

## Public Safety

## CHAPTER 299A

## DEPARTMENT OF PUBLIC SAFETY

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**299A.01 DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.**

Subdivision 1. **Creation; commissioner and deputy commissioner.** The department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor under the provisions of section 15.06. The commissioner may appoint a deputy commissioner.

Subd. 2. **Duties of commissioner.** The duties of the commissioner shall include the following:

(a) the coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) the development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) the establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the commissioner of trade and economic development.

Subd. 3. **Delegation; classified employees.** (a) No delegation or assignment of a power or duty by the commissioner to an employee of the department shall be made in respect to, or in a manner resulting in a reenactment of, the powers, duties or responsibilities of the commissioner. Copyright © 1992 by the Office of the Revisor of Statutes, State of Minnesota. All Rights Reserved.

sibilities contained in section 299C.03, and acts amendatory thereof, except to the division of the bureau of criminal apprehension.

(b) Employees of the department of public safety are in the classified civil service except where otherwise specifically provided for by law.

Subd. 4. [Repealed, 1976 c 5 s 12]

Subd. 5. **Review by commissioner of administration.** The commissioner of administration shall review on a regular basis the duties and responsibilities of the various state departments, agencies and boards which have an operational effect upon the safety of the public, and recommend to the governor and the legislature such organizational and statutory policies as will best serve the purposes of Laws 1969, Chapter 1129.

Subd. 6. **Rules; film rental fees.** (a) The commissioner of public safety shall have the power to promulgate such rules pursuant to chapter 14, as are necessary to carry out the purposes of Laws 1969, chapter 1129.

(b) In addition, the commissioner may prescribe by rule fees for the rental of films from the department.

**History:** 1969 c 1129 art 1 s 1; 1976 c 5 s 1; 1977 c 305 s 35,36; 1981 c 356 s 248; 1982 c 424 s 130; 1983 c 289 s 115 subd 1; 1985 c 248 s 70; 1Sp1985 c 10 s 87; 1987 c 312 art 1 s 26 subd 2

## LIQUOR CONTROL

### 299A.02 COMMISSIONERS OF PUBLIC SAFETY AND REVENUE; LIQUOR CONTROL FUNCTIONS.

Subdivision 1. **Director of division of liquor control.** No employee of the department of public safety or the department of revenue having any responsibility for the administration or enforcement of Laws 1985, chapter 305, articles 2 to 11 shall have a direct or indirect interest, except through ownership or investment in pension or mutual funds, in the manufacture, transportation or sale of intoxicating liquor or any malt or vinous beverages, intoxicating, nonintoxicating, or commercial or industrial alcohol. The commissioner of public safety or the commissioner of revenue may remove an employee in the unclassified civil service for any intentional violation of any provision in Laws 1985, chapter 305, articles 2 to 11. Intentional violation of the preceding sections by a classified employee of one of the departments may be grounds for removal of that employee pursuant to section 43A.33.

Subd. 2. **General powers.** The commissioner shall administer and enforce the provisions of Laws 1985, chapter 305, articles 2 to 11 except for those provisions thereof for which administration and enforcement are reserved to the commissioner of revenue.

Subd. 3. **Reports; rules.** The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of Laws 1985, chapter 305, articles 2 to 11. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of 2-1/2 percent by weight of sugar or dextrose or both.

Subd. 4. **Subpoenas.** In all matters relating to official duties, the commissioner shall have the powers possessed by courts of law to issue subpoenas and cause them to be served and enforced. All public officials, and their respective deputies and employees, and all individuals, partnerships, firms, corporations, incorporated and unincorporated associations, and others who manufacture, transport, or sell intoxicating liquor, or are connected therewith in any manner, shall at all times attend and answer under oath the commissioner's lawful inquiries, produce and exhibit such books, accounts, documents and property as the commissioner may desire to inspect, and in all things aid the commissioner in the performance of the commissioner's duties.

