

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

SIXTY-SIXTH DAY

St. Paul, Minnesota, Saturday, May 15, 1999

The Senate met at 9:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Roger D. Ezell.

The roll was called, and the following Senators answered to their names:

Anderson	Hottinger	Laidig	Olson	Solon
Belanger	Janezich	Langseth	Ourada	Spear
Berg	Johnson, D.E.	Larson	Pariseau	Stevens
Berglin	Johnson, D.H.	Lesewski	Piper	Stumpf
Betzold	Johnson, D.J.	Lessard	Pogemiller	Ten Eyck
Cohen	Johnson, J.B.	Limmer	Price	Terwilliger
Day	Junge	Lourey	Ranum	Vickerman
Dille	Kelley, S.P.	Marty	Robertson	Wiener
Fischbach	Kelly, R.C.	Metzen	Robling	Wiger
Flynn	Kierlin	Moe, R.D.	Runbeck	Ziegler
Foley	Kiscaden	Murphy	Sams	
Frederickson	Kleis	Neuville	Samuelson	
Hanson	Knutson	Novak	Scheevel	
Higgins	Krentz	Oliver	Scheid	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 13, 1999

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1471, 1330, 1615, 1539, 1645, 1449, 1541, 1585, 1047, 626, 2120, 1180 and 9.

Sincerely,  
Jesse Ventura, Governor

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on Senate File No. 2223:

The names of Osskopp, Rhodes, Reuter and Kahn have been deleted and the names of Bishop; Anderson, B.; Gerlach and Haas have been added.

Edward A. Burdick, Chief Clerk, House of Representatives

May 14, 1999

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 369:** A bill for an act relating to health occupations; permitting physician assistants to render care in disasters without physician and physician assistant agreements; proposing coding for new law in Minnesota Statutes, chapter 147A.

There has been appointed as such committee on the part of the House:

McCollum, Abeler and Mulder.

Senate File No. 369 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 145:** A bill for an act relating to ethics in government; clarifying and simplifying the law related to lobbyist registration, conflicts of interest, and campaign finance; eliminating invalid provisions; amending Minnesota Statutes 1998, sections 10A.01; 10A.02, as amended; 10A.03; 10A.04; 10A.05; 10A.06; 10A.065, subdivisions 1, 1a, and 3; 10A.08; 10A.09; 10A.10; 10A.11; 10A.12; 10A.13; 10A.14; 10A.15; 10A.16; 10A.17; 10A.18; 10A.19; 10A.20; 10A.22, subdivisions 6 and 7; 10A.23; 10A.24; 10A.241; 10A.242; 10A.25; 10A.255, subdivisions 1 and 3; 10A.265; 10A.27; 10A.275, subdivision 1; 10A.28; 10A.29; 10A.30, subdivision 1; 10A.31; 10A.315; 10A.321; 10A.322; 10A.323; 10A.324, subdivisions 1 and 3; 10A.34; 200.02, by adding a subdivision; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1998, sections 10A.065, subdivision 5; 10A.22, subdivisions 1, 4, and 5; 10A.255, subdivision 2; 10A.275, subdivisions 2 and 3; 10A.324, subdivisions 2 and 4; 10A.325; 10A.335; 10A.40; 10A.41; 10A.42; 10A.43; 10A.44; 10A.45; 10A.46; 10A.47; 10A.48; 10A.49; 10A.50; and 10A.51.

There has been appointed as such committee on the part of the House:

Rhodes; Seifert, M. and Kahn.

Senate File No. 145 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1762:** A bill for an act relating to transportation; modifying state contract requirements; allowing department of transportation to contract for land surveying; clarifying requirements for notaries and filing corrections to maps and plats relating to highways; providing for transfer of certain revolving loan accounts to transportation revolving loan fund; correcting trunk highway route description; modifying filing requirements for highway route location orders; increasing dollar amount for contracts negotiated by commissioner of transportation for highway construction or maintenance work; modifying provisions for estimates and agency costs relating to county state-aid highway and municipal state-aid street funds; authorizing commissioner of transportation to determine dates for seasonal load restrictions; modifying provision requiring certification for disbursement from state transportation fund; requiring commissioner of transportation to be responsible for design, construction, and operation of commuter rail; establishing design approval process for commuter rail; creating commuter rail corridor coordinating committee; changing period of hours of service exemption for drivers transporting sugar beets; authorizing commissioner to convey excess rail bank corridor land to state agency or political subdivision; modifying provisions governing state grants for local airports; limiting powers and duties of counties with respect to light rail and commuter rail transit planning; modifying deadlines for metropolitan transit performance evaluation reports by metropolitan council; establishing priority order for light rail transit construction; requiring metropolitan council to develop regional master plan for transit; making technical corrections; appropriating money; amending Minnesota Statutes 1998, sections 16C.05, subdivision 2; 16C.09; 160.085, subdivisions 1 and 1a; 161.04, subdivision 3, and by adding a subdivision; 161.115, subdivision 164; 161.16, subdivision 2; 161.32, subdivision 2; 162.06, subdivisions 1, 2, and 6; 162.12, subdivisions 1, 2, and 5; 169.87, subdivision 2; 174.02, by adding a subdivision; 174.50, subdivision 5; 221.0314, subdivision 9a; 222.63, subdivision 4; 360.0151, subdivision 2; 360.032, subdivision 1a; 360.305, subdivision 4; 398A.04, subdivision 2; 446A.085, subdivisions 3 and 6; 473.1466; 473.399; 473.3993, subdivision 3; and 473.3994, subdivisions 3, 4, and 10; Laws 1998, chapter 404, section 17, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1998, sections 169.832, subdivision 13; 473.3994, subdivision 12; and 473.3998.

There has been appointed as such committee on the part of the House:

Workman; Clark, J. and Marko.

Senate File No. 1762 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1721:** A bill for an act relating to public employees; ratifying certain labor agreements and compensation plans; providing for transfer of vacation and sick leave for certain employees; modifying per diem provision for special mediators; modifying procedures for the listing of arbitrators; exempting epidemiologists from a salary cap; making technical changes; amending Minnesota Statutes 1998, sections 3.096; 43A.17, subdivision 4; 179.02, subdivision 2; 179A.03, subdivision 14; 179A.04, subdivision 3; 179A.10, subdivision 1; and 179A.16, subdivision 2; repealing Minnesota Statutes 1998, section 43A.17, subdivision 12.

There has been appointed as such committee on the part of the House:

Molnau, Leppik and Pelowski.

Senate File No. 1721 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1932:

**H.F. No. 1932:** A bill for an act relating to insurance; regulating rental vehicle coverages; requiring a study of rental car availability; amending Minnesota Statutes 1998, sections 60K.03, subdivision 7; and 72A.125, subdivisions 1 and 2.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Jennings, Davids and Paulsen have been appointed as such committee on the part of the House.

