to plan the construction of regional adult detention facilities. Grant recipients shall use the money to develop a plan that, at a minimum, must include the following items related to the facility, if known: its location, its inmate capacity, any services to be offered to inmates, its construction costs, its per diem and operating costs, and its number of beds, if any, that will be available for use by counties or other entities outside the judicial district. If the amount of the grant permits, the recipient shall conduct a predesign study for the proposed facility.

Subd. 2. GRANT DISTRIBUTION. The state court administrator shall distribute grants equitably across the state so that the planning needs of each judicial district for construction of regional adult detention facilities are addressed. The state court administrator shall award grants and determine the amount of grants in a manner that attempts to bring judicial districts across the state to a uniform level of planning for the construction of regional adult detention facilities. To further this goal, if the state court administrator determines that the planning contemplated by this section has already been conducted for a judicial district, the administrator shall increase the amount of grants to recipients from districts not as far advanced in the planning process to bring these districts up to the level of the districts that have conducted planning.

Subd. 3. REPORT REQUIRED. (a) By January 15, 2000, the state court administrator shall report to the chairs and ranking minority members of the senate and house committees or divisions having jurisdiction over criminal justice funding on grants made pursuant to this section.

(b) By January 15, 2000, recipients of grants shall forward the plans funded by the grant to the chairs and ranking minority members of the senate and house committees or divisions having jurisdiction over criminal justice funding.

Sec. 23. PILOT PROJECT GRANT PROGRAM TO PROVIDE SERVICES TO CRIME VICTIMS AND WITNESSES.

Subdivision 1. PROGRAM ESTABLISHED. The executive director of the center for crime victim services shall administer a pilot project grant program and make grants to nonprofit organizations to provide neighborhood-based services to victims and witnesses of crime during the period between the occurrence of the crime and the filing of charges against the alleged perpetrator. Grant recipients must target victims and witnesses of crime from groups that currently underreport crime, including recent immigrants or refugees, communities of color, and victims of bias-motivated crime. Services must be provided in locations and at times typically convenient to prospective clients. The types of services that may be offered by grant recipients are those that attempt to address the lack of trust and understanding that prospective clients have of the criminal jus-

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tice system and include legal advice and advocacy services. The executive director shall ensure that grants under this section fund pilot projects offering the described services in at least two locations.

Subd. 2. **REQUIRED REPORT.** By January 15, 2002, the executive director shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding on the grants made and pilot projects funded under this section.

Sec. 24. PILOT PROJECT FOR COMMUNITY JUSTICE ZONE IN DAKOTA COUNTY.

Subdivision 1. **PILOT PROJECT ESTABLISHED.** Dakota county is authorized to establish a community justice zone pilot project that includes the redesign of juvenile court.

Subd. 2. **PROGRAM DESIGN AND IMPLEMENTATION.** Dakota county shall select two or three communities within Dakota county as sites for the pilot project. Within each community selected, the Dakota county juvenile court and the department of community corrections shall identify organizations to serve as partners in the redesign of juvenile court and development of community justice zones. The partner organizations shall include schools, social service agencies, law enforcement agencies, city officials, housing representatives, community groups, and faith communities. The juvenile court and department of community corrections shall meet with representatives of the partner organizations to identify common values and to adopt an action plan. The action plan may include, but not be limited to, any or all of the following:

- (1) community forums with criminal justice system representatives;
- (2) community notification and involvement in prison release cases;
- (3) development of a criminal justice team with a community prosecutor, local police officers, and probation officers;
- (4) a prosecutor outreach program in designated community schools;
- (5) support circles for supervised release offenders;
- (6) probation and police teams;
- (7) expansion of circle sentencing and development of guidelines for circle sentencing;
- (8) probation officers working out of police stations;
- (9) peace officer and probation officer ride-along programs;
- (10) expansion of school-based probation; and
- (11) crime prevention outreach through local cable television and other media outlets.

Subd. 3. **REPORT.** The Dakota county community corrections department with the Dakota county juvenile court shall report to the house and senate committees responsible for criminal justice policy by January 15, 2001, with an evaluation of the project and recommendations for implementation in other jurisdictions.

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Sec. 25. RESIDENTIAL PROGRAMS FOR WOMEN LEAVING PROSTITUTION; GRANT.

Subdivision 1. GRANT AUTHORIZED. The executive director of the center for crime victim services shall award a grant to a nonprofit organization to develop and administer a residential program for women leaving prostitution. The executive director shall award a grant to a nonprofit organization that can demonstrate a 25 percent funding match. The funding match may come from local or federal sources, the nonprofit organization, or any other source. Residential program services include, but are not limited to, chemical dependency services, sexual trauma mental health services, and independent living skills preparation, including living skills development and coordination of community resources for personal and family stability and success.

Subd. 2. GRANT ADMINISTRATION. The executive director shall develop a process for administering the grant, including criteria for the grant. The executive director shall issue a request for proposals for a grant under subdivision 1. The request must be designed to obtain detailed information about the applicant and other information the executive director considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal grant on a form and in a manner prescribed by the executive director.

Sec. 26. BUREAU OF CRIMINAL APPREHENSION, BEMIDJI SATELLITE LABORATORY FACILITY.

Subdivision 1. LEASE-PURCHASE AGREEMENT. The commissioner of administration and the city of Bemidji may enter into a lease-purchase agreement providing for the state to acquire a northern satellite laboratory facility for the bureau of criminal apprehension in the city of Bemidji, for which predesign money was appropriated in Laws 1998, chapter 404, section 13, subdivision 11. The lease-purchase agreement is subject to the following terms:

- (1) the term of the lease must not exceed 20 years;
- (2) the lease-purchase agreement must provide the commissioner of administration with a unilateral right to purchase the satellite laboratory facility from the city of Bemidji at the end of the lease term for a specified amount based upon the outstanding balance of the revenue bonds issued by the city under subdivision 2;
- (3) the lease-purchase agreement must provide for the construction of the satellite laboratory facility in accordance with the plans and specifications submitted by the commissioner;
- (4) the lease-purchase agreement must provide for annual lease payments to the city of Bemidji equal to the annual principal and interest payments due on the revenue bonds issued by the city under subdivision 2, plus any service fees charged by the trustee or paying agent in connection with the bond payments; and
- (5) the lease-purchase agreement must provide the commissioner with complete authority over the construction, operation, and maintenance of the satellite laboratory facility.

Subd. 2. CONSTRUCTION OF FACILITY. The city of Bemidji may acquire the necessary site and construct, or cause to be constructed, the satellite laboratory facility in

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accordance with the lease-purchase agreement authorized in subdivision 1. The city of Bemidji may issue revenue bonds to finance site acquisition and construction of the satellite laboratory facility under Minnesota Statutes, chapter 475, provided that the bonds are deemed to be payable wholly from the proceeds of a revenue producing convenience for all purposes of Minnesota Statutes, chapter 475.

Sec. 27. DOMESTIC FATALITY REVIEW TEAM PILOT PROJECT.

Subdivision 1. PILOT PROJECT AUTHORIZED; PURPOSE. The fourth judicial district may establish a domestic fatality review team as a 30-month pilot project to review domestic violence deaths that have occurred in the district. The purpose of the review team is to assess domestic violence deaths in order to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eliminate the incidence of domestic violence and resulting fatalities.

Subd. 2. DEFINITION OF DOMESTIC VIOLENCE DEATH. "Domestic violence death"⁷ means a homicide or suicide under any of the following circumstances:

- (1) the alleged perpetrator and victim resided together at any time;
- (2) the alleged perpetrator and victim have a child in common, regardless of whether they were married or lived together at any time;
- (3) the alleged perpetrator and victim were married, separated, or divorced;
- (4) the alleged perpetrator and victim had a sexual relationship or a significant romantic relationship;
- (5) the alleged perpetrator had been stalking the victim;
- (6) the homicide victim lived in the same household, was present in the workplace of, was in proximity of, or was related by blood or affinity to a victim who experienced or was threatened with domestic abuse by the alleged perpetrator;
- (7) the victim or the perpetrator was a child of a person in a relationship that is described within this definition; or
- (8) any other circumstances that the domestic fatality review team decides falls within the parameters of its mission.

"Domestic violence death" must be interpreted broadly to give the domestic fatality review team discretion to review fatalities that have occurred both directly and peripherally to domestic relationships.

Subd. 3. MEMBERSHIP. (a) The chief judge, in consultation with the family violence coordinating council, shall appoint the members of the domestic fatality review team. Membership must reflect a commitment to diversity and relevant professional experience. The review team members must include:

- (1) the medical examiner;
- (2) a judicial court officer (judge or referee);
- (3) a county and city attorney and a public defender;
- (4) the county sheriff and a peace officer;

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- (5) a representative from family court services and the department of corrections;
- (6) a physician familiar with domestic violence issues;
- (7) a representative from district court administration and the domestic abuse service center;
- (8) a public citizen representative or a representative from a civic organization;
- (9) a mental health professional; and
- (10) domestic violence advocates or shelter workers.

(b) There must be at least three domestic violence advocates or shelter workers on the domestic fatality review team. No two members may represent the same agency. Members representing advocates or shelters must be selected by the advocacy community. At least one position must be designated for a minority representative and one position must rotate in order to include an advocate from the community in which the fatality under review took place.

(c) The domestic fatality review team may also invite other relevant persons to serve on an ad hoc basis and participate as full members of the review team for a particular review. These persons may include, but are not limited to:

- (1) individuals with particular expertise that would be helpful to the review panel; or
- (2) representatives of organizations or agencies that had contact with or provided services to the homicide victim, or to the alleged perpetrator, a victim who experienced or was threatened with domestic abuse by the alleged perpetrator, or a family member of one of those individuals.

Subd. 4. EVALUATION AND REPORT. (a) The domestic fatality review team shall develop a system for evaluating the effectiveness of its program and shall focus on identifiable goals and outcomes. An evaluation must include data components as well as input from individuals involved in the review process.

(b) The domestic fatality review team shall issue two annual reports to the legislature during the pilot project; one on or before December 31, 2000, and one on or before December 31, 2001. The reports must consist of the written aggregate recommendations of the domestic fatality review team without reference to specific cases. The December 31, 2001, report must include recommendations for legislation. The reports must be available upon request and distributed to the governor, attorney general, supreme court, county board, and district court.

Sec. 28. INSTRUCTION TO REVISOR.

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

New language is indicated by underline, deletions by ~~strikeout~~.

Column A	Column B
<u>119A.25</u>	<u>299A.281</u>
<u>119A.26</u>	<u>299A.282</u>
<u>119A.27</u>	<u>299A.283</u>
<u>119A.28</u>	<u>299A.284</u>
<u>119A.29</u>	<u>299A.285</u>
<u>119A.31</u>	<u>299A.286</u>
<u>119A.32</u>	<u>299A.287</u>
<u>119A.33</u>	<u>299A.288</u>
<u>119A.34</u>	<u>299A.289</u>
<u>256.486</u>	<u>299A.2892</u>

Sec. 29. **REPEALER.**

Minnesota Statutes 1998, section 119A.04, subdivision 5, is repealed.

ARTICLE 3

GENERAL CRIMINAL PROVISIONS

Section 1. Minnesota Statutes 1998, section 340A.703, is amended to read:

340A.703 MISDEMEANORS.

Where no other penalty is specified a violation of any provision of this chapter is a misdemeanor. A minimum fine of \$100 must be assessed against a person under the age of 21 years who violates section 340A.503.

Sec. 2. Minnesota Statutes 1998, section 590.01, subdivision 1, is amended to read:

Subdivision 1. **PETITION.** Except at a time when direct appellate relief is available, a person convicted of a crime, who claims that:

- (1) the conviction obtained or the sentence or other disposition made violated the person's rights under the Constitution or laws of the United States or of the state; or
- (2) scientific evidence not available at trial, obtained pursuant to a motion granted under subdivision 1a, establishes the petitioner's actual innocence;

may commence a proceeding to secure relief by filing a petition in the district court in the county in which the conviction was had to vacate and set aside the judgment and to discharge the petitioner or to resentence the petitioner or grant a new trial or correct the sentence or make other disposition as may be appropriate. Nothing contained herein shall prevent the supreme court or the court of appeals, upon application by a party, from granting a stay of a case on appeal for the purpose of allowing an appellant to apply to the district court for an evidentiary hearing under the provisions of this chapter. The proceeding shall conform with sections 590.01 to 590.06.

Sec. 3. Minnesota Statutes 1998, section 590.01, is amended by adding a subdivision to read:

Subd. 1a. **MOTION FOR FINGERPRINT OR FORENSIC TESTING NOT AVAILABLE AT TRIAL.** (a) A person convicted of a crime may make a motion for the

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performance of fingerprint or forensic DNA testing to demonstrate the person's actual innocence if:

(1) the testing is to be performed on evidence secured in relation to the trial which resulted in the conviction; and

(2) the evidence was not subject to the testing because either the technology for the testing was not available at the time of the trial or the testing was not available as evidence at the time of the trial.

The motion shall be filed before the district court that entered the judgment of conviction. Reasonable notice of the motion shall be served on the prosecuting attorney who represented the state at trial.

(b) A person who makes a motion under paragraph (a) must present a prima facie case that:

(1) identity was an issue in the trial; and

(2) the evidence to be tested has been subject to a chain of custody sufficient to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect.

(c) The court shall order that the testing be performed if:

(1) a prima facie case has been established under paragraph (b);

(2) the testing has the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence; and

(3) the testing requested employs a scientific method generally accepted within the relevant scientific community. The court shall impose reasonable conditions on the testing designed to protect the state's interests in the integrity of the evidence and the testing process.

Sec. 4. Minnesota Statutes 1998, section 609.035, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivisions 2, 3, and 4, and 5, and in sections 609.251, 609.585, 609.21, subdivisions 3 and 4, 609.2691, 609.486, 609.494, and 609.856, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Sec. 5. Minnesota Statutes 1998, section 609.035, subdivision 2, is amended to read:

Subd. 2. (a) When a person is being sentenced for a violation of a provision listed in paragraph (f), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (f), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), and (d) of this subdivision.

(b) When a person is being sentenced for a violation of section 169.129 the court may not impose a consecutive sentence for a violation of a provision of section 169.121, subdivision 1, or for a violation of a provision of section 171.20, 171.24, or 171.30.

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(c) When a person is being sentenced for a violation of section 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(d) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(e) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(f) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169.121, subdivision 3:

- (1) section 169.121, subdivision 1, driving while intoxicated;
- (2) section 169.121, subdivision 1a, testing refusal;
- (3) section 169.129, aggravated driving while intoxicated;
- (4) section 169.791, failure to provide proof of insurance;
- (5) section 169.797, failure to provide vehicle insurance;
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;
- (7) section 171.24, driving without valid license; and
- (8) section 171.30, violation of condition of limited license; and
- (9) section 609.487, fleeing a peace officer.

Sec. 6. Minnesota Statutes 1998, section 609.035, is amended by adding a subdivision to read:

Subd. 5. EXCEPTION; FLEEING A PEACE OFFICER. Notwithstanding subdivision 1, a prosecution or conviction for violating section 609.487 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. If an offender is punished for more than one crime as authorized by this subdivision and the court imposes consecutive sentences for the crimes, the consecutive sentences are not a departure from the sentencing guidelines.