**History:** 1976 c 5 s 2; 1977 c 407 s 1; 1981 c 210 s 54; 1985 c 305 art 12 s 2; 1986 c 444; 1987 c 381 s 1; 1987 c 383 s 15

**299A.03** [Repealed, 1981 c 356 s 247]

**299A.04** [Renumbered 116J.405]

### WHEELCHAIR SECUREMENT

#### **299A.11 VEHICLES TRANSPORTING WHEELCHAIR USERS; DEFINITIONS.**

The following terms have the definitions given them for the purposes of sections 299A.11 to 299A.18:

(a) "Wheelchair securement device" or "securment device" means an apparatus installed in a transit vehicle or other motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion.

(b) "Operator" means any person, firm, partnership, corporation, service club, public or private agency, city, town or county. Section 299A.15 does not apply to any school bus as defined in section 169.01, subdivision 6.

(c) "Transportation service" means the transportation by motor vehicle, other than a school bus manufactured before January 1, 1988, of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

(d) "Transit vehicle" means a bus that is not a school bus as defined in section 169.01, subdivision 6, with a gross vehicle weight rating greater than 15,000 pounds.

**History:** 1978 c 752 s 1; 1987 c 383 s 16; 1991 c 163 s 1

#### **299A.12 WHEELCHAIR SECUREMENT DEVICES.**

**Subdivision 1. General requirements.** Except as provided in subdivision 4, any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2. A wheelchair securement device shall prevent any forward, backward, or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order.

**Subd. 2. Strength requirements.** The strength requirements for securing the part of a wheelchair that is forward in the vehicle shall be one-half of those required for the rear. Where the wheelchair securement device and the seat belt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety.

**Subd. 3. Maximum number of persons transported.** A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion.

**Subd. 4. Transit vehicles; rules.** A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

**History:** 1978 c 752 s 2; 1989 c 204 s 5; 1991 c 163 s 2,3

**299A.13 ADDITIONAL SAFETY REQUIREMENTS.**

Subdivision 1. **Seat belts.** Any vehicle used to provide transportation service shall be equipped with seat belts which are approved by the commissioner of public safety. The seat belts required by this subdivision shall be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. These seat belts shall be used only to secure the person and shall not be used to secure the wheelchair unless the wheelchair securement force is not cumulative to the seat belt. The seat belts shall meet all other applicable state and federal requirements for safety.

Subd. 2. **Electric wheelchairs.** When transportation service is provided to an individual in an electrically powered wheelchair, the main power switch of the wheelchair shall be placed in the "off" position at all times while the vehicle is in motion.

*History:* 1978 c 752 s 3; 1989 c 204 s 6

**299A.14 INSPECTION.**

Subdivision 1. **Inspection certificate required.** No person shall drive and no operator shall knowingly permit or cause a vehicle to be used for transportation service unless there is displayed thereon a certificate issued upon inspection by the commissioner of public safety as provided in this section.

Subd. 2. **Wheelchair securement device.** Inspection shall be made by personnel in the department of public safety assigned to the state patrol. An operator of transportation services shall submit a vehicle for inspection after the installation of a wheelchair securement device in the vehicle and before using the vehicle for transportation service, but not later than one month after the date of installation. Evidence of the date of installation shall be provided by the operator at the inspection.

Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, subdivisions 1 and 4, and 299A.13, subdivision 1; that the securement device is in working order; and that the securement device is not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Subd. 4. **Certificate display and contents.** A certificate furnished by the commissioner shall be issued upon completion of inspection if the vehicle complies with the requirements set forth in subdivision 3. The certificate shall be affixed to the lower left corner of the windshield. It shall note compliance with this section, record the number of wheelchairs which may be simultaneously carried in the vehicle, and note the month and year in which the next inspection is required.

Subd. 5. **When inspections required.** Subsequent inspections shall be made annually. If additional securement devices are installed in a vehicle already equipped with a securement device, inspection is required as specified in subdivision 2.

*History:* 1978 c 752 s 4; 1981 c 37 s 2; 1991 c 163 s 4

**299A.15 AID AND LICENSES WITHHELD.**

No agency of the state, political subdivision or other public agency shall grant or approve any financial assistance to any operator for the purchase or operation of any vehicle used for transportation service or grant any permit or license otherwise required by law for operation of that service unless the operator of the transportation service complies with the provisions of sections 299A.11 to 299A.14.