House File No. 1932 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1999

Senator Johnson, J.B., for Senator Scheid, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1932, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1621:

**H.F. No. 1621:** A bill for an act relating to the environment; modifying provisions relating to judicial review of agency decisions; modifying requirements for incinerator monitors; amending Minnesota Statutes 1998, sections 115.05, subdivision 11; and 116.85, subdivision 3.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Osskopp, Gerlach and Larson, D. have been appointed as such committee on the part of the House.

House File No. 1621 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1999

Senator Higgins moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1621, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 14, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 14 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1999

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 14

A bill for an act relating to education; providing that a person convicted of child abuse or sexual abuse is ineligible to be licensed as a teacher; providing for reconsideration in cases of reversal by a court; amending Minnesota Statutes 1998, sections 122A.20, subdivision 1; 122A.40, subdivisions 5 and 13; 122A.41, subdivision 6; and 631.40, by adding a subdivision.

May 13, 1999

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 14, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 14 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 122A.20, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS FOR REVOCATION, SUSPENSION, OR DENIAL.] (a) The board of teaching or the state board of education, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, a teacher organization, or any other interested person, refuse to issue, refuse to renew, suspend, or revoke a teacher's license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of the teacher's contract;
- (3) Gross inefficiency or willful neglect of duty; or
- (4) Failure to meet licensure requirements; or
- (5) Fraud or misrepresentation in obtaining a license.

The written complaint must specify the nature and character of the charges.

(b) The board of teaching or the state board of education, whichever has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a conviction showing that the teacher has been convicted of child abuse, as defined in section 609.185, or sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, or under a similar law of another state or the United States. The board shall send notice of this licensing action to the district in which the teacher is currently employed.

(c) A person whose license to teach has been revoked, not issued, or not renewed under paragraph (b), may petition the board to reconsider the licensing action if the person's conviction for child abuse or sexual abuse is reversed by a final decision of the court of appeals or the supreme court or if the person has received a pardon for the offense. The petitioner shall attach a certified copy of the appellate court's final decision or the pardon to the petition. Upon receiving

the petition and its attachment, the board shall schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing action. If the board finds that the petitioner is not disqualified from teaching under paragraph (a), clause (1), it shall reverse its previous licensing action.

(d) For purposes of this subdivision, the board of teaching is delegated the authority to suspend or revoke coaching licenses under the jurisdiction of the state board of education.

Sec. 2. Minnesota Statutes 1998, section 122A.40, subdivision 5, is amended to read:

Subd. 5. [PROBATIONARY PERIOD.] (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and after completion thereof, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period. Evaluation must occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before June 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

Sec. 3. Minnesota Statutes 1998, section 122A.40, subdivision 13, is amended to read:

Subd. 13. [IMMEDIATE DISCHARGE.] (a) Except as otherwise provided in paragraph (b), a board may discharge a continuing-contract teacher, effective immediately, upon any of the following grounds:

- (a) Immoral conduct, insubordination, or conviction of a felony;
- (b) Conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties;
- (c) Failure without justifiable cause to teach without first securing the written release of the school board;
- (d) Gross inefficiency which the teacher has failed to correct after reasonable written notice;
- (e) Willful neglect of duty; or
- (f) Continuing physical or mental disability subsequent to a 12 months leave of absence and inability to qualify for reinstatement in accordance with subdivision 12.

For purposes of this ~~subdivision~~ paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363.03, subdivision 5.

Prior to discharging a teacher under this paragraph, the board must notify the teacher in writing and state its ground for the proposed discharge in reasonable detail. Within ten days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. The board may, however, suspend a teacher with pay pending the conclusion of such hearing and determination of the issues raised in the hearing after charges have been filed which constitute ground for discharge.

(b) A board must discharge a continuing-contract teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

Sec. 4. Minnesota Statutes 1998, section 122A.41, subdivision 6, is amended to read:

Subd. 6. [GROUNDS FOR DISCHARGE OR DEMOTION.] (a) Except as otherwise provided in paragraph (b), causes for the discharge or demotion of a teacher either during or after the probationary period must be:

- (1) Immoral character, conduct unbecoming a teacher, or insubordination;
- (2) Failure without justifiable cause to teach without first securing the written release of the school board having the care, management, or control of the school in which the teacher is employed;
- (3) Inefficiency in teaching or in the management of a school;
- (4) Affliction with active tuberculosis or other communicable disease must be considered as cause for removal or suspension while the teacher is suffering from such disability; or
- (5) Discontinuance of position or lack of pupils.

For purposes of this subdivision paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363.03, subdivision 5.

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

Sec. 5. Minnesota Statutes 1998, section 631.40, is amended by adding a subdivision to read:

Subd. 4. [LICENSED TEACHERS.] When a person is convicted of child abuse, as defined in section 609.185, or sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, the court shall determine whether the person is licensed to teach under chapter 122A. If the offender is a licensed teacher, the court administrator shall send a certified copy of the conviction to the board of teaching or the state board of education, whichever has jurisdiction over the teacher's license, within ten days after the conviction.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment and apply to licensing actions occurring on or after that date."

Delete the title and insert:

"A bill for an act relating to education; providing that a person convicted of child abuse or sexual abuse is ineligible to be licensed as a teacher; providing for reconsideration in cases of reversal by a court or issuance of a pardon; amending Minnesota Statutes 1998, sections 122A.20, subdivision 1; 122A.40, subdivisions 5 and 13; 122A.41, subdivision 6; and 631.40, by adding a subdivision."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Doug Fuller, Andy Westerberg, Matt Entenza

Senate Conferees: (Signed) Thomas M. Neuville, Linda Scheid, Sandra L. Pappas

Senator Neuville moved that the foregoing recommendations and Conference Committee Report on H.F. No. 14 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 14 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Belanger	Hottinger	Langseth	Olson	Scheid
Berg	Johnson, D.E.	Larson	Ourada	Solon
Berglin	Johnson, D.H.	Lesewski	Pariseau	Spear
Betzold	Johnson, D.J.	Lessard	Piper	Stevens
Cohen	Johnson, J.B.	Limmer	Pogemiller	Stumpf
Day	Junge	Lourey	Price	Ten Eyck
Dille	Kelley, S.P.	Marty	Ranum	Terwilliger
Fischbach	Kelly, R.C.	Metzen	Robertson	Vickerman
Flynn	Kierlin	Moe, R.D.	Robling	Wiener
Foley	Kiscaden	Murphy	Runbeck	Wiger
Frederickson	Kleis	Neuville	Sams	Ziegler
Hanson	Knutson	Novak	Samuelson	
Higgins	Krentz	Oliver	Scheevel	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1079, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1079 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1999

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1079

A bill for an act relating to alcoholic beverages; authorizing acceptance of certain coupons by retailers of alcoholic beverages; authorizing issuance of on-sale and temporary on-sale intoxicating liquor licenses in Minneapolis, St. Paul, Detroit Lakes, Eden Prairie, International Falls, Marshall, Proctor, and Stillwater; providing for duration of on-sale intoxicating liquor licenses for seasonal tour boats; amending Minnesota Statutes 1998, sections 340A.404, subdivisions 2, 8, and by adding a subdivision; 340A.412, subdivision 4; and 340A.5071; repealing Laws 1998, chapter 364, section 13.