Sec. 7. Minnesota Statutes 1998, section 609.3461, subdivision 1, is amended to read:

Subdivision 1. **UPON SENTENCING.** The court shall order an offender to provide a biological specimen for the purpose of DNA analysis as defined in section 299C.155 when:

- (1) the court sentences a person charged with violating or attempting to violate section 609.185, clause (2), 609.342, 609.343, 609.344, 609.345, or 617.23, subdivision 3, clause (2), who is convicted of violating one of those sections any of the following, and

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the person is convicted of that offense or of any offense arising out of the same set of circumstances;

- (i) murder under section 609.185, 609.19, or 609.195;
 - (ii) manslaughter under section 609.20 or 609.205;
 - (iii) assault under section 609.221, 609.222, or 609.223;
 - (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
 - (v) kidnapping under section 609.25;
 - (vi) false imprisonment under section 609.255;
 - (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345;
 - (viii) incest under section 609.365;
 - (ix) burglary under section 609.582, subdivision 1; or
 - (x) indecent exposure under section 617.23, subdivision 3, clause (2);
- (2) the court sentences a person as a patterned sex offender under section 609.108;

or

(3) the juvenile court adjudicates a person a delinquent child who is the subject of a delinquency petition for violating or attempting to violate ~~section 609.185, clause (2), 609.342, 609.343, 609.344, 609.345, or 617.23, subdivision 3, clause (2)~~ any of the following, and the delinquency adjudication is based on a violation of one of those sections or of any offense arising out of the same set of circumstances:

- (i) murder under section 609.185, 609.19, or 609.195;
- (ii) manslaughter under section 609.20 or 609.205;
- (iii) assault under section 609.221, 609.222, or 609.223;
- (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
- (v) kidnapping under section 609.25;
- (vi) false imprisonment under section 609.255;
- (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345;
- (viii) incest under section 609.365;
- (ix) burglary under section 609.582, subdivision 1; or
- (x) indecent exposure under section 617.23, subdivision 3, clause (2).

The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

Sec. 8. Minnesota Statutes 1998, section 609.3461, subdivision 2, is amended to read:

Subd. 2. **BEFORE RELEASE.** If a person convicted of violating or attempting to violate ~~section 609.185, clause (2), 609.342, 609.343, 609.344, 609.345, or 617.23, sub-~~

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division 3, clause (2), or initially charged with violating one of those sections and convicted of another offense arising out of the same set of circumstances, or sentenced as a patterned sex offender under section 609.108, and committed to the custody of the commissioner of corrections, or serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of an offense described in this subdivision or a similar law of the United States or any other state, has not provided a biological specimen for the purpose of DNA analysis, The commissioner of corrections or local corrections authority shall order the a person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment, when the person has not provided a biological specimen for the purpose of DNA analysis and the person:

(1) was convicted of violating or attempting to violate any of the following or initially charged with violating one of the following sections and convicted of another offense arising out of the same set of circumstances:

(i) murder under section 609.185, 609.19, or 609.195;

(ii) manslaughter under section 609.20 or 609.205;

(iii) assault under section 609.221, 609.222, or 609.223;

(iv) robbery under section 609.24 or aggravated robbery under section 609.245;

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

(vii) criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345;

(viii) incest under section 609.365;

(ix) burglary under section 609.582, subdivision 1; or

(x) indecent exposure under section 617.23, subdivision 3, clause (2); or

(2) was sentenced as a patterned sex offender under section 609.108, and committed to the custody of the commissioner of corrections; or

(3) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of an offense described in this subdivision or a similar law of the United States or any other state. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

Sec. 9. INSTRUCTION TO REVISOR.

The revisor of statutes shall renumber Minnesota Statutes 1998, section 609.3461, as section 609.117.

Sec. 10. REPEALER.

Minnesota Statutes 1998, section 609.113, is repealed.

Sec. 11. EFFECTIVE DATE.

Sections 1 and 4 to 6 are effective August 1, 1999, and apply to crimes committed on or after that date.

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Sections 7 to 9 are effective July 1, 2000, and apply to offenders sentenced or released on or after that date.

Section 10 is effective the day after final enactment.

ARTICLE 4

CORRECTIONS

Section 1. Minnesota Statutes 1998, section 16B.35, is amended by adding a subdivision to read:

Subd. 1b. EXCEPTION. A prohibition on using state appropriations to pay for art in correctional facilities does not apply to art produced through programming in correctional facilities.

Sec. 2. Minnesota Statutes 1998, section 241.016, is amended to read:

241.016 AGENCY ANNUAL PERFORMANCE REPORTING; RECIDIVISM ANALYSIS REPORT REQUIRED.

Subdivision 1. ANNUAL REPORT. Notwithstanding section 15.91, the department of corrections shall issue a performance report by November 30 of each year. The issuance and content of the report must conform with section 15.91.

Subd. 2. RECIDIVISM ANALYSIS. The report required by section 15.91 subdivision 1 must include an evaluation and analysis of the programming in all department of corrections facilities. This evaluation and analysis must include:

- (1) a description of the vocational, work, and industries programs and information on the recidivism rates for offenders who participated in these types of programming;
- (2) a description of the educational programs and information on the recidivism rates for offenders who participated in educational programming; and
- (3) a description of the chemical dependency, sex offender, and mental health treatment programs and information on the recidivism rates for offenders who participated in these treatment programs.

The analysis of recidivism rates must include a breakdown of recidivism rates for juvenile offenders, adult male offenders, and adult female offenders.

Sec. 3. Minnesota Statutes 1998, section 241.0221, subdivision 4, is amended to read:

Subd. 4. MINIMUM STANDARDS. (a) The commissioner shall establish, under chapter 14, minimum standards for the construction or rehabilitation of all local detention facilities and their operations by July 1, 1993. Interim standards developed by the commissioner may be used until that time.

(b) The commissioner shall establish requirements for alternative detention program subsidies and the maximum amount of funding each eligible participating county

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can receive. These subsidy requirements are not subject to chapter 14 procedures. Compliance with requirements established by the commissioner constitutes a minimum requirement for the granting of subsidy funding.

(c) The commissioner may administratively establish minimum training service requirements and the maximum amount of funding that will be annually expended by the department of corrections for such training.

Sec. 4. [241.272] FEE COLLECTION.

Subdivision 1. DEFINITION. (a) As used in this section, the following terms have the meanings given them:

(b) "Correctional fees" include fees for the following correctional services:

(1) community service work placement and supervision;

(2) restitution collection;

(3) supervision;

(4) court-ordered investigations; or

(5) any other service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections.

(c) "Probation" has the meaning given in section 609.02, subdivision 15.

(d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

Subd. 2. CORRECTIONAL FEES ESTABLISHED. To defray costs associated with correctional services, the commissioner of corrections may establish a schedule of correctional fees to charge persons convicted of a crime and supervised by the commissioner. The correctional fees on the schedule must be reasonably related to offenders' abilities to pay and the actual cost of correctional services.

Subd. 3. FEE COLLECTION. (a) The commissioner of corrections may impose and collect fees from individuals on probation and supervised release at any time while the offender is under sentence or after the sentence has been discharged.

(b) The commissioner may use any available civil means of debt collection in collecting a correctional fee.

Subd. 4. EXEMPTION FROM FEE. The commissioner of corrections may waive payment of the fee if the commissioner determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to perform community work service as a means of paying the fee.

Subd. 5. RESTITUTION PAYMENT PRIORITY. If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the correctional fee. However, if the offender is making reasonable payments to satisfy the restitution obligation, the commissioner may also collect a correctional fee.

Subd. 6. USE OF FEES. Correctional fees collected under this section go to the general fund.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 7. ANNUAL REPORT. Beginning January 15, 2001, the commissioner shall submit an annual report on the implementation of this section to the chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy. At a minimum, the report shall include information on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.

Sec. 5. Minnesota Statutes 1998, section 241.275, subdivision 1, is amended to read:

Subdivision 1. **PROGRAM ESTABLISHMENT.** (a) As used in this section, "correctional facility" includes a community-based day program ~~to~~ in which an adult or juvenile offender is sentenced in lieu of incarceration placed as part of a sentence or disposition order, if the program provides close supervision of offenders through such means as electronic monitoring and drug and alcohol testing.

(b) ~~The All counties of Hennepin, Ramsey, and St. Louis shall each are encouraged to establish a productive day initiative program in their correctional facilities as described in this section for adult and juvenile offenders under their jurisdiction. The productive day program shall be designed to motivate sentenced offenders in local correctional facilities offenders to develop basic life and work skills through training and education, thereby creating opportunities for offenders to achieve more successful integration into the community upon their release.~~

Sec. 6. Minnesota Statutes 1998, section 241.275, subdivision 2, is amended to read:

Subd. 2. **PROGRAM COMPONENTS.** The productive day initiative programs shall may include, but are not limited to, components described in paragraphs (a) to (c).

(a) The initiative programs shall may contain programs designed to promote the offender's self-esteem, self-discipline, and economic self-sufficiency by providing structured training and education with respect to basic life skills, including hygiene, personal financial budgeting, literacy, and conflict management.

(b) The programs shall may contain individualized educational, vocational, and work programs designed to productively occupy an offender for at least eight hours a day.

(c) The program administrators shall may develop correctional industry programs, including marketing efforts to attract work opportunities both inside correctional facilities and outside in the community. Program options may include expanding and reorganizing on-site industry programs, locating off-site industry work areas, community service work programs, and employment programs. To develop innovative work programs, program administrators may enlist members of the business and labor community to help target possible productive enterprises for offender work programs.

(d) Whenever offenders are assigned to work within the correctional facility or with any state department or agency, local unit of government, or other government subdivision, the program administrator must certify to the appropriate bargaining agent that work performed by offenders will not result in the displacement of current employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of work other than overtime work, wages, or other employment benefits.

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Sec. 7. Minnesota Statutes 1998; section 242.192, is amended to read:

242.192 CHARGES TO COUNTIES.

The commissioner shall charge counties or other appropriate jurisdictions for the actual per diem cost of confinement, excluding educational costs, of juveniles at the Minnesota correctional facility—Red Wing and of juvenile females committed to the commissioner of corrections. This charge applies to both counties that participate in the Community Corrections Act and those that do not. The commissioner shall annually determine costs, making necessary adjustments to reflect the actual costs of confinement. All money received under this section must be deposited in the state treasury and credited to the general fund.

Sec. 8. [243.94] MINNESOTA CORRECTIONAL FACILITY – RUSH CITY.

There is established the Minnesota correctional facility – Rush City at Rush City, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available in the facility. The general control and management of the facility shall be under the commissioner of corrections.

Sec. 9. Minnesota Statutes 1998, section 244.18, subdivision 3, is amended to read:

Subd. 3. FEE COLLECTION. The chief executive officer of a local correctional agency may collect local correctional fees assessed under section 609.102. The local correctional agency may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. A local probation and parole agency established under section 244.19 or community corrections agency established under section 401.02 may not impose a fee under this section if the offender is supervised by the commissioner of corrections and the commissioner of corrections imposes and collects a fee under section 241.272. The agency may use any available civil means of debt collection in collecting a local correctional fee.

Sec. 10. Minnesota Statutes 1998, section 609.102, is amended by adding a subdivision to read:

Subd. 2a. IMPOSITION OF CORRECTIONAL FEE. When a person convicted of a crime is supervised by the commissioner of corrections, the commissioner may collect a correctional fee under section 241.272.

Sec. 11. CAMP RIPLEY WORK PROGRAM; CLOSURE.

By June 30, 1999, all offenders sentenced to the Camp Ripley work program under Minnesota Statutes, section 609.113, must be transferred back to the sentencing county to complete their sentences in a local facility.

Sec. 12. SELECTION OF VENDOR TO OPERATE EDUCATIONAL PROGRAM AT MCF-RED WING.

The assessment for excellence task force, appointed by the commissioner of corrections, shall assist the commissioner of administration in developing a request for proposals from vendors to operate the educational program at the Minnesota correctional facility – Red Wing. The commissioner of administration shall issue the request for proposals by November 1, 1999, and shall select a vendor who shall begin operating the program by January 1, 2000. The department of corrections may respond to the request for proposals.

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Sec. 13. STUDY OF CORRECTIONAL OFFICER STAFFING.

Subdivision 1. STUDY REQUIRED. The commissioner of corrections shall study issues related to correctional officer staffing at correctional facilities under the commissioner's control. The study must focus on the ratio of supervisory officers to nonsupervisory officers, the criteria and average length of time for promotion to supervisory positions, the salaries of supervisory and nonsupervisory officers, the ratio of all officers to inmates, and other related issues. To the degree feasible, the commissioner shall compare the department's staffing system and pay scale to that of other states with comparable correctional systems, the federal government, and private correctional vendors.

Subd. 2. REPORT REQUIRED. By January 15, 2000, the commissioner shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding on the results of the study described in subdivision 1.

Sec. 14. MINNESOTA CORRECTIONAL FACILITY - SAUK CENTRE; TRANSFER.

Before January 1, 2000, the commissioner of corrections shall transfer the residents of the Minnesota correctional facility - Sauk Centre to other facilities. On January 1, 2000, responsibility for operating and maintaining the state land and buildings that compose the Minnesota correctional facility - Sauk Centre is transferred to the commissioner of administration under Minnesota Statutes, section 15.039.

Sec. 15. AUTHORITY TO ISSUE RFP; JUVENILE FEMALE PROGRAMMING.

(a) The commissioner of corrections may develop and issue a request for proposals from vendors to provide residential services to juvenile females committed to the custody of the commissioner of corrections. The commissioner also may select a vendor to provide the services.

(b) The authority granted under this section exists until a state-operated juvenile female facility is available to house juvenile female offenders.

Sec. 16. STUDY ON SUPERVISION OF SEX OFFENDERS.

(a) The commissioner of corrections is directed to study issues related to the caseloads of probation officers supervising sex offenders. This study shall focus on recommendations to improve the current supervision of sex offenders to increase public safety and reduce the risk of reoffense by sex offenders. These recommendations shall address methods of supervision, use of specialized sex offender caseloads, the optimum number of offenders to be supervised by each probation officer, the availability of suitable housing for sex offenders, and other relevant factors.

(b) In conducting the study, the commissioner shall consult with representatives from community corrections act counties, representatives from county probation officer counties, state parole and probation agents, law enforcement officers with experience dealing with sex offenders, a treatment professional trained in the assessment of sex offenders, and a victim services professional.

(c) The commissioner shall report by February 1, 2000, to the house and senate committees and divisions with jurisdiction over criminal justice policy and funding on recommendations resulting from the study.

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Sec. 17. REPEALER.

(a) Minnesota Statutes 1998, section 241.275, subdivision 5, is repealed.

(b) Minnesota Statutes 1998, section 241.277, is repealed.

Sec. 18. EFFECTIVE DATE.

Sections 11 and 17, paragraph (b), are effective the day following final enactment; however, the adult work program described in Minnesota Statutes, section 241.277, shall continue to operate until all offenders at the program on the day following final enactment have completed it, or June 30, 1999, whichever is earlier.

Sections 12, 15, and 16 are effective the day following final enactment.