*History:* 1978 c 752 s 5

**299A.16 EVIDENCE.**

Proof of the installation or failure to install wheelchair securement devices, or proof of faulty installation of wheelchair securement devices, or proof of the maintenance or failure to properly maintain wheelchair securement devices, or proof of the use or failure to use wheelchair securement devices is admissible in evidence in any litigation involving personal injuries or property damage arising out of the use or opera-

tion of a vehicle providing transportation service. For the purposes of this section "wheelchair securement device" means such a device approved by the commissioner of public safety.

**History:** 1978 c 752 s 6

## 299A.17 PENALTY.

For each failure to comply with any requirement of sections 299A.12, 299A.13 or 299A.14 an operator is guilty of a misdemeanor.

**History:** 1978 c 752 s 7

## 299A.18 RULES; APPROVAL OF DEVICES.

The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and 299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.

**History:** 1978 c 752 s 8

299A.20 [Renumbered section 257.80]

299A.21 [Renumbered 257.801]

299A.22 [Renumbered section 257.802]

299A.23 [Renumbered 257.803]

299A.24 [Renumbered 257.804]

299A.25 [Renumbered 257.805]

299A.26 [Renumbered 257.806]

299A.27 [Renumbered 257.807]

## MCGRUFF SAFE HOUSE PROGRAM

### 299A.28 MCGRUFF SAFE HOUSE PROGRAM.

**Subdivision 1. Symbol.** The symbol of "McGruff" with the phrase "McGruff House" is the symbol to designate a house in this state where a child may seek help when threatened.

**Subd. 2. Duties of commissioner.** The commissioner of public safety shall:

- (1) design or adopt a standard symbol to designate a safe house that is the "McGruff" symbol used in other states;
- (2) make available written information about the safe house program and "McGruff" symbols to school districts and law enforcement agencies;
- (3) publicize the safe house program in as many ways as is reasonably practical;
- (4) require the appropriate local law enforcement agency to maintain a register of safe houses;
- (5) either directly or through cooperation with the appropriate law enforcement agencies conduct background checks on persons who apply to have their house be a safe house.

**Subd. 3. Display of symbol.** A person displaying the "McGruff" symbol so that it is visible from the outside of their house must be approved as a safe house by the appropriate local law enforcement agency. The appropriate law enforcement agency must supply the symbol to the person. The symbol is the property of the law enforcement agency, and a person must return the symbol to the law enforcement agency if the agency determines that the house no longer qualifies as a "McGruff" house. Violation of this subdivision is a misdemeanor.

**Subd. 4. Safe houses; requirements.** The appropriate law enforcement agency must provide "McGruff" symbols to persons who apply for symbols if they agree in writing

to follow the terms of the safe house program and pass a background check by the appropriate local law enforcement agency.

Subd. 5. **Exclusive symbol.** The safe house symbol provided by this section is the exclusive symbol for safe houses in this state.

Subd. 6. **Rules.** The commissioner of public safety may adopt rules necessary to implement this section.

**History:** 1987 c 208 s 1

## DRUG POLICY AND VIOLENCE PREVENTION PROGRAMS

### 299A.29 DEFINITIONS.

Subdivision 1. **Applicability.** For purposes of sections 299A.29 to 299A.37, the following terms have the meanings given them in this section.

Subd. 1a. **Chemical abuse.** "Chemical abuse" means the use of a controlled substance or the abuse of alcoholic beverages.

Subd. 2. [Repealed, 1991 c 279 s 41]

Subd. 3. **Controlled substance.** "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Subd. 4. [Repealed, 1991 c 279 s 41]

Subd. 4a. **Prevention activity.** "Prevention activity" means an activity carried on by a government agency that is designed to reduce chemical abuse and dependency, including education, prevention, treatment, and rehabilitation programs.

Subd. 5. **Supply reduction activity.** "Supply reduction activity" means an activity carried on by a government agency that is designed to reduce the supply or use of controlled substances, including law enforcement, eradication, and prosecutorial activities.

**History:** 1989 c 290 art 9 s 1; 1989 c 356 s 56; 1991 c 279 s 10-13

### 299A.30 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 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.

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;

(5) submit the strategy to the governor and the legislature 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.