May 13, 1999

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 1079, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 1079 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theatre, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theatres and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the American Association of University Women, Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

(e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue South, notwithstanding any law or local ordinance or charter provision.

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, and to the Theatre de la Jeune Lune, notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Corporation on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

Sec. 2. Minnesota Statutes 1998, section 340A.404, is amended by adding a subdivision to read:

Subd. 2b. [SPECIAL PROVISION; CITY OF ST. PAUL.] The city of St. Paul may issue an on-sale intoxicating liquor license to the Fitzgerald Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The license authorizes sales on all days of the week to holders of tickets for performances presented by the theatre and to members of the nonprofit corporation holding the license and to their guests.

Sec. 3. Minnesota Statutes 1998, section 340A.404, subdivision 4a, is amended to read:

Subd. 4a. [STATE-OWNED RECREATION; ENTERTAINMENT FACILITIES.] Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

(1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge recreation area building or recreational improvement area owned by the state in the town of White, St. Louis county; and

(2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of Ironworld Discovery Center building or facility owned by the state at Chisholm; and

(3) to the board of regents of the University of Minnesota for events at Northrup Auditorium.

The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities.

Sec. 4. Minnesota Statutes 1998, section 340A.404, subdivision 8, is amended to read:

Subd. 8. [LAKE SUPERIOR, ST. CROIX RIVER, AND MISSISSIPPI RIVER TOUR BOATS.] (a) The commissioner may issue an on-sale intoxicating liquor license to a person regularly engaged, on an annual or seasonal basis, in the business of offering tours by boat on Lake Superior and adjacent bays, the St. Croix river, and the Mississippi river. The license shall authorize the sale of intoxicating liquor between May 1 and ~~October~~ November 1 for consumption on the boat while underway or attached to a dock or other mooring. No license may be issued unless each boat used in the tour business regularly sells meals in the place where intoxicating liquor is sold.

(b) All sales of intoxicating liquor made on a boat while it is attached to a dock or other mooring are subject to any restrictions on the sale of liquor prescribed by the governing body of the city where the boat is attached, or of a county when it is attached outside a city. A governing body may prohibit liquor sales within its jurisdiction but may not require an additional license, or require a fee or occupation tax, for the sales.

Sec. 5. Minnesota Statutes 1998, section 340A.412, subdivision 4, is amended to read:

Subd. 4. [LICENSES PROHIBITED IN CERTAIN AREAS.] (a) No license to sell intoxicating liquor may be issued within the following areas:

(1) where restricted against commercial use through zoning ordinances and other proceedings or legal processes regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant;

(2) within the capitol or on the capitol grounds, except as provided under Laws 1983, chapter 259, section 9, or section 13, paragraph (b), of this act;

(3) on the state fairgrounds or at any place in a city of the first class within one-half mile of the fairgrounds, except as otherwise provided by charter;

(4) on the campus of the college of agriculture of the University of Minnesota or at any place in a city of the first class within one-half mile of the campus, provided that a city may issue one on-sale wine license in this area that is not included in the area described in clause (3), except as provided by charter;

(5) within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision or control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(6) in a town or municipality in which a majority of votes at the last election at which the question of license was voted upon were not in favor of license under section 340A.416, or within one-half mile of any such town or municipality, except that intoxicating liquor manufactured within this radius may be sold to be consumed outside it;

(7) at any place on the east side of the Mississippi River within one-tenth of a mile of the main

building of the University of Minnesota unless (i) the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940, for and by former students of the University of Minnesota, or (ii) the licensed premises is Northrup Auditorium;

(8) within 1,500 feet of a state university, except that:

(i) the minimum distance in the case of Winona and Southwest State University is 1,200 feet;

(ii) within 1,500 feet of St. Cloud State University one on-sale wine and two off-sale intoxicating liquor licenses may be issued, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(iii) at Mankato State University the distance is measured from the front door of the student union of the Highland campus; and

(iv) a temporary license under section 340A.404, subdivision 10, may be issued to a location on the grounds of a state university for an event sponsored or approved by the state university; and

(9) within 1,500 feet of any public school that is not within a city.

(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.

Sec. 6. Minnesota Statutes 1998, section 340A.417, is amended to read:

340A.417 [SHIPMENTS INTO MINNESOTA.]

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter, a winery licensed in a state which affords Minnesota wineries an equal reciprocal shipping privilege, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state.

(b) The shipping container of any wine sent under this section must be clearly labeled to indicate that the package cannot be delivered to a person under the age of 21 years marked "Alcoholic Beverages: adult signature (over 21 years of age) required.".

(c) No person may (1) advertise shipments authorized under this section, (2) by advertisement or otherwise, solicit shipments authorized by this section, or (3) accept orders for shipments authorized by this section by use of the Internet. No shipper located outside Minnesota may advertise interstate reciprocal wine shipments in Minnesota.

(d) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(e) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph (f) or (g). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is

issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(f) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph (e), is guilty of a misdemeanor.

(g) Any person who commits a third or subsequent violation of this section, including a violation for which a cease and desist order was issued under paragraph (c), within any subsequent two-year period is guilty of a gross misdemeanor.

Sec. 7. Minnesota Statutes 1998, section 340A.503, subdivision 6, is amended to read:

Subd. 6. [PROOF OF AGE; DEFENSE.] (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

(2) a valid military identification card issued by the United States Department of Defense; ~~or~~

(3) a valid passport issued by the United States; or

(4) in the case of a foreign national, from a nation other than Canada, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

Sec. 8. [CITY OF DETROIT LAKES; LICENSE AUTHORIZED.]

The city of Detroit Lakes may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized by this section.

Sec. 9. [CITY OF EDEN PRAIRIE; LIQUOR LICENSES.]

The city of Eden Prairie may issue five on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 10. [INTERNATIONAL FALLS; TEMPORARY ON-SALE LICENSE.]

Notwithstanding any other law to the contrary, the International Falls city council may issue a temporary license for the on-sale of intoxicating liquor to the all class reunion committee of International Falls High School in connection with the all class reunion to be held June 29 to July 4, 2000. The license may authorize the on-sale of intoxicating liquor for the period of June 29 to July 4, 2000, on premises designated by the International Falls city council. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality. The license is subject to the terms, including a license fee, imposed by the city council. The license is subject to all laws and ordinances governing the sale of intoxicating liquor except Minnesota Statutes, sections 340A.409; 340A.504, subdivision 3, paragraph (d); and 624.701, subdivision 1.