ARTICLE 5**LAW ENFORCEMENT**

Section 1. Minnesota Statutes 1998, section 168A.40, subdivision 2, is amended to read:

Subd. 2. **PROGRAM DUTIES.** The automobile theft prevention board shall:

(1) develop and sponsor the implementation of statewide plans, programs, and strategies to combat automobile theft, improve the administration of the automobile theft laws, and provide a forum for identification of critical problems for those persons dealing with automobile theft;

(2) coordinate the development, adoption, and implementation of plans, programs, and strategies relating to interagency and intergovernmental cooperation with respect to automobile theft enforcement;

(3) annually audit at its own discretion the plans and programs that it has funded in whole or in part to evaluate the effectiveness of the plans and programs and withdraw funding should the board determine that a plan or program is ineffective or is no longer in need of further financial support from the fund;

(4) develop a plan of operation including an assessment of the scope of the problem of automobile theft, including areas of the state where the problem is greatest; an analysis of various methods of combating the problem of automobile theft; a plan for providing financial support to combat automobile theft; a plan for eliminating car hijacking; and an estimate of the funds required to implement the plan; and

(5) distribute money from the automobile theft prevention special revenue account for automobile theft prevention activities, including:

(i) paying the administrative costs of the board;

(ii) providing financial support to the state patrol and local law enforcement agencies for automobile theft enforcement teams;

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(iii) providing financial support to state or local law enforcement agencies for programs designed to reduce the incidence of automobile theft and for improved equipment and techniques for responding to automobile thefts;

(iv) providing financial support to local prosecutors for programs designed to reduce the incidence of automobile theft;

(v) providing financial support to judicial agencies for programs designed to reduce the incidence of automobile theft;

(vi) providing financial support for neighborhood or community organizations or business organizations for programs designed to reduce the incidence of automobile theft;

(vii) providing financial support for automobile theft educational and training programs for state and local law enforcement officials, driver and vehicle services exam and inspections staff, and members of the judiciary; and

(viii) conducting educational programs designed to inform automobile owners of methods of preventing automobile theft and to provide equipment, for experimental purposes, to enable automobile owners to prevent automobile theft.

By January 15 of each year, the board shall report to the governor and legislature on its activities and expenditures in the preceding year.

Sec. 2. Minnesota Statutes 1998, section 260.161, subdivision 1, is amended to read:

Subdivision 1. **RECORDS REQUIRED TO BE KEPT.** (a) The juvenile court judge shall keep such minutes and in such manner as the court deems necessary and proper. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 28 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court also may provide copies of records concerning delinquency adjudications, on request, to law enforcement agencies, probation officers, and corrections agents if the court finds that providing these records serves public safety or is in the best interests of the child. Until July 1, 1999 ~~2001~~, juvenile court delinquency proceeding records of adjudications, court transcripts, and delinquency petitions, including any probable cause attachments that have been filed or police officer reports relating to a petition, must be released to requesting law enforcement agencies and prosecuting authorities for purposes of investigating and prosecuting violations of section 609.229, provided that psychological or mental health reports may not be included with those records. The agency receiving the records may release the records only as permitted under this section or authorized by law.

The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining

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to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

(b) The court shall retain records of the court finding that a juvenile committed an act that would be a felony or gross misdemeanor level offense until the offender reaches the age of 28. If the offender commits a felony as an adult, or the court convicts a child as an extended jurisdiction juvenile, the court shall retain the juvenile records for as long as the records would have been retained if the offender had been an adult at the time of the juvenile offense. This paragraph does not apply unless the juvenile was provided counsel as required by section 260.155, subdivision 2.

Sec. 3. [299A.411] POSTTRAUMATIC STRESS SYNDROME BENEFIT.

(a) A law enforcement agency shall provide benefits to any peace officer, as defined in section 626.84, subdivision 1, paragraph (c), employed by the agency who:

(1) suffers a debilitating psychological reaction to a traumatic event;

(2) is diagnosed by a psychiatrist or a licensed psychologist as suffering from post-traumatic stress syndrome; and

(3) is determined by a psychiatrist or a licensed psychologist to be unable to perform other peace officer job duties offered by the employer through reassignment.

A peace officer who meets all of the conditions of this paragraph is entitled to the benefits described in paragraph (b). A peace officer who meets the conditions in clauses (1) and (2) is entitled to the benefits in paragraph (b), clause (2). The availability of benefits does not depend on whether there is also an accompanying physical injury or physical cause of the condition.

(b) The benefits provided by the law enforcement agency shall include:

(1) payment by the employer for unreimbursed loss of wages during the time period the officer is disabled, but not to exceed one year; and

(2) payment by the employer for unreimbursed expenses for medical treatment, including psychiatric or psychological counseling, to cure and relieve the effects of the posttraumatic stress syndrome during the time period the officer is disabled, but not to exceed one year.

(c) The employer may request a peace officer to undergo an examination by a psychiatrist or licensed psychologist selected by the employer.

(d) As used in this section, "traumatic event" means an event involving the employee lawfully taking the life of or causing great bodily harm, as defined in section 609.02, subdivision 8, to another by force or violence. "Debilitating psychological reaction" means that, following the traumatic event, the peace officer is unable to perform the essential functions of the peace officer's job without reassignment.

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Sec. 4. Minnesota Statutes 1998, section 299A.64, subdivision 10, is amended to read:

Subd. 10. **REQUIRED REPORT.** By February 1 of each year, the council shall report to the chairs of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on the activities of the council and strike force. This annual report shall include:

- (1) a description of the council's goals for the previous year and for the coming year;
- (2) a description of the outcomes the council achieved or did not achieve during the preceding year and a description of the outcomes the council will seek to achieve during the coming year; and
- (3) any legislative recommendations the council has including, where necessary, a description of the specific legislation needed to implement the recommendations.

Sec. 5. Minnesota Statutes 1998, section 626.843, subdivision 4, is amended to read:

Subd. 4. **REPORTING REQUIREMENTS.** The board shall report to the attorney general, from time to time, and to the governor and the legislature at least biennially concerning the activities of the board. The board shall report biannually to the chairs of the senate and house committees and divisions having jurisdiction over criminal justice funding concerning the activities of the board. In addition to other relevant items, the report must include detailed information concerning the compliance reviews required in section 626.8459.

Sec. 6. Minnesota Statutes 1998, section 626.845, subdivision 1, is amended to read:

Subdivision 1. **POWERS AND DUTIES.** The board shall have the following powers and duties:

- (a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;
- (b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.863;
- (c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;
- (d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;
- (e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;
- (f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

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(g) To consult and cooperate with universities, colleges, and technical colleges for the development of specialized courses of instruction and study in the state for peace officers and part-time peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.863;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs;

(k) To obtain criminal conviction data for persons seeking a license to be issued or possessing a license issued by the board. The board shall have authority to obtain criminal conviction data to the full extent that any other law enforcement agency, as that term is defined by state or federal law, has to obtain the data;

(l) To prepare and transmit annually to the governor a report of its activities with respect to allocation of moneys appropriated to it for peace officers training, including the name and address of each recipient of money for that purpose, the amount awarded, and the purpose of the award; and

(m) To assist and cooperate with any political subdivision or state law enforcement agency which employs persons licensed by the board to establish written procedures for the investigation and resolution of allegations of misconduct of persons licensed by the board, and to enforce licensing sanctions for failure to implement such procedures; and

~~(n) To assist and cooperate with political subdivisions and state law enforcement agencies that employ persons licensed by the board in establishing written procedures to govern the conduct of peace officers who are in pursuit of a vehicle in violation of section 609.487, and requirements for the training of peace officers in conducting pursuits. The board may impose licensing sanctions for failure to establish pursuit procedures and training requirements by October 1, 1989.~~

In addition, the board may maintain data received from law enforcement agencies under section 626.87, subdivision 5, provide the data to requesting law enforcement agencies who are conducting background investigations, and maintain data on applicants and licensees as part of peace officer license data. The data that may be maintained include the name of the law enforcement agency conducting the investigation and data on the candidate provided under section 626.87, subdivision 5, clauses (1) and (2).

Sec. 7. [626.8458] VEHICLE PURSUITS; POLICIES AND INSTRUCTION REQUIRED.

Subdivision 1. PURPOSE. The legislature finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. Law enforcement agencies shall make reasonable efforts to guide their officers in the safe and responsible performance of their emergency response duties. Although laws and rules provide the foundation for the conduct of law enforcement officers, continuous and effective training is essential to ensure proper law enforcement action during emergency vehicle operations, including police pursuits. This training must be designed to give officers both skills and decision-making ability so that emergency vehicle operations can be resolved safely and successfully.

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Subd. 2. STATEWIDE MODEL POLICY. (a) By July 1, 1999, the board shall adopt a new or revised model policy governing the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487. The board shall seek and consider comments of members of the public when adopting the policy. In order to assist peace officers in responding to the complex and unpredictable factors associated with police pursuits, the model policy shall, at a minimum, contain the following components:

(1) a statement describing the philosophy of the model policy. This philosophy must state that the safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue;

(2) the factors to be considered in initiating and terminating a pursuit, and the standards for evaluating the need to initiate or terminate a pursuit;

(3) the procedures, tactics, and technologies used during pursuits;

(4) the various responsibilities of the pursuing officers, the officer supervising the pursuit, the dispatcher, and air support;

(5) the procedures governing interjurisdictional pursuits;

(6) the procedures governing care of any persons injured in the course of the pursuit;

(7) the contents of pursuit reports filed under section 626.5532; and

(8) the procedures used to evaluate each pursuit.

(b) The board shall review and, as necessary, revise the model pursuit policy in collaboration with the Minnesota chiefs of police association, the Minnesota sheriffs association, the Minnesota police and peace officers association, a representative from the state patrol, and other interested law enforcement industry groups.

Subd. 3. AGENCY POLICIES REQUIRED. (a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the conduct of peace officers employed by the agency who are in pursuit of a vehicle being operated in violation of section 609.487. The policy must, at a minimum, comply with the requirements of any new or revised model pursuit policy adopted by the board under subdivision 2 and must take into account the comments of members of the public and any pursuit vehicle technology that is available to the agency.

(b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model pursuit policy.

(c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing pursuit policies under this subdivision.

Subd. 4. PRESERVICE TRAINING IN POLICE PURSUITS REQUIRED. (a) By January 1, 2000, the board shall prepare learning objectives for instructing peace officers in emergency vehicle operations and in the conduct of police pursuits. The course shall consist of at least seven hours of classroom and skills-based training.

(b) An individual is not eligible to take the peace officer licensing examination or the part-time peace officer licensing examination on or after January 1, 2000, unless the individual has received the training described in paragraph (a).

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

Subd. 6. LICENSING SANCTIONS; INJUNCTIVE RELIEF. The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

Sec. 8. [626.8459] POST BOARD; COMPLIANCE REVIEWS REQUIRED.

(a) Each year, the board shall conduct compliance reviews on all state and local law enforcement agencies. The compliance reviews must ensure that the agencies are complying with all requirements imposed on them by statute and rule. The board shall include in the reports to the legislature required in section 626.843, subdivision 4, detailed information on the compliance reviews conducted under this section. At a minimum, the reports must specify each requirement imposed by statute and rule on law enforcement agencies, the compliance rate of each agency, and the action taken by the board, if any, against an agency not in compliance.

(b) The board may impose licensing sanctions and seek injunctive relief under section 214.11 for an agency's failure to comply with a requirement imposed on it in statute or rule.

Sec. 9. Minnesota Statutes 1998, section 626.8462, is amended to read:

626.8462 COMPETENCY REQUIREMENTS.

Part-time peace officer licensing examinations shall be designed to insure competency in the following areas reasonably achievable in courses within a total hourly maximum of 54 80 hours:

- (1) permissible use of force by peace officers, including deadly force;
- ~~(a)~~ (2) law of arrest, including probable cause;
- ~~(b)~~ (3) law of search and seizure;
- ~~(c)~~ (4) confessions and interrogations, oral and written;
- ~~(d)~~ (5) law and rules of evidence;
- ~~(e)~~ (6) Minnesota criminal code;
- ~~(f)~~ (7) juvenile law;
- ~~(g)~~ (8) general principles of criminal investigations;
- ~~(h)~~ (9) crime scene search and investigation;
- ~~(i)~~ (10) preservation and collection of crime scene evidence; and

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⊕ (11) traffic enforcement, including accident investigation.

The board shall prepare learning objectives for an 80-hour course to test competency under this section.

Upon request, the board shall provide to any sheriff or chief of police lesson plans and instructional materials reasonably necessary to conduct classes in the required areas of study. Nothing herein shall be construed to prohibit a requirement for more comprehensive training imposed by a local law enforcement agency.

Sec. 10. Minnesota Statutes 1998, section 626.8463, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT REQUIREMENTS.** (a) Any individual appointed or employed as a part-time peace officer shall provide proof to the board that the individual has:

- (1) satisfied the selection standards of the board then in effect;
- (2) successfully completed board recognized courses in first aid and firearms training, including legal limitations on the justifiable use of deadly force; and
- (3) successfully passed a board part-time peace officer licensing examination.

(b) The board shall develop a new examination that tests in depth the expanded competency requirements of section 626.8462.

Sec. 11. Minnesota Statutes 1998, section 626.8465, subdivision 2, is amended to read:

Subd. 2. **PART-TIME PEACE OFFICER LICENSE, RESTRICTION.** Subject to section 626.8468, subdivision 1, any individual licensed by the board as a part-time peace officer shall be eligible for appointment or employment anywhere in the state as a part-time peace officer but not as a peace officer unless the individual meets board training and licensing requirements then in effect for peace officers.

Sec. 12. **[626.8468] PART-TIME PEACE OFFICERS; CAP ON NUMBER PER AGENCY, EXPANDED TRAINING REQUIRED, CONTINUING EDUCATION.**

Subdivision 1. **CAP ON NUMBER OF PART-TIME PEACE OFFICERS PER AGENCY.** (a) A law enforcement agency that employed a licensed part-time peace officer or that was in the process of training an individual to become a licensed part-time peace officer on or before February 1, 1999, may continue to do so. No agency may employ more part-time peace officers than it employed in calendar year 1996, 1997, or 1998.

(b) After January 1, 2000, the board may issue additional part-time peace officer licenses to a law enforcement agency that employs a part-time peace officer and that demonstrates to the board an extraordinary and temporary need for the additional license.

(c) If a local unit of government dissolves a law enforcement agency that employs a part-time peace officer authorized under this subdivision and contracts with another law enforcement agency to provide law enforcement services, the law enforcement agency contracted with may add that number of part-time positions to the agency's maximum

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under this subdivision if the agency hires or offers employment to all full-time peace officers employed by the dissolved agency at the time of dissolution. The employment offered must be of comparable responsibility and salary.

Subd. 2. EXPANDED TRAINING REQUIRED. Each person seeking initial licensure as a part-time peace officer shall successfully complete the competency training described in section 626.8462. Before issuing a part-time peace officer license or allowing a person to take the examination described in section 626.8462, the board shall ensure that the applicant has successfully completed the training. The chief law enforcement officer of the agency employing or seeking to employ the applicant shall submit proof to the board that the applicant has successfully completed the training before the applicant may take the examination.

Subd. 3. CONTINUING EDUCATION. All licensed part-time peace officers shall comply with continuing education standards required by the board. The officers may receive reimbursement for the costs of this education from the peace officers training account described in section 357.021, subdivision 7.

Sec. 13. CAPITOL COMPLEX SECURITY STUDY.

Subdivision 1. STUDY REQUIRED. The superintendent of the bureau of criminal apprehension shall conduct an in-depth study on issues related to capitol complex security, including general security in the capitol complex and specific security for constitutional officers and their families, legislators, members of the judiciary housed in the capitol complex, state employees, visitors to the capitol complex, and visiting dignitaries. The superintendent shall analyze the strengths and weaknesses of the current manner in which security is provided. To the degree feasible, the superintendent shall examine how similar security is provided in other states.

Subd. 2. REPORT REQUIRED. By January 15, 2000, the superintendent shall report to the legislature and the governor on the results of the study. In addition to the requirements described in subdivision 1, the report must include recommendations on ways to improve security, if improvements are determined to be necessary. These recommendations must be accompanied by an analysis of the increased resources necessary to implement the improvements. The report must address the advisability of having a single entity provide this security and an assessment of which state agency or division would be best suited to the role.

Sec. 14. ASSISTANCE FOR DISASTERS AND EXTRAORDINARY EXPENSES.