(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 recipients of grants under sections 299A.33 and 299A.34, 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 and the legislature 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.

**History:** 1989 c 290 art 9 s 2; 1991 c 238 art 1 s 14; 1991 c 279 s 14; 1991 c 345 art 2 s 51; 1992 c 571 art 10 s 20

### **299A.31 CHEMICAL ABUSE PREVENTION RESOURCE COUNCIL.**

**Subdivision 1. Establishment; membership.** A chemical abuse prevention resource council consisting of 19 members is established. The commissioners of public safety, education, health, corrections, and human services, the director of the office of strategic and long-range planning, and the attorney general shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities; and other community representatives. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

**Subd. 2. Acceptance of funds and donations.** The council may accept federal money, gifts, donations, and bequests for the purpose of performing the duties set forth in this section and section 299A.32. The council shall use its best efforts to solicit funds from private individuals and organizations to match state appropriations.

**History:** 1989 c 290 art 9 s 3; 1991 c 279 s 15; 1991 c 345 art 2 s 52; 1992 c 571 art 10 s 21

#### **299A.32 RESPONSIBILITIES OF COUNCIL.**

**Subdivision 1. Purpose of council.** The general purpose of the council is to serve as an advisory body to the governor and the legislature on all aspects of alcohol and drug abuse.

**Subd. 2. Specific duties and responsibilities.** In furtherance of the general purpose specified in subdivision 1, the council shall:

- (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;
- (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.

**Subd. 2a. 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.

**Subd. 3. Annual report.** By February 1 each year, the council shall submit a written report to the governor and the legislature describing its activities during the preceding year, describing efforts that have been made to enhance and improve utilization of existing resources and to identify deficits in prevention efforts, and recommending appropriate changes, including any legislative changes that it considers necessary or advisable in the area of chemical abuse prevention policy, programs, and services.

**History:** 1989 c 290 art 9 s 4; 1991 c 279 s 16; 1992 c 571 art 10 s 22,23

#### **299A.325 STATE CHEMICAL HEALTH INDEX MODEL.**

The assistant commissioner of the office of drug policy and violence prevention and the chemical abuse prevention resource council shall develop and test a chemical health index model to help assess the state's chemical health and coordinate state policy and programs relating to chemical abuse prevention and treatment. The chemical health index model shall assess a variety of factors known to affect the use and abuse of chemicals in different parts of the state including, but not limited to, demographic factors, risk factors, health care utilization, drug-related crime, productivity, resource availability, and overall health.

**History:** 1992 c 571 art 10 s 24



**299A.33 DRUG ABUSE RESISTANCE EDUCATION (DARE) PROGRAM.**

**Subdivision 1. Program.** The drug abuse resistance education program assists law enforcement agencies or school districts by providing grants to enable peace officers to undergo the training described in subdivision 3. Grants may be used to cover the cost of the training as well as reimbursement for actual, reasonable travel and living expenses incurred in connection with the training. The commissioner shall administer the program, shall promote it throughout the state, and is authorized to receive money from public and private sources for use in carrying it out. For purposes of this section, "law enforcement agency" means a police department or sheriff's office.

**Subd. 2. Grants.** A law enforcement agency or a school district may apply to the commissioner for a grant under subdivision 1.

**Subd. 3. Training program.** The bureau of criminal apprehension shall develop a program to train peace officers to teach a curriculum on drug abuse resistance in schools. The training program must be approved by the commissioner.

**Subd. 4. Availability of peace officer training.** The training described in subdivision 3 is available on a voluntary basis to local law enforcement agencies and school districts.

**Subd. 5. Coordination of activities.** If the commissioner receives grant requests from more than one applicant for programs to be conducted in a single school district, the commissioner shall require the applicants to submit a plan for coordination of their training and programs.

**Subd. 6. Reports.** The commissioner may require grant recipients to account to the director at reasonable time intervals regarding the use of the grants and the training and programs provided.