Sec. 11. [CITY OF MARSHALL; LIQUOR LICENSES.]

The city of Marshall may issue four on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 12. [CITY OF PROCTOR; LIQUOR LICENSE.]

The city of Proctor may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 13. [CITY OF ST. PAUL; LICENSES AUTHORIZED.]

(a) The city of St. Paul may issue temporary intoxicating liquor licenses under Minnesota Statutes, section 340A.404, subdivision 10, to Macalester college for the Macalester Scottish fair, Springfest, and for the annual alumni reunion weekend without regard to the limitation in Minnesota Statutes, section 340A.410, subdivision 10, paragraph (b).

(b) Notwithstanding Minnesota Statutes, section 340A.412, subdivision 4, the city of St. Paul may issue a temporary on-sale intoxicating liquor license to Twin Cities Marathon, Inc. The license may authorize only the sale of intoxicating malt liquor and 3.2 percent malt liquor on the grounds of the state capitol on the day of the Twin Cities Marathon. The intoxicating malt liquor and 3.2 percent malt liquor must be produced by a Minnesota brewery. All provisions of Minnesota Statutes, section 340A.404, subdivision 10, not inconsistent with this section, apply to the license authorized by this section.

Sec. 14. [CITY OF STILLWATER; LIQUOR LICENSES.]

Notwithstanding any other law, the city of Stillwater may issue two on-sale intoxicating liquor licenses in addition to the number authorized by law. The licenses may not be issued for any location in the downtown central business district of Stillwater. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 15. [CITY OF BEMIDJI; LIQUOR LICENSE.]

The city of Bemidji may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 16. [MINNEAPOLIS CONVENTION CENTER; TEMPORARY LICENSES.]

Temporary on-sale intoxicating liquor licenses issued under Minnesota Statutes, section 340A.404, subdivision 10, for events held at the Minneapolis Convention Center are not subject to Minnesota Statutes, section 340A.410, subdivision 10.

Sec. 17. [REPEALER.]

Laws 1998, chapter 364, section 13, is repealed.

Sec. 18. [EFFECTIVE DATES.]

Section 1 is effective on approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021.

Sections 2 and 13 are effective upon approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021.

Sections 3, 4, 5, 16, and 17 are effective the day following final enactment.

Section 8 is effective on approval by the Detroit Lakes city council and compliance with Minnesota Statutes, section 645.021.

Section 9 is effective upon approval by the Eden Prairie city council and compliance with Minnesota Statutes, section 645.021.

Section 10 is effective upon approval by the International Falls city council and compliance with Minnesota Statutes, section 645.021.

Section 11 is effective upon approval by the Marshall city council and compliance with Minnesota Statutes, section 645.021.

Section 12 is effective upon approval by the Proctor city council and compliance with Minnesota Statutes, section 645.021.

Section 14 is effective on approval by the Stillwater city council and compliance with Minnesota Statutes, section 645.021.

Section 15 is effective upon approval by the Bemidji city council and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to liquor; authorizing the city of Minneapolis to issue on-sale licenses; authorizing the city of St. Paul to issue an on-sale license; authorizing the commissioner of public safety to issue an additional on-sale license; extending the tour boat liquor license season; authorizing St. Paul to issue a temporary license for the sale of beer on the grounds of the state capitol in connection with the Twin Cities Marathon; modifying wine shipment requirements; allowing use of passports for proof of age; authorizing the city of International Falls to issue a temporary on-sale liquor license; authorizing the city of St. Paul to issue temporary intoxicating liquor licenses to Macalester college; authorizing the cities of Proctor, Marshall, Detroit Lakes, Eden Prairie, Bemidji, and Stillwater to issue additional on-sale licenses; exempting temporary on-sale intoxicating liquor licenses at the Minneapolis Convention Center from certain restrictions; amending Minnesota Statutes 1998, sections 340A.404, subdivisions 2, 4a, 8, and by adding a subdivision; 340A.412, subdivision 4; 340A.417; and 340A.503, subdivision 6; repealing Laws 1998, chapter 364, section 13."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Erik Paulsen, Gregory M. Davids, Kris Hasskamp

Senate Conferees: (Signed) Sam G. Solon, Cal Larson, James P. Metzen

Senator Solon moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1079 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1079 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Pariseau	Spear
Belanger	Janezich	Lesewski	Piper	Stevens
Berg	Johnson, D.E.	Lessard	Pogemiller	Stumpf
Berglin	Johnson, D.H.	Limmer	Price	Ten Eyck
Cohen	Johnson, D.J.	Lourey	Ranum	Terwilliger
Day	Johnson, J.B.	Marty	Robertson	Vickerman
Dille	Kelley, S.P.	Moe, R.D.	Robling	Wiener
Fischbach	Kierlin	Murphy	Runbeck	Wiger
Foley	Kiscaden	Neuville	Sams	Ziegler
Frederickson	Kleis	Novak	Samuelson	
Hanson	Knutson	Oliver	Scheevel	
Higgins	Krentz	Ourada	Solon	

Those who voted in the negative were:

Betzold	Junge	Kelly, R.C.	Olson	Scheid
Flynn				

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1235, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1235 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1999

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1235

A bill for an act relating to agriculture; exempting livestock production facilities from the ambient hydrogen sulfide standards on days manure is being removed from barns or manure storage facilities; amending Minnesota Statutes 1998, section 116.0713.

May 13, 1999

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 1235, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 1235 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 116.07, is amended by adding a subdivision to read:

Subd. 7d. [EXCLUSION.] In regulating livestock or animal feedlots under subdivisions 7 to 7c, a county or the commissioner must not include manure runoff containment areas that are less than 6,000 cubic feet in the definition of an open air clay, earthen, or flexible membrane lined swine waste lagoon.

Sec. 2. Minnesota Statutes 1998, section 116.0713, is amended to read:

116.0713 [LIVESTOCK ODOR.]

(a) The pollution control agency must:

(1) monitor and identify potential livestock facility violations of the state ambient air quality standards for hydrogen sulfide, using a protocol for responding to citizen complaints regarding feedlot odor and its hydrogen sulfide component, including the appropriate use of portable monitoring equipment that enables monitoring staff to follow plumes;

(2) when livestock production facilities are found to be in violation of ambient hydrogen sulfide standards, take appropriate actions necessary to ensure compliance, utilizing appropriate technical assistance and enforcement and penalty authorities provided to the agency by statute and rule.

(b) Livestock production facilities are exempt from state ambient air quality standards while manure is being removed and for seven days after manure is removed from barns or manure storage facilities.