Subdivision 1. STUDY. The commissioners of public safety, finance, and planning shall establish a work group to study the issues of disasters and extraordinary emergency expenses caused by natural or other disasters. The study shall make findings and recommendations that address the following:

(a) situations that meet the definition of a disaster or an extraordinary expense that may include:

- (1) federal, state, or local disaster declarations;
- (2) the events that trigger extraordinary emergency expenses; and

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(3) the process of determining extraordinary costs;

(b) eligible recipients for assistance that may include:

(1) state agencies;

(2) counties;

(3) political subdivisions;

(4) individuals;

(5) businesses; and

(6) private nonprofits;

(c) propose appropriate types of funding and funding sources to provide assistance in the situations identified in paragraph (a);

(d) identify measures to prevent or reduce the costs of disasters and extraordinary emergency expenses that may include:

(1) increasing the capability of local entities to respond;

(2) hazard mitigation; and

(3) a cost-benefit analysis of the measures proposed; and

(e) possible legislative responses to requests for state aid for local extraordinary disaster expenses.

Subd. 2. MEMBERSHIP. The commissioners shall seek participation in the work group from representatives of the following groups:

(1) Association of Minnesota Counties;

(2) League of Minnesota Cities;

(3) Minnesota Townships Association;

(4) Association of Minnesota Emergency Managers; and

(5) Metropolitan Emergency Managers Association.

The commissioners may appoint other members as they deem necessary.

Subd. 3. REPORT. By October 1, 1999, the commissioners shall submit their report containing specific findings and recommendations to the chairs and ranking minority members of the house judiciary finance committee, the house transportation finance committee, the senate crime prevention and judicial budget division and the senate transportation budget division.

Sec. 15. REPEALER.

(a) Minnesota Statutes 1998, section 626.5532, subdivision 2, is repealed.

(b) Minnesota Statutes 1998, section 626.8463, subdivision 2, is repealed.

Sec. 16. EFFECTIVE DATE.

Sections 3, 8 to 12, and 15, paragraph (b), are effective the day following final enactment.

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ARTICLE 6

OTHER PROVISIONS

Section 1. Minnesota Statutes 1998, section 2.722, subdivision 1, is amended to read:

Subdivision 1. **DESCRIPTION.** Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 28 32 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 24 26 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 57 60 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 47 16 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; 22 24 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 20 22 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 35 39 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1998, section 244.052, subdivision 1, is amended to read:

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

(1) "confinement" means confinement in a state correctional facility or a state treatment facility;

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(2) "law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release; and

(3) "residential facility" means a facility that is licensed as a residential program, as defined in section 245A.02, subdivision 14, by the commissioner of human services under chapter 245A, or the commissioner of corrections under section 241.021, whose staff are trained in the supervision of sex offenders; and

(4) "sex offender" and "offender" mean a person who has been convicted of an offense for which registration under section 243.166 is required or a person who has been committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, regardless of whether the person was convicted of any offense.

Sec. 3. Minnesota Statutes 1998, section 244.052, subdivision 3, is amended to read:

Subd. 3. **END-OF-CONFINEMENT REVIEW COMMITTEE.** (a) The commissioner of corrections shall establish and administer end-of-confinement review committees at each state correctional facility and at each state treatment facility where sex offenders are confined. The committees shall assess on a case-by-case basis the public risk posed by sex offenders who are about to be released from confinement.

(b) Each committee shall be a standing committee and shall consist of the following members appointed by the commissioner:

- (1) the chief executive officer or head of the correctional or treatment facility where the offender is currently confined, or that person's designee;
- (2) a law enforcement officer;
- (3) a treatment professional who is trained in the assessment of sex offenders;
- (4) a caseworker experienced in supervising sex offenders; and
- (5) a victim's services professional.

Members of the committee, other than the facility's chief executive officer or head, shall be appointed by the commissioner to two-year terms. The chief executive officer or head of the facility or designee shall act as chair of the committee and shall use the facility's staff, as needed, to administer the committee, obtain necessary information from outside sources, and prepare risk assessment reports on offenders.

(c) The committee shall have access to the following data on a sex offender only for the purposes of its assessment and to defend the committee's risk assessment determination upon administrative review under this section:

- (1) private medical data under section 13.42 or 144.335, or welfare data under section 13.46 that relate to medical treatment of the offender;
- (2) private and confidential court services data under section 13.84;
- (3) private and confidential corrections data under section 13.85; and
- (4) private criminal history data under section 13.87.

Data collected and maintained by the committee under this paragraph may not be disclosed outside the committee, except as provided under section 13.05, subdivision 3

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or 4. The sex offender has access to data on the offender collected and maintained by the committee, unless the data are confidential data received under this paragraph.

(d)(i) Except as otherwise provided in item (ii), at least 90 days before a sex offender is to be released from confinement, the commissioner of corrections shall convene the appropriate end-of-confinement review committee for the purpose of assessing the risk presented by the offender and determining the risk level to which the offender shall be assigned under paragraph (e). The offender and the law enforcement agency that was responsible for the charge resulting in confinement shall be notified of the time and place of the committee's meeting. The offender has a right to be present and be heard at the meeting. The law enforcement agency may provide material in writing that is relevant to the offender's risk level to the chair of the committee. The committee shall use the risk factors described in paragraph (g) and the risk assessment scale developed under subdivision 2 to determine the offender's risk assessment score and risk level. Offenders scheduled for release from confinement shall be assessed by the committee established at the facility from which the offender is to be released.

(ii) If an offender is received for confinement in a facility with less than 90 days remaining in the offender's term of confinement, the offender's risk shall be assessed at the first regularly scheduled end of confinement review committee that convenes after the appropriate documentation for the risk assessment is assembled by the committee. The commissioner shall make reasonable efforts to ensure that offender's risk is assessed and a risk level is assigned or reassigned at least 30 days before the offender's release date.

(e) The committee shall assign to risk level I a sex offender whose risk assessment score indicates a low risk of reoffense. The committee shall assign to risk level II an offender whose risk assessment score indicates a moderate risk of reoffense. The committee shall assign to risk level III an offender whose risk assessment score indicates a high risk of reoffense.

(f) Before the sex offender is released from confinement, the committee shall prepare a risk assessment report which specifies the risk level to which the offender has been assigned and the reasons underlying the committee's risk assessment decision. The committee shall give the report to the offender and to the law enforcement agency at least 60 days before an offender is released from confinement. If the risk assessment is performed under the circumstances described in paragraph (d), item (ii), the report shall be given to the offender and the law enforcement agency as soon as it is available. The committee also shall inform the offender of the availability of review under subdivision 6.

(g) As used in this subdivision, "risk factors" includes, but is not limited to, the following factors:

(1) the seriousness of the offense should the offender reoffend. This factor includes consideration of the following:

- (i) the degree of likely force or harm;
- (ii) the degree of likely physical contact; and
- (iii) the age of the likely victim;

(2) the offender's prior offense history. This factor includes consideration of the following:

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- (i) the relationship of prior victims to the offender;
 - (ii) the number of prior offenses or victims;
 - (iii) the duration of the offender's prior offense history;
 - (iv) the length of time since the offender's last prior offense while the offender was at risk to commit offenses; and
 - (v) the offender's prior history of other antisocial acts;
- (3) the offender's characteristics. This factor includes consideration of the following:

- (i) the offender's response to prior treatment efforts; and
 - (ii) the offender's history of substance abuse;
- (4) the availability of community supports to the offender. This factor includes consideration of the following:
- (i) the availability and likelihood that the offender will be involved in therapeutic treatment;
 - (ii) the availability of residential supports to the offender, such as a stable and supervised living arrangement in an appropriate location;
 - (iii) the offender's familial and social relationships, including the nature and length of these relationships and the level of support that the offender may receive from these persons; and
 - (iv) the offender's lack of education or employment stability;
- (5) whether the offender has indicated or credible evidence in the record indicates that the offender will reoffend if released into the community; and
- (6) whether the offender demonstrates a physical condition that minimizes the risk of reoffense, including but not limited to, advanced age or a debilitating illness or physical condition.

(h) Upon the request of the law enforcement agency or the offender's corrections agent, the commissioner may reconvene the end-of-confinement review committee for the purpose of reassessing the risk level to which an offender has been assigned under paragraph (e). In a request for a reassessment, the law enforcement agency which was responsible for the charge resulting in confinement or agent shall list the facts and circumstances arising after the initial assignment or facts and circumstances known to law enforcement or the agent but not considered by the committee under paragraph (e) which support the request for a reassessment. The request for reassessment must occur within 30 days of receipt of the report indicating the offender's risk level assignment. Upon review of the request, the end-of-confinement review committee may reassign an offender to a different risk level. If the offender is reassigned to a higher risk level, the offender has the right to seek review of the committee's determination under subdivision 6.

(i) An offender may request the end-of-confinement review committee to reassess the offender's assigned risk level after two years have elapsed since the committee's initial risk assessment and may renew the request once every two years following subse-

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quent denials. In a request for reassessment, the offender shall list the facts and circumstances which demonstrate that the offender no longer poses the same degree of risk to the community. The committee shall follow the process outlined in paragraphs (a) to (e), and (g) in the reassessment.

(j) The commissioner shall establish an end-of-confinement review committee to assign a risk level to offenders who are released from a federal correctional facility in Minnesota or another state and who intend to reside in Minnesota, and to offenders accepted from another state under a reciprocal agreement for parole supervision under the interstate compact authorized by section 243.16. The committee shall make reasonable efforts to conform to the same timelines as applied to Minnesota cases. Offenders accepted from another state under a reciprocal agreement for probation supervision are not assigned a risk level, but are considered downward dispositional departures. The probation or court services officer and law enforcement officer shall manage such cases in accordance with section 244.10, subdivision 2a. The policies and procedures of the committee for federal offenders and interstate compact cases must be in accordance with all requirements as set forth in this section, unless restrictions caused by the nature of federal or interstate transfers prevents such conformance.

(k) If the committee assigns a sex offender to risk level III, the committee shall determine whether residency restrictions shall be included in the conditions of the offender's release based on the offender's pattern of offending behavior.

Sec. 4. Minnesota Statutes 1998, section 244.052, subdivision 4, is amended to read:

Subd. 4. LAW ENFORCEMENT AGENCY; DISCLOSURE OF INFORMATION TO PUBLIC. (a) The law enforcement agency in the area where the sex offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under subdivision 3, paragraph (f), if the agency determines that disclosure of the information is relevant and necessary to protect the public and to counteract the offender's dangerousness. The extent of the information disclosed and the community to whom disclosure is made must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety.

(b) The law enforcement agency shall consider the following guidelines in determining the scope of disclosure made under this subdivision:

(1) if the offender is assigned to risk level I, the agency may maintain information regarding the offender within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure;

(2) if the offender is assigned to risk level II, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose the information to individuals the agency be-

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lieves are likely to be victimized by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the department of corrections or human services;

(3) if the offender is assigned to risk level III, the agency also may disclose the information to other members of the community whom the offender is likely to encounter.

Notwithstanding the assignment of a sex offender to risk level II or III, a law enforcement agency may not make the disclosures permitted by clause (2) or (3), if: the offender is placed or resides in a residential facility that is licensed as a residential program, as defined in section 245A.02, subdivision 14, by the commissioner of human services under chapter 254A, or the commissioner of corrections under section 241.021; and the facility and its staff are trained in the supervision of sex offenders. However, if an offender is placed or resides in a licensed residential facility, the offender and the head of the facility shall designate the offender's likely residence upon release from the facility and the head of the facility shall notify the commissioner of corrections or the commissioner of human services of the offender's likely residence at least 14 days before the offender's scheduled release date. The commissioner shall give this information to the law enforcement agency having jurisdiction over the offender's likely residence. The head of the residential facility also shall notify the commissioner of corrections or human services within 48 hours after finalizing the offender's approved relocation plan to a permanent residence. Within five days after receiving this notification, the appropriate commissioner shall give to the appropriate law enforcement agency all relevant information the commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. After receiving this information, the law enforcement agency may make the disclosures permitted by clause (2) or (3), as appropriate.

(c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

(1) the organizations or community members are in a location or in close proximity to a location where the offender lives or is employed, or which the offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and

(2) the types of interaction which ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably certain.

(d) A law enforcement agency or official who decides to disclose information under this subdivision shall make a good faith effort to make the notification within 14 days of receipt of a confirmed address from the department of corrections indicating that the offender will be, or has been, released from confinement, or accepted for supervision, or has moved to a new address and will reside at the address indicated. If a change occurs in the release plan, this notification provision does not require an extension of the release date.

(e) A law enforcement agency or official that decides to disclose information under this subdivision shall not disclose the identity of the victims of or witnesses to the offender's offenses.

(f) A law enforcement agency may continue to disclose information on an offender under this subdivision for as long as the offender is required to register under section 243.166.

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Sec. 5. Minnesota Statutes 1998, section 244.052, is amended by adding a subdivision to read:

Subd. 4a. LEVEL III OFFENDERS; LOCATION OF RESIDENCE. When an offender assigned to risk level III is released from confinement or a residential facility to reside in the community or changes residence while on supervised or conditional release, the agency responsible for the offender's supervision shall take into consideration the proximity of the offender's residence to that of other level III offenders and, to the greatest extent feasible, shall mitigate the concentration of level III offenders.

Sec. 6. Minnesota Statutes 1998, section 253B.185, is amended by adding a subdivision to read:

Subd. 5. FINANCIAL RESPONSIBILITY. (a) For purposes of this subdivision, "state facility" has the meaning given in section 246.50.

(b) Notwithstanding sections 246.54, 253B.045, and any other law to the contrary, when a petition is filed for commitment under this section pursuant to the notice required in section 244.05, subdivision 7, the state and county are each responsible for 50 percent of the cost of the person's confinement at a state facility or county jail, prior to commitment.

(c) The county shall submit an invoice to the state court administrator for reimbursement of the state's share of the cost of confinement.

(d) Notwithstanding paragraph (b), the state's responsibility for reimbursement is limited to the amount appropriated for this purpose.

Sec. 7. Minnesota Statutes 1998, section 256.01, subdivision 2, is amended to read:

Subd. 2. SPECIFIC POWERS. Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner. Administration and supervision of human services activities or services includes, but is not limited to, assuring timely and accurate distribution of benefits, completeness of service, and quality program management. In addition to administering and supervising human services activities vested by law in the department, the commissioner shall have the authority to:

(a) require county agency participation in training and technical assistance programs to promote compliance with statutes, rules, federal laws, regulations, and policies governing human services;

(b) monitor, on an ongoing basis, the performance of county agencies in the operation and administration of human services, enforce compliance with statutes, rules, federal laws, regulations, and policies governing welfare services and promote excellence of administration and program operation;

(c) develop a quality control program or other monitoring program to review county performance and accuracy of benefit determinations;

(d) require county agencies to make an adjustment to the public assistance benefits issued to any individual consistent with federal law and regulation and state law and rule and to issue or recover benefits as appropriate;

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(e) delay or deny payment of all or part of the state and federal share of benefits and administrative reimbursement according to the procedures set forth in section 256.017;

(f) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals, using appropriated funds; and

(g) enter into contractual agreements with federally recognized Indian tribes with a reservation in Minnesota to the extent necessary for the tribe to operate a federally approved family assistance program or any other program under the supervision of the commissioner. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties wish to be included, in order to avoid the duplication of county and tribal assistance program services. The commissioner may establish necessary accounts for the purposes of receiving and disbursing funds as necessary for the operation of the programs.

(2) Inform county agencies, on a timely basis, of changes in statute, rule, federal law, regulation, and policy necessary to county agency administration of the programs.

(3) Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(4) Administer and supervise all noninstitutional service to handicapped persons, including those who are visually impaired, hearing impaired, or physically impaired or otherwise handicapped. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(5) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, chapter 431.