**History:** 1989 c 290 art 9 s 5

**299A.331 DARE ADVISORY COUNCIL.**

**Subdivision 1. Membership.** The advisory council on drug abuse resistance education consists of:

- (1) the attorney general who shall serve as chair;
- (2) the commissioner of public safety;
- (3) the commissioner of education;
- (4) three representatives of law enforcement appointed by the commissioner of public safety;
- (5) three representatives of education appointed by the commissioner of education;
- (6) a representative of the DARE officers association appointed by the peace officer standards and training board from among recommendations of the association; and
- (7) seven citizens appointed by the attorney general.

**Subd. 2. Duties.** The council shall:

- (1) advise the bureau of criminal apprehension in establishing a drug abuse resistance education training program for peace officers;
- (2) promote the drug abuse resistance education program throughout the state;
- (3) monitor the drug abuse resistance education officer training program in conjunction with the bureau of criminal apprehension;
- (4) provide coordination and assistance to local communities who wish to implement drug abuse resistance education programs in their local school systems;
- (5) encourage parental and community involvement in drug abuse resistance education programs;
- (6) develop a private and public partnership to provide for continuation and funding for the drug abuse resistance education program; and
- (7) receive money from public and private sources for use in the drug abuse resistance education program.

**History:** 1990 c 565 s 31

**299A.34 LAW ENFORCEMENT AND COMMUNITY GRANTS.**

Subdivision 1. **Grant programs.** (a) The commissioner shall develop grant programs to:

- (1) assist law enforcement agencies in purchasing equipment, provide undercover buy money, and pay other nonpersonnel costs; and
- (2) assist community and neighborhood organizations in efforts to prevent or reduce criminal activities in their areas, particularly activities involving youth and the use and sale of drugs.

(b) The commissioner shall prescribe criteria for eligibility and the award of grants and reporting requirements for recipients.

Subd. 2. **Selection and monitoring.** The chemical abuse prevention resource council shall assist in the selection and monitoring of grant recipients.

**History:** 1989 c 290 art 9 s 6; 1990 c 499 s 3; 1991 c 279 s 17

**299A.35 COMMUNITY CRIME REDUCTION PROGRAMS; GRANTS.**

Subdivision 1. **Programs.** The commissioner shall, in consultation with the chemical abuse prevention resource council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control efforts. Examples of qualifying programs include, but are not limited to, the following:

- (1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;
- (2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;
- (3) neighborhood block clubs and innovative community-based crime watch programs; and
- (4) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Subd. 2. **Grant procedure.** A local unit of government or a nonprofit community-based entity may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

- (1) a description of each program for which funding is sought;
- (2) the amount of funding to be provided to the program;
- (3) the geographical area to be served by the program; and
- (4) statistical information as to the number of arrests in the geographical area for violent crimes and for crimes involving schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; or any provision of chapter 152 that is punishable by a maximum term of imprisonment greater than ten years.

The commissioner shall give priority to funding programs in the geographical areas that have the highest crime rates, as measured by the data supplied under clause (4), and that demonstrate substantial involvement by members of the community served by the program. The maximum amount that may be awarded to an applicant is \$50,000.

Subd. 3. **Report.** An applicant that receives a grant under this section shall provide the commissioner with a summary of how the grant funds were spent and the extent to which the objectives of the program were achieved. The commissioner shall submit a written report to the legislature, by February 1 each year, based on the information provided by applicants under this subdivision.

**History:** 1989 c 290 art 9 s 7; 1990 c 499 s 4; 1991 c 279 s 18

## 299A.36 OTHER DUTIES.

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

(1) provide information and assistance upon request to school preassessment teams established under section 126.034 and school and community advisory teams established under section 126.035;

(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 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.

**History:** 1989 c 290 art 9 s 8; 1989 c 356 s 57; 1991 c 279 s 19; 1992 c 571 art 10 s 25

## 299A.37 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 and shall provide any public information requested by the assistant commissioner assigned to the office of drug policy.

**History:** 1989 c 290 art 9 s 9

## SOFT BODY ARMOR REIMBURSEMENT

### 299A.38 SOFT BODY ARMOR REIMBURSEMENT.

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

(a) "Commissioner" means the commissioner of public safety.

(b) "Peace officer" means a person who is licensed under section 626.84, subdivision 1, paragraph (c).