(c) For a livestock production facility having greater than 1,000 animal units, the maximum cumulative exemption in a calendar year under paragraph (b) is 21 days for the removal process.

(d) The operator of a livestock production facility that claims exemption from state ambient air quality standards under paragraph (b) must provide notice of that claim to either the pollution control agency or the county feedlot officer delegated under section 116.07.

(e) State ambient air quality standards are applicable at the property boundary of a farm or a parcel of agricultural land on which a livestock production facility is located, except that if the owner or operator of the farm or parcel obtains an air quality easement from the owner of land adjoining such farm or parcel, the air quality standards shall be applicable at the property boundary of the adjoining land to which the easement pertains. The air quality easement must be for no more than five years, must be in writing, and must be available upon request by the agency or the county feedlot officer. Notwithstanding the provisions of this paragraph, state ambient air quality standards are applicable at locations to which the general public has access. The "general public" does not include employees, trespassers, or other categories of people who have been directly authorized by the property owner to enter or remain on the property for a limited period of time and for a specific purpose.

Sec. 3. Minnesota Statutes 1998, section 116.072, is amended by adding a subdivision to read:

Subd. 13. [FEEDLOT ADMINISTRATIVE PENALTY ORDERS.] (a) Prior to the commissioner proposing an administrative penalty order to a feedlot operator for a violation of feedlot laws or rules, the agency staff who will determine if a penalty is appropriate and who will determine the size of the penalty shall offer to meet with the feedlot operator to discuss the violation, and to allow the feedlot operator to present any information that may affect any agency decisions on the administrative penalty order.

(b) For serious feedlot law violations for which an administrative penalty order is issued under this section, the penalty may be forgiven if:

(1) the abated penalty is used for environmental improvements to the farm; and

(2) the commissioner determines that the violation has been corrected or that appropriate steps are being taken to correct the action.

Sec. 4. [116D.041] [ANIMAL FEEDLOTS; DISCRETIONARY ENVIRONMENTAL ASSESSMENT WORKSHEETS.]

The responsible governmental unit may require that an environmental assessment worksheet be prepared for the construction or expansion of any animal feedlot if the responsible governmental unit has material evidence that the proposed animal feedlot may have the potential for significant adverse environmental effects.

Sec. 5. [116D.042] [ANIMAL FEEDLOTS; CONNECTED ACTIONS.]

Provisions of environmental review rules regarding connected actions do not apply to animal feedlots.

Sec. 6. [REPORT ON AMBIENT AIR QUALITY STANDARDS EXEMPTION.]

By February 15, 2001, the commissioner of the pollution control agency shall report on the use of the exemption to the ambient air quality standards under Minnesota Statutes, section 116.0713, paragraph (b), to the chairs of the senate and house policy committees with jurisdiction over agriculture and the environment. The report must include any recommendations for changes to the exemption.

Sec. 7. [REPEALER.]

Laws 1998, chapter 401, section 54, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; modifying provisions relating to manure runoff, odor standards, administrative penalty orders, and environmental assessment worksheets; providing an exception to environmental review rules; requiring a report; amending Minnesota Statutes 1998, sections 116.07, by adding a subdivision; 116.0713; and 116.072, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116D; repealing Laws 1998, chapter 401, section 54."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Howard Swenson, Elaine Harder, Rod Skoe

Senate Conferees: (Signed) Steve Dille, Dennis R. Frederickson, Steve L. Murphy

Senator Dille moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1235 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1235 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 38 and nays 24, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.J.	Limmer	Pariseau	Stumpf
Berg	Kelly, R.C.	Metzen	Robertson	Ten Eyck
Day	Kierlin	Moe, R.D.	Robling	Terwilliger
Dille	Kleis	Murphy	Runbeck	Vickerman
Fischbach	Langseth	Neuville	Sams	Wiener
Flynn	Larson	Oliver	Scheevel	Ziegler
Frederickson	Lesewski	Olson	Solon	
Hanson	Lessard	Ourada	Stevens	

Those who voted in the negative were:

Anderson	Higgins	Junge	Marty	Ranum
Berglin	Hottinger	Kelley, S.P.	Novak	Scheid
Betzold	Janezich	Krentz	Piper	Spear
Cohen	Johnson, D.E.	Laidig	Pogemiller	Wiger
Foley	Johnson, J.B.	Lourey	Price	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1467, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1467 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1999

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1467

A bill for an act relating to education; family and early childhood education; providing for children and family support programs, community and systems change, prevention and intervention, and self-sufficiency and lifelong learning; appropriating money; amending Minnesota Statutes 1998, sections 13.46, subdivision 2; 16B.405, subdivision 2; 119A.31, subdivision 1, and by adding a subdivision; 119B.01, subdivisions 1, 2, 10, 12, 12a, 13, 16, 17, and by adding subdivisions; 119B.02, subdivision 1, and by adding subdivisions; 119B.03, subdivisions 1, 2, 3, 4, 6, and 9; 119B.04, subdivision 1; 119B.05, subdivision 1; 119B.06, subdivision 1; 119B.061; 119B.07; 119B.08, subdivision 3; 119B.09, subdivisions 1, 3, and 7; 119B.10, subdivision 1; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13; 119B.14; 119B.15; 119B.18, subdivision 3; 119B.19, subdivision 1, and by adding subdivisions; 119B.20, subdivisions 7, 8, 12, and by adding a subdivision; 119B.21, subdivisions 1, 2, 3, 5, 8, 9, 10, and 11; 119B.23, subdivision 1; 119B.24; 119B.25, subdivision 3; 121A.19; 122A.26, by adding a subdivision; 124D.13, subdivision 2; 124D.135, subdivisions 1 and 3; 124D.19, subdivision 11; 124D.20, subdivision 5; 124D.22; 124D.23, by adding a subdivision; 124D.33, subdivision 3; 124D.52, subdivision 2, and by adding subdivisions; 124D.53, subdivision 3, and by adding a subdivision; 124D.54, subdivision 1; 125A.35, subdivision 5; 171.29, subdivision 2; 256.01, subdivision 4; 256.045, subdivisions 6, 7, and by adding a subdivision; 256.046, subdivision 1; 256.98, subdivisions 1, 7, and 8; 256.983, subdivisions 3 and 4; and 466.01, subdivision 1; Laws 1997, First Special Session chapter 4, article 1, section 61, subdivisions 2 and 3, as amended; Laws 1998, First Special Session chapter 1, article 1, sections 10 and 11; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 1998, sections 119B.01, subdivision 15; 119B.03, subdivision 7; 119B.05, subdivisions 6 and 7; 119B.075; 119B.17; 119B.18, subdivisions 1 and 2; 119B.19, subdivisions 3, 4, and 5; 119B.20, subdivisions 1, 2, 3, 4, 5, 6, 9, 10, and 11; 119B.21, subdivisions 4, 6, and 12; 119B.22; 124D.14; and 124D.53, subdivision 6.