(6) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(7) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(8) Act as designated guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded. For children under the guardianship of the commissioner whose interests would be best

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served by adoptive placement, the commissioner may contract with a licensed child-placing agency to provide adoption services. A contract with a licensed child-placing agency must be designed to supplement existing county efforts and may not replace existing county programs, unless the replacement is agreed to by the county board and the appropriate exclusive bargaining representative or the commissioner has evidence that child placements of the county continue to be substantially below that of other counties.

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or statewide schedules of maximum fees and charges which may be paid by county agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of human services is authorized to waive the enforcement of existing specific statutory program requirements, rules, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed four years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to statewide uniformity.

(b) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

(13) According to federal requirements, establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Allocate federal fiscal disallowances or sanctions which are based on quality control error rates for the aid to families with dependent children, Minnesota family investment program—statewide, medical assistance, or food stamp program in the following manner:

(a) One-half of the total amount of the disallowance shall be borne by the county boards responsible for administering the programs. For the medical assistance, MFIP-S, and AFDC programs, disallowances shall be shared by each county board in the same proportion as that county's expenditures for the sanctioned program are to the total of all counties' expenditures for the AFDC, MFIP-S, and medical assistance programs. For the food stamp program, sanctions shall be shared by each county board, with 50 percent of

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the sanction being distributed to each county in the same proportion as that county's administrative costs for food stamps are to the total of all food stamp administrative costs for all counties, and 50 percent of the sanctions being distributed to each county in the same proportion as that county's value of food stamp benefits issued are to the total of all benefits issued for all counties. Each county shall pay its share of the disallowance to the state of Minnesota. When a county fails to pay the amount due hereunder, the commissioner may deduct the amount from reimbursement otherwise due the county, or the attorney general, upon the request of the commissioner, may institute civil action to recover the amount due.

(b) Notwithstanding the provisions of paragraph (a), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in paragraph (a), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to paragraph (a).

(15) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$1,000,000. When the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

(16) Have the authority to make direct payments to facilities providing shelter to women and their children according to section 256D.05, subdivision 3. Upon the written request of a shelter facility that has been denied payments under section 256D.05, subdivision 3, the commissioner shall review all relevant evidence and make a determination within 30 days of the request for review regarding issuance of direct payments to the shelter facility. Failure to act within 30 days shall be considered a determination not to issue direct payments.

(17) Have the authority to establish and enforce the following county reporting requirements:

(a) The commissioner shall establish fiscal and statistical reporting requirements necessary to account for the expenditure of funds allocated to counties for human services programs. When establishing financial and statistical reporting requirements, the commissioner shall evaluate all reports, in consultation with the counties, to determine if the reports can be simplified or the number of reports can be reduced.

(b) The county board shall submit monthly or quarterly reports to the department as required by the commissioner. Monthly reports are due no later than 15 working days after the end of the month. Quarterly reports are due no later than 30 calendar days after the end of the quarter, unless the commissioner determines that the deadline must be shortened to 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss of federal funding. Only reports that are complete, legible, and in the required format shall be accepted by the commissioner.

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(c) If the required reports are not received by the deadlines established in clause (b), the commissioner may delay payments and withhold funds from the county board until the next reporting period. When the report is needed to account for the use of federal funds and the late report results in a reduction in federal funding, the commissioner shall withhold from the county boards with late reports an amount equal to the reduction in federal funding until full federal funding is received.

(d) A county board that submits reports that are late, illegible, incomplete, or not in the required format for two out of three consecutive reporting periods is considered non-compliant. When a county board is found to be noncompliant, the commissioner shall notify the county board of the reason the county board is considered noncompliant and request that the county board develop a corrective action plan stating how the county board plans to correct the problem. The corrective action plan must be submitted to the commissioner within 45 days after the date the county board received notice of noncompliance.

(e) The final deadline for fiscal reports or amendments to fiscal reports is one year after the date the report was originally due. If the commissioner does not receive a report by the final deadline, the county board forfeits the funding associated with the report for that reporting period and the county board must repay any funds associated with the report received for that reporting period.

(f) The commissioner may not delay payments, withhold funds, or require repayment under paragraph (c) or (e) if the county demonstrates that the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements. If the county board disagrees with an action taken by the commissioner under paragraph (c) or (e), the county board may appeal the action according to sections 14.57 to 14.69.

(g) Counties subject to withholding of funds under paragraph (c) or forfeiture or repayment of funds under paragraph (e) shall not reduce or withhold benefits or services to clients to cover costs incurred due to actions taken by the commissioner under paragraph (c) or (e).

(18) Allocate federal fiscal disallowances or sanctions for audit exceptions when federal fiscal disallowances or sanctions are based on a statewide random sample for the foster care program under title IV-E of the Social Security Act, United States Code, title 42, in direct proportion to each county's title IV-E foster care maintenance claim for that period.

(19) Be responsible for ensuring the detection, prevention, investigation, and resolution of fraudulent activities or behavior by applicants, recipients, and other participants in the human services programs administered by the department.

(20) Require county agencies to identify overpayments, establish claims, and utilize all available and cost-beneficial methodologies to collect and recover these overpayments in the human services programs administered by the department.

(21) Have the authority to administer a drug rebate program for drugs purchased pursuant to the senior citizen drug program established under section 256.955 after the beneficiary's satisfaction of any deductible established in the program. The commissioner shall require a rebate agreement from all manufacturers of covered drugs as defined in

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section 256B.0625, subdivision 13. For each drug, the amount of the rebate shall be equal to the basic rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8(c)(1). This basic rebate shall be applied to single-source and multiple-source drugs. The manufacturers must provide full payment within 30 days of receipt of the state invoice for the rebate within the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act. The manufacturers must provide the commissioner with any information necessary to verify the rebate determined per drug. The rebate program shall utilize the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act.

(22) Develop recommended standards for foster care homes that address the components of specialized therapeutic services to be provided by foster care homes with those services.

Sec. 8. Minnesota Statutes 1998, section 260.151, subdivision 3, is amended to read:

Subd. 3. **JUVENILE TREATMENT SCREENING TEAM.** (a) The local social services agency, ~~at its option, may shall~~ establish a juvenile treatment screening team to conduct screenings and prepare case plans under this subdivision. The team, which may be the team constituted under section 245.4885 or 256B.092 or Minnesota Rules, parts 9530.6600 to 9530.6655, shall consist of social workers, juvenile justice professionals, and persons with expertise in the treatment of juveniles who are emotionally disabled, chemically dependent, or have a developmental disability. The team shall involve parents or guardians in the screening process as appropriate.

(b) ~~This paragraph applies only in counties that have established a juvenile treatment screening team under paragraph (a).~~ If the court, prior to, or as part of, a final disposition, proposes to place a child:

(1) for the primary purpose of treatment for an emotional disturbance, a developmental disability, or chemical dependency in a residential treatment facility out of state or in one which is within the state and licensed by the commissioner of human services under chapter 245A; or

(2) in any out-of-home setting potentially exceeding 30 days in duration, including a postdispositional placement in a facility licensed by the commissioner of corrections or human services,

the court shall notify the county welfare agency. The county's juvenile treatment screening team must either: (1) screen and evaluate the child and file its recommendations with the court within 14 days of receipt of the notice; or (2) elect not to screen a given case, and notify the court of that decision within three working days.

(c) If the screening team has elected to screen and evaluate the child, the child may not be placed for the primary purpose of treatment for an emotional disturbance, a developmental disability, or chemical dependency, in a residential treatment facility out of state nor in a residential treatment facility within the state that is licensed under chapter 245A, unless one of the following conditions applies:

(1) a treatment professional certifies that an emergency requires the placement of the child in a facility within the state;

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(2) the screening team has evaluated the child and recommended that a residential placement is necessary to meet the child's treatment needs and the safety needs of the community, that it is a cost-effective means of meeting the treatment needs, and that it will be of therapeutic value to the child; or

(3) the court, having reviewed a screening team recommendation against placement, determines to the contrary that a residential placement is necessary. The court shall state the reasons for its determination in writing, on the record, and shall respond specifically to the findings and recommendation of the screening team in explaining why the recommendation was rejected. The attorney representing the child and the prosecuting attorney shall be afforded an opportunity to be heard on the matter.

Sec. 9. [260.154] CLASSIFICATION SYSTEM FOR JUVENILE OFFENDERS.

Each county shall develop a written policy for classifying juvenile offenders. The policy must include methods to classify the reoffense risk and service needs of juvenile offenders. In developing its policy, each county, to the extent practicable, shall consult with the department of corrections and attempt to achieve compatibility with other counties' classification systems. The department of corrections shall cooperate with counties in the development of their classification systems by offering training programs, explaining existing county risk assessment practices, and providing other requested services.

Sec. 10. Minnesota Statutes 1998, section 260.181, is amended by adding a subdivision to read:

Subd. 3b. INTENDED OUTCOMES. When the court orders an out-of-home placement disposition for a child, the court shall state in its disposition order the intended outcome of the placement.

Sec. 11. Minnesota Statutes 1998, section 260.185, is amended by adding a subdivision to read:

Subd. 1d. CASE PLAN. (a) For each disposition ordered for an out-of-home placement potentially exceeding 30 days, the court shall order the appropriate agency to develop a case plan in consultation with the child's parent or parents, guardian or custodian, and other appropriate parties. At a minimum, the case plan must specify:

(1) the actions to be taken by the child and, if appropriate, the child's parent, guardian, or custodian to insure the child's safety, future lawful conduct, and compliance with the court's disposition order; and

(2) the services to be offered and provided by the agency to the child and, if appropriate, the child's parent, guardian, or custodian.

(b) The court shall review the case plan and, upon approving it, incorporate it into its disposition order. The court may review and modify the terms of the case plan as appropriate. A party has a right to request a court review of the reasonableness of the case plan upon a showing of a substantial change of circumstances.

Sec. 12. [260.196] COUNTY RESPONSIBILITY FOR TRANSITIONAL SERVICES PLANS.

When a child is subject to a court dispositional order resulting in an out-of-home placement potentially exceeding 30 days in a residential program under this chapter, the

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county in which the court is located is responsible for monitoring the implementation of a transitional service plan upon the child's discharge from the program. The county's responsibility under this section extends to juveniles committed to the commissioner of corrections who have completed the 90-day residential after-care component of the program. The county's responsibility includes monitoring and coordinating after-care services to the child.

Sec. 13. [260.197] REPORTS ON ACHIEVEMENT OF GOALS OF COURT-ORDERED OUT-OF-HOME PLACEMENTS.

By January 15, 2002, and each January 15 after that, the commissioners of corrections and human services shall report to the legislature on the extent to which the goals of court-ordered out-of-home placements required under section 260.181, subdivision 3b, are being met.

Sec. 14. Minnesota Statutes 1998, section 346.56, is amended to read:

346.56 UNAUTHORIZED RELEASE OF ANIMALS.

Subd. 2. **LIABILITY FOR DAMAGES.** A person who without permission releases an animal lawfully confined for science, research, commerce, or education is liable:

(1) to the owner of the animal for damages, including the costs of restoring the animal to confinement and to its health condition prior to release; and

(2) for damage to personal and real property caused by the released animal;

(3) if the release causes the failure or interruption of an experiment, the person is liable for all costs of repeating the experiment, including replacement of the animals, labor, and materials; and

(4) for any other damage the person causes to property in the facility from which the animal was released.

Subd. 3. **AMOUNT OF DAMAGES.** A person who is damaged under subdivision 2, clause (3) or (4), is entitled to recover a minimum of \$5,000 or three times the actual damages incurred by that person under subdivision 2, clause (3) or (4), whichever is greater, and punitive damages, costs, and reasonable attorney fees.

Subd. 4. **THIRD PARTY LIABILITY; PRESUMPTION.** A person or organization who plans or assists in the development of a plan to release, without permission, an animal lawfully confined for science, research, commerce, or education, or who otherwise aids, advises, hires, counsels, or encourages another to commit the act is jointly and severally liable for all damages under subdivision 3. There is a rebuttable presumption that a person or organization who claims responsibility for the act is liable under this subdivision.

Sec. 15. [480.175] QUALIFIED COURT INTERPRETERS.

Subdivision 1. **ESTABLISHMENT.** The supreme court, through the office of the state court administrator, shall establish a program for training, testing, registering, and certifying qualified court interpreters.

Subd. 2. **FEES.** The supreme court may adopt rules to assess fees for training, testing, registering, and certifying court interpreters. Any fees imposed and collected shall

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be deposited with the state treasurer and shall constitute a special fund in the state treasury. The money in this fund shall not cancel back to the general fund and is appropriated annually to the supreme court for the cost of training, testing, certifying, and registering court interpreters.

Subd. 3. **REPORT.** By January 15 of each year, the supreme court shall report to the chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding on the amount of fees imposed, collected, and appropriated under this section. The report must include information on how the money is being used.

Sec. 16. Minnesota Statutes 1998, section 484.013, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** (a) A program is established in the second and fourth judicial districts to consolidate the hearing and determination of matters related to residential rental housing and to ensure continuity and consistency in the disposition of cases.

(b) Outside the second and fourth judicial districts, a district court may establish the program described in paragraph (a) in counties that it specifies in the district.

Sec. 17. Minnesota Statutes 1998, section 484.013, subdivision 2, is amended to read:

Subd. 2. **JURISDICTION.** The housing calendar program may consolidate the hearing and determination of all proceedings under chapters 504 and 566; criminal and civil proceedings related to violations of any state, county or city health, safety, housing, building, fire prevention or housing maintenance code; escrow of rent proceedings; landlord-tenant damage actions; and actions for rent and rent abatement. A proceeding under sections 566.01 to 566.17 may not be delayed because of the consolidation of matters under the housing calendar program.

The program must provide for the consolidation of landlord-tenant damage actions and actions for rent at the request of either party. A court may not consolidate claims unless the plaintiff has met the applicable jurisdictional and procedural requirements for each cause of action. A request for consolidation of claims by the plaintiff does not require mandatory joinder of defendant's claims, and a defendant is not barred from raising those claims at another time or forum.

Sec. 18. Minnesota Statutes 1998, section 611A.77, is amended to read:

611A.77 MEDIATION PROGRAMS FOR CRIME VICTIMS AND OFFENDERS.

Subdivision 1. **GRANTS.** The state court administrator executive director of the center for crime victim services shall award grants to nonprofit organizations to create or expand mediation programs for crime victims and offenders. For purposes of this section, "offender" means an adult charged with a nonviolent crime or a juvenile who has been referred to a mediation program before or after a petition for delinquency has been filed in connection with a nonviolent offense, and "nonviolent crime" and "nonviolent offense" exclude any offense in which the victim is a family or household member, as defined in section 518B.01, subdivision 2.

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Subd. 2. **PROGRAMS.** ~~The state court administrator~~ executive director of the center for crime victim services shall award grants to further the following goals:

(1) to expand existing mediation programs for crime victims and juvenile offenders to also include adult offenders;

(2) to initiate victim-offender mediation programs in areas that have no victim-offender mediation programs;

(3) to expand the opportunities for crime victims to be involved in the criminal justice process;

(4) to evaluate the effectiveness of victim-offender mediation programs in reducing recidivism and encouraging the payment of court-ordered restitution; and

(5) to evaluate the satisfaction of victims who participate in the mediation programs.

Subd. 3. **MEDIATOR QUALIFICATIONS.** ~~The state court administrator~~ executive director of the center for crime victim services shall establish criteria to ensure that mediators participating in the program are qualified.

Subd. 4. **MATCH REQUIRED.** A nonprofit organization may not receive a grant under this section unless the group has raised a matching amount from other sources.

Sec. 19. Laws 1997, chapter 85, article 3, section 53, is amended to read:

Sec. 53. TRANSFER OF RESPONSIBILITIES FOR PROVIDING SECURE CRISIS SHELTER.