(c) "Vest" means bullet-resistant soft body armor that is flexible, concealable, and custom fitted to the peace officer to provide ballistic and trauma protection.

**Subd. 2. State and local reimbursement.** Peace officers and heads of local law enforcement agencies who buy vests for the use of peace officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-third of the vest's purchase price or \$165. The political subdivision that employs the peace officer shall pay at least the lesser of one-third of the vest's purchase price or \$165. The political subdivision may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the peace officer by the law enforcement agency.

**Subd. 3. Eligibility requirements.** (a) Only vests that either meet or exceed the requirements of standard 0101.01 of the National Institute of Justice in effect on December 30, 1986, or that meet or exceed the requirements of that standard, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least six years old.

**Subd. 4. Rules.** The commissioner may adopt rules under chapter 14 to administer this section.

**Subd 5. Limitation of liability.** A state agency, political subdivision of the state, or state or local government employee that provides reimbursement for purchase of a vest under this section is not liable to a peace officer or the peace officer's heirs for negligence in the death of or injury to the peace officer because the vest was defective or deficient.

**Subd. 6. Right to benefits unaffected.** A peace officer who is reimbursed for the purchase of a vest under this section and who suffers injury or death because the officer failed to wear the vest, or because the officer wore a vest that was defective or deficient, may not lose or be denied a benefit or right, including a benefit under section 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

**History:** 1989 c 290 art 9 s 10; 1991 c 8 s 1; 1991 c 199 art 2 s 1

## MULTIDISCIPLINARY CHEMICAL ABUSE PREVENTION TEAM

### 299A.40 MULTIDISCIPLINARY CHEMICAL ABUSE PREVENTION TEAM.

**Subdivision 1. Establishment of team.** A county, a multicounty organization of counties formed by an agreement under section 471.59, or a city with a population of no more than 50,000, may establish a multidisciplinary chemical abuse prevention team. The chemical abuse prevention team may include, but not be limited to, representatives of health, mental health, public health, law enforcement, educational, social service, court service, community education, religious, and other appropriate agencies, and parent and youth groups. For purposes of this section, "chemical abuse" has the meaning given in Minnesota Rules, part 9530.6605, subpart 6. When possible the team must coordinate its activities with existing local groups, organizations, and teams dealing with the same issues the team is addressing.

**Subd. 2. Duties of team.** (a) A multidisciplinary chemical abuse prevention team shall:

- (1) assist in coordinating chemical abuse prevention and treatment services provided by various groups, organizations, and agencies in the community;
- (2) disseminate information on the chemical abuse prevention and treatment services that are available within the community in which the team is established;
- (3) develop and conduct educational programs on chemical abuse prevention for adults and youth within the community in which the team is established;
- (4) conduct activities to address other high-risk behaviors related to chemical abuse, including, but not limited to, suicide, delinquency, and family violence; and
- (5) conduct other appropriate chemical abuse prevention activities.

(b) The team, in carrying out its duties under this subdivision, must focus on chemical abuse issues and needs unique to the community in which the team is established. In defining the needs and goals of the team, the team shall consult with the governmental body of the city or county in which the team is established. When a team is established in a multicounty area, the team shall consult with representatives of the county boards of each county.

(c) The team, in carrying out its duties, shall comply with the government data practices act in chapter 13, and requirements for confidentiality of records under Code of Federal Regulations, title 42, sections 2.1 to 2.67, as amended through December 31, 1988, and section 254A.09.

**Subd. 3. Grants for demonstration program.** The assistant commissioner of the office of drug policy may award a grant to a county, multicounty 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.

**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 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.

**History:** 1989 c 290 art 12 s 1; 1991 c 345 art 2 s 53

### PUBLIC SAFETY OFFICER'S SURVIVOR BENEFITS

#### 299A.41 DEFINITIONS.

Subdivision 1. **Scope.** The definitions used in this section apply to sections 299A.41 to 299A.46.

Subd. 2. **Dependent child.** A "dependent child" means a person who is unmarried and who was either living with or was receiving support contributions from the public safety officer at the time of death, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

- (1) under 18 years of age;
- (2) over 18 years of age and incapable of self-support because of physical or mental disability; or
- (3) over 18 years of age and a student as defined by United States Code, title 5, section 8101.