May 13, 1999

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 1467, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 1467 be further amended as follows:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### CHILDREN AND FAMILY SUPPORT PROGRAMS

Section 1. Minnesota Statutes 1998, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

(1) according to section 13.05;

- (2) according to court order;
- (3) according to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names, social security numbers, income, addresses, and other data as required, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, early refund of refundable tax credits, and the income tax. "Refundable tax credits" means the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund under section 290A.04, and, if the required federal waiver or waivers are granted, the federal earned income tax credit under section 32 of the Internal Revenue Code;
- (9) between the department of human services, the department of children, families, and learning, and the Minnesota department of economic security for the purpose of monitoring the eligibility of the data subject for reemployment insurance, for any employment or training program administered, supervised, or certified by that agency, for the purpose of administering any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system, or to monitor and evaluate the statewide Minnesota family investment program by exchanging data on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;
- (11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;
- (12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;
- (13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education services office to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);
- (14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;
- (15) the current address of a ~~recipient of aid to families with dependent children or Minnesota family investment program~~ statewide program participant may be disclosed to law enforcement officers who provide the name of the recipient participant and notify the agency that:
  - (i) the recipient participant:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1(c);

(18) the address, social security number, and, if available, photograph of any member of a household receiving food stamps shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) certain information regarding child support obligors who are in arrears may be made public according to section 518.575;

(20) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

(21) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

(22) to the department of children, families, and learning for the purpose of matching department of children, families, and learning student data with public assistance data to determine students eligible for free and reduced price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to produce accurate numbers of students receiving aid to families with dependent children or Minnesota family investment program statewide program assistance as required by section 126C.06; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

(23) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as defined in section

145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;

(24) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

(25) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs; or

(26) to monitor and evaluate the statewide Minnesota family investment program by exchanging data between the departments of human services and children, families, and learning, on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 2. Minnesota Statutes 1998, section 119A.45, is amended to read:

119A.45 [EARLY CHILDHOOD LEARNING AND CHILD PROTECTION FACILITIES.]

The commissioner may make grants to state agencies and political subdivisions to construct or rehabilitate facilities for ~~Head Start, early childhood and family education programs, other early childhood intervention programs, or demonstration family service centers housing multiagency collaboratives~~ early childhood programs, with priority to centers in counties or municipalities with the highest number of children living in poverty. The commissioner may also make grants to state agencies and political subdivisions to construct or rehabilitate facilities for crisis nurseries or child visitation centers. The facilities must be owned by the state or a political subdivision, but may be leased under section 16A.695 to organizations that operate the programs. The commissioner must prescribe the terms and conditions of the leases. A grant for an individual facility must not exceed \$200,000 for each program that is housed in the facility, up to a maximum of \$500,000 for a facility that houses three programs or more. Programs include Head Start, early childhood and family education programs, and other early childhood intervention programs. The commissioner must give priority to grants that involve collaboration among sponsors of programs under this section. At least 25 percent of the amounts appropriated for these grants must be used in conjunction with the youth employment and training programs operated by the commissioner of economic security. Eligible programs must consult with appropriate labor organizations to deliver education and training.

Sec. 3. Minnesota Statutes 1998, section 119B.01, subdivision 2, is amended to read:

Subd. 2. [APPLICANT.] "Child care fund applicants" means all parents, stepparents, legal guardians, or eligible relative ~~caretakers~~ caregivers who are members of the family and reside in the household that applies for child care assistance under the child care fund.

Sec. 4. Minnesota Statutes 1998, section 119B.01, is amended by adding a subdivision to read:

Subd. 2a. [APPLICATION.] "Application" means the submission to a county agency, by or on behalf of a family, of a completed, signed, and dated child care assistance universal application form that indicates the family's desire to receive assistance.

Sec. 5. Minnesota Statutes 1998, section 119B.01, subdivision 10, is amended to read:

Subd. 10. [FAMILY.] "Family" means parents, stepparents, guardians and their spouses, or other eligible relative caretakers caregivers and their spouses, and their blood related dependent children and adoptive siblings under the age of 18 years living in the same home including children temporarily absent from the household in settings such as schools, foster care, and residential treatment facilities or parents, stepparents, guardians and their spouses, or other relative caregivers and their spouses temporarily absent from the household in settings such as schools, military service, or rehabilitation programs. When a minor parent or parents and his, her, or their child or children are living with other relatives, and the minor parent or parents apply for a child care subsidy, "family" means only the minor parent or parents and the their child or children. An adult may be considered a dependent member of the family unit if 50 percent of the adult's support is being provided by the parents, stepparents, guardians and their spouses, or eligible relative caretakers and their spouses, residing in the same household. An adult age 18 or older who meets this definition of family and is a full-time high school or post-secondary student and can reasonably be expected to graduate before age 19 may be considered a dependent member of the family unit if 50 percent or more of the adult's support is provided by the parents, stepparents, guardians, and their spouses or eligible relative caregivers and their spouses residing in the same household.

Sec. 6. Minnesota Statutes 1998, section 119B.01, subdivision 12, is amended to read:

Subd. 12. [INCOME.] "Income" means earned or unearned income received by all family members, including public assistance cash benefits and at-home infant care subsidy payments, unless specifically excluded. The following are excluded from income: funds used to pay for health insurance premiums for family members, Supplemental Security Income, scholarships, work-study income, and grants that cover costs or reimbursement for tuition, fees, books, and educational supplies; student loans for tuition, fees, books, supplies, and living expenses; state and federal earned income tax credits; in-kind income such as food stamps, energy assistance, foster care assistance, medical assistance, child care assistance, and housing subsidies; earned income of full or part-time secondary school students up to the age of 19, who have not earned a high school diploma or GED high school equivalency diploma including earnings from summer employment; grant awards under the family subsidy program; nonrecurring lump sum income only to the extent that it is earmarked and used for the purpose for which it is paid; and any income assigned to the public authority according to section 256.74 or 256.741, if enacted.

Sec. 7. Minnesota Statutes 1998, section 119B.01, subdivision 12a, is amended to read:

Subd. 12a. [MFIP-S MFIP.] "~~MFIP-S~~" "MFIP" means the Minnesota family investment ~~program-statewide program~~, the state's TANF program under Public Law Number 104-193, Title I, and includes the MFIP program under chapter 256J, the work first program under chapter 256K, and tribal contracts under section 119B.02, subdivision 2, or 256.01, subdivision 2.