In state fiscal year ~~2000~~ 2001, all the powers, duties, and functions of the commissioner of human services relating to the operation and funding of shelters for battered women are transferred to the ~~commissioner of corrections~~ executive director of the center for crime victim services in accordance with Minnesota Statutes, section 15.039, except for personnel transfers under Minnesota Statutes, section 15.039, subdivision 7.

No payments by the general assistance program under Minnesota Statutes 1998, section 256D.05, subdivision 3 or 3a, will be made after June 30, 2000.

Sec. 20. TASK FORCE ON JUVENILE OUT-OF-HOME PLACEMENT GOALS.

Subdivision 1. TASK FORCE ESTABLISHED. The chief justice of the supreme court is requested to convene a task force on juvenile out-of-home placement goals. If the task force is convened, it shall:

(1) develop a uniform list of possible out-of-home placement goals for juvenile court dispositions from which judges could select when complying with Minnesota Statutes, section 260.181, subdivision 3b; and

(2) identify steps required to be taken by state agencies to collect and report summary information on the achievement of these goals.

The task force shall specify which agencies should collect the information and identify costs related to collecting it.

Subd. 2. MEMBERSHIP. The chief justice should invite individuals with a demonstrated interest and experience in issues related to juvenile out-of-home placements to

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join the task force. In addition, the chief justice should invite legislators and representatives from the executive branch to join the task force, as well as representatives from county corrections agencies and communities of color.

Subd. 3. **REPORT REQUIRED.** By January 15, 2001, the task force shall report its recommendations to the chairs and ranking minority members of the senate and house committees having jurisdiction over issues related to criminal justice, civil law, and human services. The report must identify any changes required in law to implement its recommendations. The task force expires upon submission of its report.

Sec. 21. TASK FORCE ON INFORMATION COLLECTION FOR OUT-OF-HOME PLACEMENTS.

Subdivision 1. **TASK FORCE ESTABLISHED.** The commissioners of corrections and human services shall convene a task force to identify ways to collect comprehensive statewide information on juvenile out-of-home placement spending and individual juvenile out-of-home placements. The task force shall review and address the findings made in the January 1999 juvenile out-of-home placement program evaluation report prepared by the office of the legislative auditor. The task force shall: (1) identify ways for county corrections agencies to report information on all individual out-of-home placements, including preadjudication detention and postadjudication placements; (2) identify ways to coordinate these efforts with the data collection requirements of the umbrella rule; (3) identify ways to coordinate the data collection systems of the department of human services and corrections to ensure that juvenile out-of-home placement data can be shared between the agencies; and (4) study ways to increase federal reimbursement for out-of-home placements and after care costs including juvenile probation. The task force expires upon submission of its recommendations to the commissioners.

Subd. 2. **REPORT REQUIRED.** By January 15, 2001, the commissioners of corrections and human services shall report to the chairs and ranking minority members of the senate and house committees having jurisdiction over issues related to criminal justice, civil law, and human services on the recommendations of the task force.

Sec. 22. TASK FORCE ON RESIDENTIAL PROGRAM COMPLETION INFORMATION.

Subdivision 1. **TASK FORCE ESTABLISHED.** The commissioners of corrections and human services shall convene a task force to adopt uniform definitions for measuring residential program completion rates for juveniles placed in residential facilities.

Subd. 2. **REPORT REQUIRED.** By January 15, 2001, the commissioners of corrections and human services shall report to the chairs and ranking minority members of the senate and house committees having jurisdiction over issues related to criminal justice, civil law, and human services on the recommendations of the task force. The task force expires upon submission of its recommendations to the commissioners.

Sec. 23. CULTURALLY APPROPRIATE SERVICES FOR JUVENILES.

Subdivision 1. **IDENTIFICATION OF BEST PRACTICES REQUIRED.** The commissioners of corrections and human services shall study issues involving providing culturally appropriate screening, assessment, case management, and direct services for juveniles in juvenile court. The commissioners shall identify a set of best practices in

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these areas and make these recommended best practices available to the staffs of juvenile residential facilities and counties.

Subd. 2. REPORT. By January 15, 2001, the commissioners of corrections and human services shall report their findings and recommendations to the chairs and ranking minority members of the senate and house committees having jurisdiction over issues related to criminal justice, civil law, and human services.

Sec. 24. DEPARTMENT OF HUMAN SERVICES JUVENILE OUT-OF-HOME PLACEMENT DATABASE.

The department of human services shall continue to review and monitor the social services information system to ensure the accuracy and completeness of data on juvenile out-of-home placements, including the number of children in out-of-home placements, characteristics of those children, days spent in placement, outcomes of placements, and other data necessary to evaluate the out-of-home placement of juveniles on a county and statewide basis. To the extent possible, the department shall identify and correct errors and omissions in its current database in order to facilitate future analyses and comparisons of juvenile out-of-home placements.

Sec. 25. NEW JUDGESHIPS.

Three of the additional judgeships authorized for judicial districts in Minnesota Statutes, section 2.722, subdivision 1, are established effective July 1, 1999, three are established effective January 1, 2000, three are established effective July 1, 2000, and four are established effective January 1, 2001.

Sec. 26. REPEALER.

Minnesota Statutes 1998, section 256D.05, subdivisions 3 and 3a, are repealed.

Sec. 27. EFFECTIVE DATES.

Sections 2 to 5 are effective August 1, 1999, and apply to offenders released from confinement or residential facilities on or after that date, and to changes of residence by offenders after that date. Sections 12 and 26 are effective July 1, 2000. Section 14 is effective the day following final enactment.

ARTICLE 7

STATE FUNDING OF PROGRAMS AND JUDICIAL DISTRICTS;

COLLECTIVE BARGAINING

Section 1. Minnesota Statutes 1998, section 43A.02, subdivision 25, is amended to read:

Subd. 25. **JUDICIAL BRANCH.** "Judicial branch" means all judges of the appellate courts, all employees of the appellate courts, including commissions, boards, and committees established by the supreme court, the board of law examiners, the law library, the office of the state public defender, district public defenders and their employees, all

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judges of all courts of law, district court referees, judicial officers, court reporters, law clerks, district administration employees under section 484.68, court administrator or employee of the court and guardian ad litem program employees in the eighth judicial district under section 480.181, subdivision 1, paragraph (b), guardian ad litem program employees, and other agencies placed in the judicial branch by law. Judicial branch does not include district administration or public defenders or their employees in the second and fourth judicial districts, court administrators not under section 480.181, subdivision 1, paragraph (b), or their staff under chapter 485, guardians ad litem, or other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 480.181, subdivision 2.

Sec. 2. Minnesota Statutes 1998, section 43A.24, subdivision 2, is amended to read:

Subd. 2. **OTHER ELIGIBLE PERSONS.** The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the board of regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2:

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) a permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, or a judge of county municipal court; a district court referee, judicial officer, court reporter, or law clerk; a district administrator; an employee of the office of the district administrator that is not in the second or fourth judicial district; a court administrator or employee of the court administrator in the eighth a judicial district under section 480.181, subdivision 1, paragraph (b), and a guardian ad litem program administrator in the eighth judicial district employee;

(d) a salaried employee of the public employees retirement association;

(e) a full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) a salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

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(h) notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program;

(i) an employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose positions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired, provided that the retired employees shall not be eligible for state-paid life insurance;

(j) employees of the state public defender's office, and district public defenders and their employees other than in the second and fourth judicial districts state board of public defense, with eligibility determined by the state board of public defense in consultation with the commissioner of employee relations; and

(k) employees of the health data institute under section 62J.451, subdivision 12, as paid for by the health data institute.

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Sec. 3. Minnesota Statutes 1998, section 179A.03, subdivision 7, is amended to read:

Subd. 7. **ESSENTIAL EMPLOYEE.** "Essential employee" means firefighters, peace officers subject to licensure under sections 626.84 to 626.863, 911 system and police and fire department public safety dispatchers, guards at correctional facilities, confidential employees, supervisory employees, assistant county attorneys, assistant city attorneys, principals, and assistant principals. However, for state employees, "essential employee" means all employees in law enforcement, health care professionals, correctional guards, professional engineering, and supervisory collective bargaining units, irrespective of severance, and no other employees. For University of Minnesota employees, "essential employee" means all employees in law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. "Firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires. Employees for whom the state court administrator is the negotiating employer are not essential employees.

Sec. 4. Minnesota Statutes 1998, section 179A.03, subdivision 14, is amended to read:

Subd. 14. **PUBLIC EMPLOYEE.** "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;
- (f) employees whose positions are basically temporary or seasonal in character and:
(1) are not for more than 67 working days in any calendar year; or (2) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;
- (g) employees providing services for not more than two consecutive quarters to the board of trustees of the Minnesota state colleges and universities under the terms of a professional or technical services contract as defined in section 16C.08, subdivision 1;
- (h) employees of charitable hospitals as defined by section 179.35, subdivision 3;
- (i) full-time undergraduate students employed by the school which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;

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(j) an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;

(k) an individual hired by a school district or the board of trustees of the Minnesota state colleges and universities to teach one course for up to four credits for one quarter in a year;

(l) with respect to court employees:

(1) personal secretaries to judges;

(2) court reporters;

(3) law clerks;

(4) managerial employees;

(5) confidential employees; and

(6) supervisory employees.

The following individuals are public employees regardless of the exclusions of clauses (e) and (f):

~~(1)~~ (i) An employee hired by a school district or the board of trustees of the Minnesota state colleges and universities except at the university established in section 136F.13 or for community services or community education instruction offered on a noncredit basis: ~~(i)~~ (A) to replace an absent teacher or faculty member who is a public employee, where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; or ~~(ii)~~ (B) to take a teaching position created due to increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons; and

~~(2)~~ (ii) An employee hired for a position under clause (f)(1) if that same position has already been filled under clause (f)(1) in the same calendar year and the cumulative number of days worked in that same position by all employees exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position" includes a substantially equivalent position if it is not the same position solely due to a change in the classification or title of the position.

Sec. 5. Minnesota Statutes 1998, section 179A.03, subdivision 15, is amended to read:

Subd. 15. **PUBLIC EMPLOYER.** "Public employer" or "employer" means:

(a) the state of Minnesota for employees of the state not otherwise provided for in this subdivision or section 179A.10 for executive branch employees;

(b) the board of regents of the University of Minnesota for its employees; and

(c) the state court administrator for court employees;

(d) the state board of public defense for its employees; and

(e) notwithstanding any other law to the contrary, the governing body of a political subdivision or its agency or instrumentality which has final budgetary approval authority

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for its employees. However, the views of elected appointing authorities who have standing to initiate interest arbitration, and who are responsible for the selection, direction, discipline, and discharge of individual employees shall be considered by the employer in the course of the discharge of rights and duties under sections 179A.01 to 179A.25.

When two or more units of government subject to sections 179A.01 to 179A.25 undertake a project or form a new agency under law authorizing common or joint action, the employer is the governing person or board of the created agency. The governing official or body of the cooperating governmental units shall be bound by an agreement entered into by the created agency according to sections 179A.01 to 179A.25.

“Public employer” or “employer” does not include a “charitable hospital” as defined in section 179.35, subdivision 2.

Nothing in this subdivision diminishes the authority granted pursuant to law to an appointing authority with respect to the selection, direction, discipline, or discharge of an individual employee if this action is consistent with general procedures and standards relating to selection, direction, discipline, or discharge which are the subject of an agreement entered into under sections 179A.01 to 179A.25.

Sec. 6. Minnesota Statutes 1998, section 179A.03, is amended by adding a subdivision to read:

Subd. 20. **COURT EMPLOYEE.** “Court employee” means a public employee employed by the supreme court, court of appeals, or a judicial district that is under section 480.181, subdivision 1, paragraph (b).

Sec. 7. Minnesota Statutes 1998, section 179A.06, subdivision 2, is amended to read:

Subd. 2. **RIGHT TO ORGANIZE.** Public employees have the right to form and join labor or employee organizations, and have the right not to form and join such organizations. Public employees in an appropriate unit have the right by secret ballot to designate an exclusive representative to negotiate grievance procedures and the terms and conditions of employment with their employer. Confidential employees of the state, confidential court employees, and the confidential University of Minnesota employees are excluded from bargaining. Supervisory and managerial court employees are excluded from bargaining. Other confidential employees, supervisory employees, principals, and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment, in accordance with sections 179A.01 to 179A.25, applicable to essential employees.

Supervisory or confidential employee organizations shall not participate in any capacity in any negotiations which involve units of employees other than supervisory or confidential employees. Except for organizations which represent supervisors who are: (1) firefighters, peace officers subject to licensure under sections 626.84 to 626.863, guards at correctional facilities, or employees at hospitals other than state hospitals; and (2) not state or University of Minnesota employees, a supervisory or confidential employee organization which is affiliated with another employee organization which is the exclusive representative of nonsupervisory or nonconfidential employees of the same

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public employer shall not be certified, or act as, an exclusive representative for the supervisory or confidential employees. For the purpose of this subdivision, affiliation means either direct or indirect and includes affiliation through a federation or joint body of employee organizations.

Sec. 8. Minnesota Statutes 1998, section 179A.10, subdivision 4, is amended to read:

Subd. 4. **OTHER ASSIGNMENTS.** The commissioner shall assign state employee classifications, court employee classifications, University of Minnesota employee classifications, and supervisory positions to the appropriate units when the classifications or positions have not been assigned under subdivision 2 or section 179A.101 or 179A.11 or have been significantly modified in occupational content subsequent to assignment under these sections. The assignment of the classes shall be made on the basis of the community of interest of the majority of employees in these classes with the employees within the statutory units. All the employees in a class, excluding supervisory and confidential employees, shall be assigned to a single appropriate unit.

Sec. 9. **[179A.101] COURT UNITS.**

Subdivision 1. COURT EMPLOYEE UNITS. (a) The state court administrator shall meet and negotiate with the exclusive representative of each of the units specified in this section. The units provided in this section are the only appropriate units for court employees. Court employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Initial assignment of classifications to bargaining units shall be made by the state court administrator by August 15, 1999. An exclusive representative may appeal the initial assignment decision of the state court administrator by filing a petition with the commissioner within 45 days of being certified as the exclusive representative for a judicial district. The units in this subdivision are the appropriate units of court employees.

(b) The judicial district unit consists of clerical, administrative, and technical employees of a judicial district under section 480.181, subdivision 1, paragraph (b), or of two or more of these districts that are represented by the same employee organization or one or more subordinate bodies of the same employee organization. The judicial district unit includes individuals, not otherwise excluded, whose work is typically clerical or secretarial in nature, including nontechnical data recording and retrieval and general office work, and individuals, not otherwise excluded, whose work is not typically manual and which requires specialized knowledge or skills acquired through two-year academic programs or equivalent experience or on-the-job training.

(c) The appellate courts unit consists of clerical, administrative, and technical employees of the court of appeals and clerical, administrative, and technical employees of the supreme court. The appellate courts unit includes individuals, not otherwise excluded, whose work is typically clerical or secretarial in nature, including nontechnical data recording and retrieval and general office work, and individuals, not otherwise excluded, whose work is not typically manual and which requires specialized knowledge or skills acquired through two-year academic programs or equivalent experience or on-the-job training.

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(d) The court employees professional employee unit consists of professional employees, not otherwise excluded, that are employed by the supreme court, the court of appeals, or a judicial district under section 480.181, subdivision 1, paragraph (b).

(e) Copies of collective bargaining agreements entered into under this section must be submitted to the legislative coordinating commission for the commission's information.