Subd. 3. **Killed in the line of duty.** "Killed in the line of duty" does not include deaths from natural causes. In the case of a peace officer, "killed in the line of duty" includes the death of an officer caused by accidental means while the peace officer is acting in the course and scope of duties as a peace officer.

Subd. 4. **Public safety officer.** "Public safety officer" includes:

- (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (f);
- (2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;
- (3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
  - (i) firefighting;
  - (ii) emergency motor vehicle operation;
  - (iii) investigation into the cause and origin of fires;
  - (iv) the provision of emergency medical services; or
  - (v) hazardous material responder;
- (4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- (5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;
- (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;
- (7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care; and

(8) a first responder who is certified by the commissioner of health to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance.

Subd. 5. **Spouse.** "Spouse" means a person legally married to the decedent at the time of the decedent's death.

**History:** 1990 c 591 art 5 s 1; 1991 c 199 art 1 s 66; 1992 c 523 s 1,2; 1992 c 553 s 1

#### **299A.42 PUBLIC SAFETY OFFICER'S BENEFIT ACCOUNT.**

The public safety officer's benefit account is created in the state treasury. Money in the account consists of money transferred and appropriated to that account.

**History:** 1990 c 591 art 5 s 2

#### **299A.43 ELIGIBILITY DETERMINATION; CONTESTED CASE.**

A challenge to a determination of eligibility by the commissioner of public safety must be heard as a contested case, except that the decision of the administrative law judge is binding on the parties to the proceeding. The order of the administrative law judge is the final decision of the commissioner. The hearing must be conducted according to sections 14.56 to 14.62 and is subject to appeal according to sections 14.63 to 14.68.

**History:** 1990 c 591 art 5 s 3

#### **299A.44 DEATH BENEFIT.**

On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall pay \$100,000 from the public safety officer's benefit account, as follows:

- (1) if there is no dependent child, to the spouse;
- (2) if there is no spouse, to the dependent child or children in equal shares;
- (3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or
- (5) if there is no surviving spouse, dependent child, or dependent parent, then no payment may be made from the public safety officer's benefit fund.

**History:** 1990 c 591 art 5 s 4

#### **299A.45 EDUCATION BENEFIT.**

**Subdivision 1. Eligibility.** Following certification under section 299A.44 and compliance with this section and rules of the commissioner of public safety and the higher education coordinating board, dependent children less than 23 years of age and the surviving spouse of a public safety officer killed in the line of duty on or after January 1, 1973, are eligible to receive educational benefits under this section. To qualify for an award, they must be enrolled in undergraduate degree or certificate programs after June 30, 1990, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4. Persons who have received a baccalaureate degree or have been enrolled full time or the equivalent of eight semesters or 12 quarters, whichever occurs first, are no longer eligible.

Subd. 2. **Award amount.** (a) The amount of the award is:

- (1) for public institutions, the actual tuition and fees charged by the institution;
- or

(2) for private institutions the lesser of (i) the actual tuition and fees charged by the institution or (ii) the highest tuition and fees charged by a public institution in Minnesota.

(b) An award under this subdivision must not affect a recipient's eligibility for a state grant under section 136A.121.

**Subd. 3. Payment.** On proof of eligibility for this program, an eligible institution, on behalf of the student, shall request payment of the award from the higher education coordinating board. An institution must not request payment unless the student is enrolled in or has completed the term for which the payment is intended.

**Subd. 4. Renewals.** Each award must be given for one academic year and is renewable for a maximum of six semesters or nine quarters or their equivalent. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year.

**History:** 1990 c 591 art 5 s 5; 1991 c 356 art 8 s 22

## **299A.46 RULES.**

The commissioner of public safety may adopt rules, including emergency rules, under chapter 14 to implement, coordinate, and administer sections 299A.41 to 299A.44. The higher education coordinating board may adopt rules, including emergency rules, to implement, coordinate, and administer section 299A.45.