Sec. 8. Minnesota Statutes 1998, section 119B.01, subdivision 13, is amended to read:

Subd. 13. [PROVIDER.] "Provider" means a child care license holder who operates a family day child care home, a group family day child care home, a day child care center, a nursery school, a day nursery, an extended-day a school age child care program; a legal nonlicensed extended-day license-exempt school age child care program which operates operating under the auspices of a local school board or a park or recreation board of a city of the first class that has adopted school age child care standards guidelines which meet or exceed standards guidelines recommended by the state department of children, families, and learning, or a legal nonlicensed caregiver registered provider who is at least 18 years of age, and who is not a member of the AFDC MFIP assistance unit or a member of the family receiving child care assistance under this chapter.

Sec. 9. Minnesota Statutes 1998, section 119B.01, subdivision 16, is amended to read:

Subd. 16. [TRANSITION YEAR FAMILIES.] "Transition year families" means families who have received AFDC MFIP assistance, or who were eligible to receive AFDC MFIP assistance after choosing to discontinue receipt of the cash portion of MFIP-S MFIP assistance under section 256J.31, subdivision 12, for at least three of the last six months before losing eligibility for AFDC MFIP due to increased hours of employment, or increased income from employment or child or spousal support or families participating in work first under chapter 256K who meet the requirements of section 256K.07. Transition year child care may be used to support employment or job search.

Sec. 10. Minnesota Statutes 1998, section 119B.01, subdivision 17, is amended to read:

Subd. 17. [CHILD CARE FUND.] "Child care fund" means a program under this chapter providing:

(1) financial assistance for child care to parents engaged in employment or the short-term provision of at-home infant care for their own child, job search, or education and training leading to employment, or an at-home infant care subsidy; and

(2) grants to develop, expand, and improve the access and availability of child care services statewide.

Sec. 11. Minnesota Statutes 1998, section 119B.02, subdivision 1, is amended to read:

Subdivision 1. [CHILD CARE SERVICES.] The commissioner shall develop standards for county and human services boards to provide child care services to enable eligible families to participate in employment, training, or education programs. Within the limits of available appropriations, the commissioner shall distribute money to counties to reduce the costs of child care for eligible families. The commissioner shall adopt rules to govern the program in accordance with this section. The rules must establish a sliding schedule of fees for parents receiving child care services. The rules shall provide that funds received as a lump sum payment of child support arrearages shall not be counted as income to a family in the month received but shall be prorated over the 12 months following receipt and added to the family income during those months. In the rules adopted under this section, county and human services boards shall be authorized to establish policies for payment of child care spaces for absent children, when the payment is required by the child's regular provider. The rules shall not set a maximum number of days for which absence payments can be made, but instead shall direct the county agency to set limits and pay for absences according to the prevailing market practice in the county. County policies for payment of absences shall be subject to the approval of the commissioner. The commissioner shall maximize the use of federal money in section 256.736 under Public Law Number 104-193, titles I and VI, and other programs that provide federal or state reimbursement for child care services for low-income families who are in education, training, job search, or other activities allowed under those programs. Money appropriated under this section must be coordinated with the programs that provide federal reimbursement for child care services to accomplish this purpose. The commissioner shall allocate federal reimbursement obtained must be allocated to the county to counties that spent money for child care that is federally reimbursable under programs that provide federal reimbursement for federally reimbursable child care services. The counties shall use the federal money to expand child care services. The commissioner may adopt rules under chapter 14 to implement and coordinate federal program requirements.

Sec. 12. Minnesota Statutes 1998, section 119B.02, is amended by adding a subdivision to read:

Subd. 3. [SUPERVISION OF COUNTIES.] The commissioner shall supervise child care programs administered by the counties through standard-setting, technical assistance to the counties, approval of county child care fund plans, and distribution of public money for services. The commissioner shall provide training and other support services to assist counties in planning for and implementing child care assistance programs. The commissioner shall adopt rules under chapter 14 that establish minimum administrative standards for the provision of child care services by county boards of commissioners.

Sec. 13. Minnesota Statutes 1998, section 119B.02, is amended by adding a subdivision to read:

Subd. 4. [UNIVERSAL APPLICATION FORM.] The commissioner must develop and make available to all counties a universal application form for child care assistance under this chapter. The application must provide notice of eligibility requirements for assistance and penalties for wrongfully obtaining assistance.

Sec. 14. Minnesota Statutes 1998, section 119B.02, is amended by adding a subdivision to read:

Subd. 5. [PROGRAM INTEGRITY.] For child care assistance programs under this chapter, the commissioner shall enforce, in cooperation with the commissioner of human services, the requirements for program integrity and fraud prevention investigations under sections 256.046, 256.98, and 256.983.

Sec. 15. Minnesota Statutes 1998, section 119B.03, subdivision 1, is amended to read:

Subdivision 1. [ALLOCATION PERIOD; NOTICE OF ALLOCATION.] When the commissioner notifies county and human service boards of the forms and instructions they are to follow in the development of their ~~biennial community social services~~ child care fund plans required under section ~~256E.08~~ 119B.08, subdivision 3, the commissioner shall also notify county and human services boards of their estimated child care fund program allocation for the two years covered by the plan. By October 1 of each year, the commissioner shall notify all counties of their final child care fund program allocation.

Sec. 16. Minnesota Statutes 1998, section 119B.03, subdivision 2, is amended to read:

Subd. 2. [WAITING LIST.] Each county that receives funds under this section must keep a written record and report to the commissioner the number of eligible families who have applied for a child care subsidy or have requested child care assistance. Counties shall perform a  ~~cursory~~ preliminary determination of eligibility when a family requests ~~information about~~ child care assistance. At a minimum, a county must make a preliminary determination of eligibility based on family size, income, and authorized activity. A family seeking child care assistance must provide the required information to the county. A family that appears to be eligible must be put on a waiting list if funds are not immediately available. The waiting list must identify students in need of child care. ~~When money is available counties shall expedite the processing of student applications during key enrollment periods.~~ Counties must review and update their waiting list at least every six months.

Sec. 17. Minnesota Statutes 1998, section 119B.03, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE RECIPIENTS PARTICIPANTS.] Families that meet the eligibility requirements under sections 119B.07, 119B.09, and 119B.10, ~~except AFDC recipients, MFIP recipients participants, work first participants, and transition year families, and 119B.10~~ are eligible for child care assistance under the basic sliding fee program. Families enrolled in the basic sliding fee program shall be continued until they are no longer eligible. Child care assistance provided through the child care fund is considered assistance to the parent.

Sec. 18. Minnesota Statutes 1998, section 119B.03, subdivision 4, is amended to read:

Subd. 4. [FUNDING PRIORITY.] (a) First priority for child care assistance under the basic sliding fee program must be given to eligible ~~non-AFDC~~ non-MFIP families who do not have a high school or general equivalency diploma or who need remedial and basic skill courses in order to pursue employment or to pursue education leading to employment. Within this priority, the following subpriorities must be used:

- (1) child care needs of minor parents;
- (2) child care needs of parents under 21 years of age; and
- (3) child care needs of other parents within the priority group described in this paragraph.