Subd. 2. EXCLUSIONS. The following employees are excluded from the appropriate units under subdivision 1:

- (1) personal secretaries to judges;
- (2) court reporters;
- (3) law clerks;
- (4) managerial employees;
- (5) confidential employees; and
- (6) supervisory employees.

Subd. 3. EMPLOYEE ORGANIZATIONS REPRESENTING MORE THAN ONE JUDICIAL DISTRICT UNIT. Whenever an employee organization or one or more subordinate bodies of the same employee organization is certified as the exclusive representative of the employees in more than one judicial district unit, all judicial district units for which the employee organization or one or more subordinate bodies of the same employee organization has been certified will be combined into one unit and the employee organization certified as exclusive representative of the employees of the new, combined unit. The commissioner shall issue a certification within 45 days of receipt of a petition demonstrating that an employee organization or one or more subordinate bodies of the same employee organization is certified as the exclusive representative of employees in more than one judicial district unit.

Sec. 10. [179A.102] TRANSITION TO NEW BARGAINING UNIT STRUCTURE.

Subdivision 1. APPLICATION OF SECTION. Notwithstanding the provisions of section 179A.12 or any other law, this section governs, where contrary to other law, the initial certification and decertification, if any, of exclusive representatives for the appropriate units established by section 9. Subsequent to the initial certification and decertification, if any, pursuant to this section, this section does not apply.

Subd. 2. EXISTING MAJORITY. The commissioner shall certify an employee organization as exclusive representative for an appropriate unit established under section 9 upon a petition filed with the commissioner by the organization within 30 days of the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), demonstrating that the petitioner is certified pursuant to section 179A.12 as the exclusive representative of a majority of the employees included within the unit established by section 9 as of that effective date. Two or more employee organizations that represent the employees in a unit established by section 9 may petition jointly under this subdivision, provided that any organization may withdraw from a joint certification in favor of the remaining organizations on 30 days' notice to the remaining organizations,

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the employer, and the commissioner, without affecting the rights and obligations of the remaining organizations or the employer. The commissioner shall make a determination on a timely petition within 45 days of its receipt.

Subd. 3. NO EXISTING MAJORITY. (a) If no exclusive representative is certified under subdivision 2, the commissioner shall certify an employee organization as exclusive representative for an appropriate unit established under section 9 upon a petition filed by the organization within the time period provided in subdivision 2 demonstrating that the petitioner is certified under section 179A.12 as the exclusive representative of fewer than a majority of the employees included within the unit established by section 9, if no other employee organization so certified has filed a petition within the time period provided in subdivision 2 and a majority of the employees in the unit established by section 9 are represented by employee organizations under section 179A.12 on the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b). Two or more employee organizations, each of which represents employees included in the unit established by section 9, may petition jointly under this paragraph, provided that any organization may withdraw from a joint certification in favor of the remaining organizations on 30 days' notice to the remaining organizations, the employer, and the commissioner without affecting the rights and obligations of the remaining organizations or the employer. The commissioner shall make a determination on a timely petition within 45 days of its receipt.

(b) If no exclusive representative is certified under subdivision 2 or paragraph (a), and an employee organization petitions the commissioner within 90 days of the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), demonstrating that a majority of the employees included within a unit established by section 9 wish to be represented by the petitioner, where this majority is evidenced by current dues deduction rights, signed statements from court employees in counties within the district that are not currently represented by any employee organization plainly indicating that the signatories wish to be represented for collective bargaining purposes by the petitioner rather than by any other organization, or a combination of those, the commissioner shall certify the petitioner as exclusive representative of the employees in the unit established by section 9. The commissioner shall make a determination on a timely petition within 45 days of its receipt.

(c) If no exclusive representative is certified under subdivision 2 or paragraph (a) or (b), and an employee organization petitions the commissioner subsequent to the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), demonstrating that at least 30 percent of the employees included within a unit established by section 9 wish to be represented by the petitioner, where this 30 percent is evidenced by current dues deduction rights, signed statements from court employees in counties within the district that are not currently represented by any employee organization plainly indicating that the signatories wish to be represented for collective bargaining purposes by the petitioner rather than by any other organization, or a combination of those, the commissioner shall conduct a secret ballot election to determine the wishes of the majority. The election must be conducted within 45 days of receipt or final decision on any petitions filed pursuant to subdivision 2, whichever is later. The election is governed by section 179A.12, where not inconsistent with other provisions of this section.

Subd. 4. DECERTIFICATION. The commissioner may not consider a petition for decertification of an exclusive representative certified under this section for one year af-

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ter certification. After that time a petition must be considered under the provisions of section 179A.12.

Subd. 5. EXISTING COLLECTIVE BARGAINING AGREEMENTS. The terms and conditions of collective bargaining agreements covering judicial district employees in districts that come under section 480.181, subdivision 1, paragraph (b), remain in effect until a successor agreement becomes effective.

Subd. 6. CONTRACT AND REPRESENTATION RESPONSIBILITIES. (a) Notwithstanding the provisions of section 9, the exclusive representatives of units of court employees certified prior to the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), remain responsible for administration of their contracts and for other contractual duties and have the right to dues and fair share fee deduction and other contractual privileges and rights until a contract is agreed upon with the state court administrator for a new unit established under section 9 or until June 30, 2001, whichever is earlier. Exclusive representatives of court employees certified after the effective date of this section in the judicial district are immediately upon certification responsible for bargaining on behalf of employees within the unit. They are also responsible for administering grievances arising under previous contracts covering employees included within the unit which remain unresolved on June 30, 2001, or upon agreement with the state court administrator on a contract for a new unit established under section 9, whichever is earlier. Where the employer does not object, these responsibilities may be varied by agreement between the outgoing and incoming exclusive representatives. All other rights and duties of representation begin on July 1, 2001, except that exclusive representatives certified after the effective date of this section shall immediately, upon certification, have the right to all employer information and all forms of access to employees within the bargaining unit which would be permitted to the current contract holder, including the rights in section 179A.07, subdivision 6. This section does not affect an existing collective bargaining contract. Incoming exclusive representatives of court employees from judicial districts that come under section 480.181, subdivision 1, paragraph (b), are immediately, upon certification, responsible for bargaining on behalf of all previously unrepresented employees assigned to their units. All other rights and duties of exclusive representatives begin on July 1, 2001.

(b) Nothing in sections 3 to 15 prevents an exclusive representative certified after the effective date of section 3 to 15 from assessing fair share or dues deductions immediately upon certification for employees in a unit established under section 9 if the employees were unrepresented for collective bargaining purposes before that certification.

Sec. 11. [179A.103] GENERAL PROVISIONS FOR COURT EMPLOYEES.

Subdivision 1. CONTRACTS. Contracts for the period commencing July 1, 2000, for the judicial district court employees of judicial districts that are under section 480.181, subdivision 1, paragraph (b), must be negotiated with the state court administrator. Negotiations for those contracts may begin any time after July 1, 1999, and may be initiated by either party notifying the other of the desire to begin the negotiating process. Negotiations are subject to this chapter.

Subd. 2. DATE OF EMPLOYMENT. The date of first employment by the state court system is the date on which services were first performed by the employee for the employer from which the employee is being transferred.

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Subd. 3. PROBATIONARY PERIODS. Except as otherwise provided in a successor contract, probationary periods are not affected by the transfer of employees to the state court system.

Subd. 4. WAGE PROTECTION. Court employees in judicial districts coming under section 480.181, subdivision 1, paragraph (b), may not have a decrease in wages as a result of their transfer to state employment. Wage scales negotiated in a judicial district contract are not to be applied to a court employee of a judicial district who was a court employee of a county within the judicial district at the time the judicial district came under section 480.181, subdivision 1, paragraph (b), until the wage for the employee under the scale is equal to or greater than the wage the employee was receiving on the date the judicial district came under section 480.181, subdivision 1, paragraph (b).

Sec. 12. [179A.104] BOARD OF PUBLIC DEFENSE.

Subdivision 1. BOARD OF PUBLIC DEFENSE EMPLOYEE UNITS. The state board of public defense shall meet and negotiate with the exclusive representative of each of the statewide units specified in this section. The units provided in this section are the only appropriate statewide units for state employees of the board. Employees of the state board of public defense, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. The following are the appropriate statewide units of state employees of the board:

- (1) assistant district and assistant state public defender unit; and
- (2) clerical and support staff unit.

Each unit consists of the classifications or positions assigned to it in the schedule of job classifications and positions maintained by the state board of public defense.

Subd. 2. EXCLUSIONS. The following employees are excluded from the appropriate statewide units under subdivision 1:

- (1) the positions of state public defender, deputy state public defender, and chief district public defender;
- (2) the positions of managing attorney and managing legal secretary in judicial district public defender offices and in the state public defender's office;
- (3) positions of all employees in the administrative services office of the state board of public defense;
- (4) positions of all part-time and temporary employees as defined under section 179A.03, subdivision 14, clauses (e) and (f).

Sec. 13. Minnesota Statutes 1998, section 179A.12, subdivision 4, is amended to read:

Subd. 4. STATE UNIT ELECTIONS. The commissioner shall not consider a petition for a decertification election during the term of a contract covering employees of the executive branch or judicial branches of the state of Minnesota except for a period for from not more than 270 to not less than 210 days before its date of termination.

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Sec. 14. Minnesota Statutes 1998, section 179A.22, subdivision 2, is amended to read:

Subd. 2. **EMPLOYER.** The employer of state executive branch employees shall be, for purposes of sections 179A.01 to 179A.25, the commissioner of employee relations or the commissioner's representative.

Sec. 15. Minnesota Statutes 1998, section 179A.22, subdivision 3, is amended to read:

Subd. 3. **DUTIES.** In all negotiations between the executive branch of the state and exclusive representatives, the state executive branch shall be represented by the commissioner of employee relations or the commissioner's representative. The attorney general, and each appointing authority shall cooperate with the commissioner of employee relations in conducting negotiations and shall make available any personnel and other resources necessary to enable the commissioner to conduct effective negotiations.

Sec. 16. [179A.225] COURT EMPLOYEES; NEGOTIATIONS.

Subdivision 1. **EMPLOYER.** The employer of court employees is, for purposes of sections 179A.01 to 179A.25, the state court administrator or designated representative.

Subd. 2. **DUTIES.** In all negotiations between the state court system and exclusive representatives of court employees, the state court system must be represented by the state court administrator or designated representative. All judges and managerial, confidential, and supervisory personnel of the supreme court, the court of appeals, and the judicial districts that are under section 480.181, subdivision 1, paragraph (b), shall cooperate with the designated representative of the state court administrator in conducting negotiations and shall make available any personnel and other resources necessary to enable the representative of the state court administrator to conduct effective negotiations.

Subd. 3. **AGREEMENTS.** The state court administrator is authorized to enter into agreements with exclusive representatives.

Sec. 17. [179A.226] BOARD OF PUBLIC DEFENSE EMPLOYEES; NEGOTIATIONS.

Subdivision 1. **DUTIES.** In all negotiations between the state board of public defense and exclusive representatives, the board must be represented by the chief administrator of the board or the chief administrator's designee. Each appointing authority shall cooperate with the chief administrator in conducting negotiations and shall make available any personnel and other resources necessary to enable the chief administrator to conduct effective negotiations. For purposes of this subdivision, "appointing authority" means the state public defender, the deputy state public defender, or the chief public defender of the judicial district, as appropriate.

Subd. 2. **AGREEMENTS.** The state board of public defense is authorized to enter into agreements with exclusive representatives.

Sec. 18. Minnesota Statutes 1998, section 243.50, is amended to read:

243.50 PAYMENT OF COURT REPORTER.

Such transcripts and tapes shall be furnished by the court reporter who shall be paid therefor by the county state courts, on certificates duly certified to by the judge presiding

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at the sentence, and ~~filed with the county auditor~~, the same fee per folio provided by statute for transcripts of testimony furnished to parties ordering the same in civil proceedings and for tapes on a costs basis.

Sec. 19. Minnesota Statutes 1998, section 253B.23, subdivision 1, is amended to read:

Subdivision 1. **COSTS OF HEARINGS.** (a) In each proceeding under this chapter the court shall allow and order paid to each witness subpoenaed the fees and mileage prescribed by law; to each examiner a reasonable sum for services and for travel; to persons conveying the patient to the place of detention, disbursements for the travel, board, and lodging of the patient and of themselves and their authorized assistants; and to the patient's counsel, when appointed by the court, a reasonable sum for travel and for the time spent in court or in preparing for the hearing. Upon the court's order, the county auditor shall issue a warrant on the county treasurer for payment of the amounts allowed, excluding the costs of the examiner, which must be paid by the state courts.

(b) Whenever venue of a proceeding has been transferred under this chapter, the costs of the proceedings shall be reimbursed to the county where the proceedings were conducted by the county of the patient's residence.

Sec. 20. Minnesota Statutes 1998, section 253B.23, subdivision 8, is amended to read:

Subd. 8. **TRANSCRIPTS.** For purposes of taking an appeal or petition for habeas corpus or for a judicial determination of mental competency or need for commitment, transcripts of commitment proceedings, or portions of them, shall be made available to the parties upon written application to the court. Upon a showing by a party that the party is unable to pay the cost of a transcript, it shall be made available at no expense to the party. The state courts shall pay the cost of the transcript.

Sec. 21. Minnesota Statutes 1998, section 257.69, subdivision 2, is amended to read:

Subd. 2. **GUARDIAN; LEGAL FEES.** (a) The court may order expert witness and guardian ad litem fees and other costs of the trial and pretrial proceedings, including appropriate tests, to be paid by the parties in proportions and at times determined by the court. The court shall require a party to pay part of the fees of court-appointed counsel according to the party's ability to pay, but if counsel has been appointed the appropriate agency shall pay the party's proportion of all other fees and costs. The agency responsible for child support enforcement shall pay the fees and costs for blood or genetic tests in a proceeding in which it is a party, is the real party in interest, or is acting on behalf of the child. However, at the close of a proceeding in which paternity has been established under sections 257.51 to 257.74, the court shall order the adjudicated father to reimburse the public agency, if the court finds he has sufficient resources to pay the costs of the blood or genetic tests. When a party bringing an action is represented by the county attorney, no filing fee shall be paid to the court administrator.

(b) In each fiscal year, the state treasurer shall deposit guardian ad litem reimbursements in the general fund and credit them to a separate account with the trial courts. The balance of this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures by the state court administrator's office from this account must be based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district.

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Sec. 22. Minnesota Statutes 1998, section 260.251, subdivision 2, is amended to read:

Subd. 2. **COURT EXPENSES.** The following expenses are a charge upon the county in which proceedings are held upon certification of the judge of juvenile court or upon such other authorization provided by law:

(a) The fees and mileage of witnesses, and the expenses and mileage of officers serving notices and subpoenas ordered by the court, as prescribed by law.

(b) ~~The expenses for travel and board of the juvenile court judge when holding court in places other than the county seat.~~

(c) The expense of transporting a child to a place designated by a child-placing agency for the care of the child if the court transfers legal custody to a child-placing agency.

(d) (c) The expense of transporting a minor to a place designated by the court.

(e) (d) Reasonable compensation for an attorney appointed by the court to serve as counsel ~~or guardian ad litem, except in the eighth judicial district where the state courts shall pay for counsel to a guardian ad litem until the recommendations of the task force created in section 42 are implemented.~~

The state courts shall pay for guardian ad litem expenses.

Sec. 23. Minnesota Statutes 1998, section 260.251, subdivision 5, is amended to read:

Subd. 5. **GUARDIAN AD LITEM FEES.** (a) In proceedings in which the court appoints a guardian ad litem pursuant to section ~~260.155~~, subdivision 4, clause (a), the court may inquire into the ability of the parents to pay for the guardian ad litem's services and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay guardian fees.