**History:** 1990 c 591 art 5 s 6

## **299A.47 CLAIMS LIMITATION.**

Claims for benefits from the public safety officer's death benefit account made by or on behalf of a survivor of a public safety officer must be filed within two years after the date of death of the officer.

**History:** 1992 c 523 s 3

# **HAZARDOUS MATERIALS INCIDENT RESPONSE**

## **299A.48 CITATION.**

Sections 299A.48 to 299A.52 and 299K.095 may be cited as the "Minnesota hazardous materials incident response act."

**History:** 1992 c 593 art 2 s 3

## **299A.49 DEFINITIONS.**

**Subdivision 1. Scope.** For the purposes of sections 299A.48 to 299A.52 and 299K.095, the following terms have the meanings given them.

**Subd. 2. Chemical assessment team.** "Chemical assessment team" means a team trained and equipped to evaluate a hazardous materials incident and recommend the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of local resources, or other relevant factors.

**Subd. 3. Commissioner.** "Commissioner" means the commissioner of public safety.

**Subd. 4. Hazardous materials.** "Hazardous materials" means substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. "Hazardous materials" includes any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally released. Hazardous substances so designated may include explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and flammable gases.

Subd. 5. **Local unit of government.** "Local unit of government" means a county, home rule charter or statutory city, or town.

Subd. 6. **Person.** "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

Subd. 7. **Regional hazardous materials response team.** "Regional hazardous materials response team" means a team trained and equipped to respond to and mitigate a hazardous materials release. A regional hazardous materials response team may include strategically located chemical assessment teams.

**History:** 1992 c 593 art 2 s 4

## **299A.50 RESPONSE PLAN.**

Subdivision 1. **Elements of plan; rules.** (a) After consultation with the commissioners of natural resources, agriculture, transportation, and the pollution control agency, the state fire marshal, the emergency response commission, appropriate technical emergency response representatives, and representatives of affected parties, the commissioner shall adopt rules to implement a statewide hazardous materials incident response plan. The plan must include:

- (1) the locations of up to five regional hazardous materials response teams, based on the location of hazardous materials, response time, proximity to large population centers, and other factors;
- (2) the number and qualifications of members on each team;
- (3) the responsibilities of regional hazardous materials response teams;
- (4) equipment needed for regional hazardous materials response teams;
- (5) procedures for selecting and contracting with local governments or nonpublic persons to establish regional hazardous materials response teams;
- (6) procedures for dispatching teams at the request of local governments;
- (7) a fee schedule for reimbursing local governments or nonpublic persons responding to an incident; and
- (8) coordination with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

Subd. 2. **Contracts and agreements.** The commissioner may cooperate with and enter into contracts with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, or nonpublic persons to implement the response plan.

**History:** 1992 c 593 art 2 s 5

## **299A.51 LIABILITY AND WORKERS' COMPENSATION.**

Subdivision 1. **Liability.** During operations authorized under section 299A.50, members of a regional hazardous materials response team operating outside their geographic jurisdiction are "employees of the state" as defined in section 3.736.

Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50, members of a regional hazardous materials response team operating outside their geographic jurisdiction are considered state employees for purposes of chapter 176.

Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the scene of a hazardous materials response incident outside the person's geographic jurisdiction or property, at the request of the state or a local unit of government, is not liable for any civil damages resulting from acts or omissions in providing the assistance, unless the person acts in a willful and wanton or reckless manner in providing the assistance.

**History:** 1992 c 593 art 2 s 6



**299A.52 RESPONSIBLE PERSON.**

Subdivision 1. **Response liability.** A responsible person, as described in section 115B.03, is liable for the reasonable and necessary costs, including legal and administrative costs, of response to a hazardous materials incident incurred by a regional hazardous materials response team or local unit of government. For the purposes of this section, "hazardous substance" as used in section 115B.03 means "hazardous material" as defined in section 299A.49.

Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for the regional hazardous materials response team costs of response. The commissioner may bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional court costs.

Subd. 3. **Attempted avoidance of liability.** For purposes of sections 299A.48 to 299A.52 and 299K.095, a responsible person may not avoid liability by conveying any right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar agreement.

**History:** 1992 c 593 art 2 s 7