(b) In each fiscal year, the state treasurer shall deposit guardian ad litem reimbursements in the general fund and credit them to a separate account with the trial courts. The balance of this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures by the state court administrator's office from this account must be based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district.

Sec. 24. Minnesota Statutes 1998, section 260.56, is amended to read:

260.56 COUNSEL OR GUARDIAN AD LITEM FOR JUVENILE, FEES.

Any judge of this state who appoints counsel or a guardian ad litem pursuant to the provisions of the Interstate Compact on Juveniles may allow a reasonable fee ~~to be paid by the county on order of the court. The costs of the counsel must be paid by the county and the cost of the guardian ad litem, if any, must be paid by the state courts, except that the costs of counsel to a guardian ad litem in the eighth judicial district shall be paid by the state courts until the recommendations of the task force created in section 42 are implemented.~~

Sec. 25. Minnesota Statutes 1998, section 466.01, subdivision 6, is amended to read:

Subd. 6. **EMPLOYEE, OFFICER, OR AGENT.** For the purposes of sections 466.01 to 466.15, "employee," "officer," or "agent" means a present or former employee,

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officer, or agent of a municipality, or other person acting on behalf of the municipality in an official capacity, temporarily or permanently, with or without compensation, but does not include an independent contractor other than a nonprofit firefighting corporation that has associated with it a relief association as defined in section 424A.001, subdivision 4. "Employee" includes court administrators who are not under section 480.181, subdivision 1, paragraph (b), and their staff under chapter 485, district administration staff in the second and fourth judicial districts, guardians ad litem, and other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 480.181, subdivision 2.

Sec. 26. Minnesota Statutes 1998, section 480.181, subdivision 1, is amended to read:

Subdivision 1. **STATE EMPLOYEES; COMPENSATION.** (a) District court referees, judicial officers, court reporters, law clerks, and district administration staff, other than district administration staff in the second and fourth judicial districts, guardian ad litem program coordinators and staff, and other court employees under paragraph (b), are state employees and are governed by the judicial branch personnel rules adopted by the supreme court. The supreme court, in consultation with the conference of chief judges, shall establish the salary range of these employees under the judicial branch personnel rules. In establishing the salary ranges, the supreme court shall consider differences in the cost of living in different areas of the state.

(b) The court administrator and employees of the court administrator who are in the fifth, seventh, eighth, or ninth judicial district are state employees.

Sec. 27. **[480.182] STATE ASSUMPTION OF CERTAIN COURT COSTS.**

(a) Notwithstanding any law to the contrary, the state courts will pay for the following court-related programs and costs:

- (1) court interpreter program costs;
- (2) guardian ad litem program and personnel costs;
- (3) examination costs, not including hospitalization or treatment costs, for mental commitments and related proceedings under chapter 253B;
- (4) examination costs under rule 20 of the Rules of Criminal Procedure;
- (5) in forma pauperis costs;
- (6) costs for transcripts mandated by statute, except in appeal cases and postconviction cases handled by the board of public defense; and
- (7) jury program costs, not including personnel.

(b) In counties in a judicial district under section 480.181, subdivision 1, paragraph (b), the state courts shall pay the witness fees and mileage fees specified in sections 253B.23, subdivision 1; 260.141, subdivision 2; 260.251, subdivision 2, clause (a); 357.24; 357.32; 525.012, subdivision 5; and 627.02.

Sec. 28. Minnesota Statutes 1998, section 484.64, subdivision 3, is amended to read:

Subd. 3. **CHAMBERS AND SUPPLIES.** The board of county commissioners of Ramsey county shall provide suitable chambers and courtroom space, clerks, bailiffs,

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and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto. The state shall provide referees, court reporters, and law clerks, and guardian ad litem program coordinators and staff.

Sec. 29. Minnesota Statutes 1998, section 484.65, subdivision 3, is amended to read:

Subd. 3. **SPACE; PERSONNEL; SUPPLIES.** The board of county commissioners of Hennepin county shall provide suitable chambers and courtroom space, clerks, bailiffs, and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto. The state shall provide referees, court reporters, and law clerks, and guardian ad litem program coordinators and staff.

Sec. 30. Minnesota Statutes 1998, section 485.018, subdivision 2, is amended to read:

Subd. 2. **SET BY BOARD.** Except in counties in a judicial district under section 480.181, subdivision 1, paragraph (b), the county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the court administrator of district court which shall be paid to the court administrator of district court at such intervals as the board shall determine but not less often than once each month. At the January meeting the board shall set by resolution the minimum salary to be paid the court administrator of district court for the term next following. In the event a vacancy occurs in the office of the court administrator of district court the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year. The board in any case specified in this subdivision may not set the annual salary at an amount less than the minimums provided in subdivision 1 but it may set the salary in excess of such minimums. The salary of the court administrator of district court shall not be reduced during the term for which the court administrator is appointed.

In the event that duties are assigned to the court administrator of district court which are in addition to the court administrator's duties as court administrator, additional compensation may be provided for the additional duties. The county board by resolution shall determine the additional compensation which shall be paid and specify the duties for which the additional compensation is to be paid.

Sec. 31. Minnesota Statutes 1998, section 485.018, subdivision 6, is amended to read:

Subd. 6. **BUDGET FOR OFFICE.** Except in counties in a judicial district under section 480.181, subdivision 1, paragraph (b), the county board by resolution shall provide the budget for (1) the salaries of deputies, court administrators and other employees in the office of the court administrator of district court; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds required of the court administrator of district court or any deputy, court administrator or employee in said office and the board is authorized to appropriate funds therefor and for the salary of the court administrator of district court.

Sec. 32. Minnesota Statutes 1998, section 485.03, is amended to read:

485.03 DEPUTIES.

(a) The county board shall determine the number of permanent full time deputies, clerks and other employees in the office of the court administrator of district court and

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shall fix the compensation for each position. The county board shall also budget for temporary deputies and other employees and shall fix their rates of compensation. This paragraph does not apply to a county in a judicial district under section 480.181, subdivision 1, paragraph (b).

(b) The court administrator shall appoint in writing the deputies and other employees, for whose acts the court administrator shall be responsible, and whom the court administrator may remove at pleasure. Before each enters upon official duties, the appointment and oath of each shall be filed with the county recorder.

Sec. 33. Minnesota Statutes 1998, section 485.27, is amended to read:

485.27 DUTIES; ASSIGNMENT.

The court administrator, with approval of the county board of commissioners, may transfer to the county board of commissioners duties of the court administrator relating to vital statistics under sections 144.211 to 144.227, to notaries public under section 359.061, to hospital liens under sections 514.69 and 514.70, and to marriage licenses under chapter 517. The county board of commissioners shall assign these duties to the appropriate county department. In the event of full state funding of all the court administrator's offices in the state a judicial district, the functions shall become county functions in that judicial district.

Sec. 34. Minnesota Statutes 1998, section 487.10, subdivision 4, is amended to read:

Subd. 4. Except in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), the county board shall determine the number of permanent full time deputies, clerks and other employees in the office of the clerk of county court and shall fix the compensation for each position. The county board shall also budget for temporary deputies and other employees and shall fix their rates of compensation. The clerk shall appoint in writing the deputies and other employees for whose acts the clerk shall be responsible, and whom the clerk may remove at pleasure. Before entering upon official duties, the appointment and oath of each such employee shall be filed with the county recorder.

Sec. 35. Minnesota Statutes 1998, section 518.165, subdivision 3, is amended to read:

Subd. 3. **FEES.** (a) A guardian ad litem appointed under either subdivision 1 or 2 may be appointed either as a volunteer or on a fee basis. If a guardian ad litem is appointed on a fee basis, the court shall enter an order for costs, fees, and disbursements in favor of the child's guardian ad litem. The order may be made against either or both parties, except that any part of the costs, fees, or disbursements which the court finds the parties are incapable of paying shall be borne by the county in which the proceeding is being held state courts. The costs of court-appointed counsel to the guardian ad litem shall be paid by the county in which the proceeding is being held if a party is incapable of paying for them. Until the recommendations of the task force created in section 42 are implemented, the costs of court-appointed counsel to a guardian ad litem in the eighth judicial district shall be paid by the state courts if a party is incapable of paying for them. In no event may the court order that costs, fees, or disbursements be paid by a party receiving public assistance or legal assistance or by a party whose annual income falls below the poverty line as established under United States Code, title 42, section 9902(2).

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(b) In each fiscal year, the state treasurer shall deposit guardian ad litem reimbursements in the general fund and credit them to a separate account with the trial courts. The balance of this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures by the state court administrator's office from this account must be based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district.

Sec. 36. Minnesota Statutes 1998, section 546.13, is amended to read:

546.13 SICKNESS OF JUROR; FOOD AND LODGING.

If a juror becomes sick or otherwise unable to perform duty, the court may discharge the juror. In that case, unless the parties consent to accept the verdict of the remaining jurors, another may be sworn in place of the discharged juror and the trial begun anew, or the jury may be discharged and another then or afterward impaneled. If the court, while a jury is kept together, shall order that they be provided with food and lodging, the sheriff shall furnish the same at the expense of the county state courts.

Sec. 37. Minnesota Statutes 1998, section 546.44, subdivision 3, is amended to read:

Subd. 3. The fees and expenses of a qualified interpreter shall be determined by the presiding official and paid by the court, board, commission, agency or licensing authority before whom the proceeding is taking place. The fees and expenses of a qualified per diem interpreter for a court must be paid by the state courts.

Sec. 38. Minnesota Statutes 1998, section 563.01, subdivision 2, is amended to read:

Subd. 2. Whenever pursuant to this section the court directs expenses to be paid, the expenses shall be paid by the proper governing body in the same manner as other claims are paid state.

Sec. 39. Minnesota Statutes 1998, section 563.01, subdivision 9, is amended to read:

Subd. 9. Upon motion, the court may rescind its permission to proceed in forma pauperis if it finds the allegations of poverty contained in the affidavit are untrue, or if, following commencement of the action, the party becomes able to pay the fees, costs and security for the costs. In such cases, the court may direct the party to pay to the court administrator any costs allowing the action to proceed. The court administrator shall transmit the costs to the state treasurer for deposit in the state treasury and credit them to the general fund.

Sec. 40. Minnesota Statutes 1998, section 563.01, subdivision 10, is amended to read:

Subd. 10. Judgment may be rendered for costs at the conclusion of the action as in other cases. In the event any person recovers moneys by either settlement or judgment as a result of commencing or defending an action in forma pauperis, the costs deferred and the expenses directed by the court to be paid under this section shall be included in such moneys and shall be paid directly to the court administrator by the opposing party. The court administrator shall transmit the costs to the state treasurer for deposit in the state treasury and credit them to the general fund.

Sec. 41. Minnesota Statutes 1998, section 611.33, subdivision 3, is amended to read:

Subd. 3. The fees and expenses of a qualified interpreter shall be fixed and ordered paid by the presiding official before whom the proceeding is taking place ~~out of the gen-~~

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eral revenue fund of the county in which the proceeding occurs. The fees and expenses must be paid by the state courts. Payment for any activities requiring interpreter services on behalf of law enforcement, the board of public defense, prosecutors, or corrections agents other than court appearances is the responsibility of the agency that requested the services.

Sec. 42. STUDY OF SYSTEM FOR FUNDING AND ADMINISTRATION OF COURT-APPOINTED ATTORNEYS.

Subdivision 1. TASK FORCE; GOALS. The supreme court is requested to establish a task force to study and make recommendations regarding a system for funding and administering court-appointed attorney functions in civil cases, including attorneys and related personnel for civil commitments and proceedings under Minnesota Statutes, chapter 253B, child protection cases, paternity cases, guardianship or conservatorship cases, and other civil proceedings where indigent persons are entitled to court-appointed counsel. The goal of the task force is to design a system that is independent from court and county administration and funding and that promotes equal access to justice and equal representation for indigent persons across the state.

Subd. 2. RECOMMENDATIONS; REPORT. (a) The task force shall consider options that address the goals in subdivision 1, including:

(1) creation of an independent court-appointed attorney board to manage civil court-appointed attorney functions; and

(2) other options identified by the task force.

(b) The supreme court is requested to report to the legislature by January 15, 2001, with the report and recommendations of the task force. The supreme court is requested to disband the task force January 15, 2001.

Sec. 43. TRANSITIONAL PROVISIONS.

Subdivision 1. HIRING AND SALARY MORATORIUM. A county may not increase the number of employees in the county in a position that is being transferred to state employment under this article without approval of the supreme court, unless the increase was authorized before January 1, 1999. A county may not increase the salaries of these employees without approval of the supreme court, unless the increase is made under a plan adopted before January 1, 1999.

Subd. 2. TRANSFER OF PROPERTY. The title to all personal property that is used by employees being transferred to state employment under this article in the scope of their employment is transferred to the state when they become state employees.

Subd. 3. RULES. The supreme court, in consultation with the conference of chief judges, may adopt rules to implement this article.

Subd. 4. BUDGETS. Notwithstanding any law to the contrary, the fiscal year 2000 budgets for the court administrators' offices being transferred to state employment under this article, including the number of complement positions and salaries, must be submitted by the court administrators to the supreme court. The budgets must include the current levels of funding and positions at the time of submission as well as any requests for increases in funding and positions.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 44. PLAN FOR STATE ASSUMPTION OF COURT ADMINISTRATION COSTS.

The supreme court, in consultation with the conference of chief judges, is requested to prepare a plan for state assumption of court administration costs in every judicial district. The plan should include a timetable that provides for statewide assumption of court administration costs by July 1, 2003. In addition, the plan should include consideration of unique geographical concerns that may be addressed by collaboration with county boards. The supreme court is requested to report to the legislature with the results of the plan by December 15, 2000.

Sec. 45. REPEALER.

Minnesota Statutes 1998, sections 357.021, subdivision 2a; and 563.01, subdivision 1, are repealed.

Sec. 46. EFFECTIVE DATES.

Subdivision 1. STATE TAKEOVER OF COURT ADMINISTRATION AND RELATED COSTS. The provisions of this article continuing the state takeover of court administration costs in the eighth judicial district are effective January 1, 2000. The other provisions of this article relating to the state takeover of court administration costs in the fifth, seventh, and ninth judicial districts are effective July 1, 2000.

Subd. 2. JURY AND COURT REPORTER TRANSCRIPT COSTS. The provisions of this article relating to the state takeover of miscellaneous court reporter transcript and jury costs are effective July 1, 2000.

Subd. 3. MISCELLANEOUS COST. The provisions of sections 1, 2, and 18 to 45, relating to the state takeover of court interpreter costs, guardian ad litem costs, rule 20 and mental commitment examination costs, and in forma pauperis costs are effective January 1, 2000, in the eighth judicial district; July 1, 2000, in the fifth, seventh, and ninth judicial districts; and July 1, 2001, in the remaining judicial districts.

Subd. 4. EFFECTIVE DATE CONTINGENCY. Notwithstanding subdivisions 1 to 3, sections 1 to 11, 13 to 16, and 18 to 45 do not take effect unless an appropriation and off-setting state aids and fine transfers specified in the 1999 omnibus tax bill take effect in fiscal year 2001.

Subd. 5. BOARD OF PUBLIC DEFENSE AND SUPREME COURT PLAN. Sections 12, 17, and 44 are effective the day following final enactment.

Presented to the governor May 21, 1999

Signed by the governor May 25, 1999, 4:20 p.m.

CHAPTER 217—S.F.No. 1404

An act relating to crime; providing criminal penalties for possessing and disseminating pornographic work depicting a minor; including computer-generated or computer-altered images within the definition of pornographic work; amending Minnesota Statutes 1998, sections 617.246, subdivi-

New language is indicated by underline, deletions by ~~strikeout~~.