(b) Second priority must be given to parents who have completed their ~~AFDC~~ MFIP or work first transition year.

(c) Third priority must be given to families who are eligible for portable basic sliding fee assistance through the portability pool under subdivision 9.

Sec. 19. Minnesota Statutes 1998, section 119B.03, subdivision 6, is amended to read:

Subd. 6. [ALLOCATION FORMULA.] ~~Beginning January 1, 1996, except as provided in subdivision 7,~~ The basic sliding fee state and federal funds shall be allocated on a calendar year basis. Funds shall be allocated first in amounts equal to each county's guaranteed floor according to subdivision 8, with any remaining available funds allocated according to the following formula:

(a) ~~One-third~~ One-fourth of the funds shall be allocated in proportion to each county's total expenditures for the basic sliding fee child care program reported during the most recent ~~calendar~~ fiscal year completed at the time of the notice of allocation.

(b) ~~One-third~~ One-fourth of the funds shall be allocated based on the number of ~~children under age 13 in each county who are enrolled in general assistance medical care, medical assistance, and MinnesotaCare on December 31 of the most recent calendar year families participating in the transition year child care program as reported during the most recent quarter completed at the time of the notice of allocation.~~

(c) ~~One-third~~ One-fourth of the funds shall be allocated based on the number of ~~children under age 13 who reside in each county, from the most recent estimates of the state demographer in proportion to each county's most recently reported first, second, and third priority waiting list as defined in subdivision 2.~~

(d) One-fourth of the funds must be allocated in proportion to each county's most recently reported waiting list as defined in subdivision 2.

Sec. 20. Minnesota Statutes 1998, section 119B.03, subdivision 9, is amended to read:

Subd. 9. [PORTABILITY POOL.] (a) The commissioner shall establish a pool of up to five percent of the annual appropriation for the basic sliding fee program to provide continuous child care assistance for eligible families who move between Minnesota counties. At the end of each allocation period, any unspent funds in the portability pool must be added to the funds available for reallocation used for assistance under the basic sliding fee program. If expenditures from the portability pool exceed the amount of money available, the reallocation pool must be reduced to cover these shortages.

(b) To be eligible for portable basic sliding fee assistance, a family that has moved from a county in which it was receiving basic sliding fee assistance to a county with a waiting list for the basic sliding fee program must:

(1) meet the income and eligibility guidelines for the basic sliding fee program; and

(2) notify the new county of residence within 30 days of moving and apply for basic sliding fee assistance in the new county of residence.

(c) The receiving county must:

(1) accept administrative responsibility for applicants for portable basic sliding fee assistance at the end of the two months of assistance under the Unitary Residency act;

(2) continue basic sliding fee assistance for the lesser of six months or until the family is able to receive assistance under the county's regular basic sliding program; and

(3) notify the commissioner through the quarterly reporting process of any family that meets the criteria of the portable basic sliding fee assistance pool.

Sec. 21. Minnesota Statutes 1998, section 119B.04, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER TO ADMINISTER PROGRAM.] The commissioner of ~~children, families, and learning~~ is authorized and directed to receive, administer, and expend funds

available under the child care and development fund under Public Law Number 104-193, Title I VI.

Sec. 22. Minnesota Statutes 1998, section 119B.05, subdivision 1, is amended to read:

Subdivision 1. [~~ELIGIBLE RECIPIENTS~~ PARTICIPANTS.] Families eligible for child care assistance under the AFDC MFIP child care program are:

- (1) ~~persons receiving services under sections 256.031 to 256.0361 and 256.047 to 256.048;~~
- (2) ~~AFDC recipients~~ MFIP participants who are employed or in job search and meet the requirements of section 119B.10;
- (3) ~~(2)~~ persons who are members of transition year families under section 119B.01, subdivision 16;
- (4) ~~members of the control group for the STRIDE evaluation conducted by the Manpower Demonstration Research Corporation;~~
- (5) ~~AFDC caretakers who are participating in the STRIDE and non-STRIDE AFDC child care program;~~
- (6) ~~(3)~~ families who are participating in employment orientation or job search, or other employment or training activities that are included in an approved employability development plan under chapter 256K; and
- (7) ~~MFIP-S~~ (4) MFIP families who are participating in work activities as required in their job search support or employment plan, or in appeals, hearings, assessments, or orientations according to chapter 256J. Child care assistance to support work activities as described in section 256J.49 must be available according to sections ~~119A.54~~, 119B.01, subdivision 8, 124D.13, 256E.08, and 611A.32 and titles IVA, IVB, IVE, and XX of the Social Security Act; and
- (5) families who are participating in programs as required in tribal contracts under section 119B.02, subdivision 2, or 256.01, subdivision 2.

Sec. 23. Minnesota Statutes 1998, section 119B.06, subdivision 1, is amended to read:

Subdivision 1. [~~COMMISSIONER TO ADMINISTER BLOCK GRANT~~.] The commissioner of children, families, and learning is authorized and directed to receive, administer, and expend child care funds available under the child care and development block grant authorized under Public Law Number 101-508 ~~(2)~~.

Sec. 24. Minnesota Statutes 1998, section 119B.061, is amended to read:

119B.061 [AT-HOME INFANT CHILD CARE PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] ~~Beginning July 1, 1998, A family receiving or eligible to receive assistance under the basic sliding fee program is eligible for in which a parent provides care for the family's infant child may receive a subsidy in lieu of assistance for a parent to provide short-term child care for the family's infant child if the family is eligible for, or is receiving assistance under the basic sliding fee program. An eligible family must meet the eligibility factors under section 119B.09, the income criteria under section 119B.12, and the requirements of this section. Subject to federal match and maintenance of effort requirements for the child care and development fund, the commissioner shall establish a pool of up to seven percent of the annual appropriation for the basic sliding fee program to provide assistance under the at-home infant child care program. At the end of the a fiscal year, the commissioner may carry forward any unspent funds must be used under this section to the next fiscal year within the same biennium for assistance under the basic sliding fee program.~~

Subd. 2. [ELIGIBLE FAMILIES.] A family with an infant under the age of one year is eligible for assistance if:

(1) the family is not receiving MFIP-S MFIP, other cash assistance, or other child care assistance;

(2) the family has not previously received all of the one-year exemption from the work requirement for infant care under the MFIP-S MFIP program;

(3) the family has not previously received a life-long total of 12 months of assistance under this section; and

(4) the family is participating in the basic sliding fee program or, ~~for the first child in a family,~~ provides verification of employment participation in an authorized activity at the time of application and meets the program requirements.

Subd. 3. [ELIGIBLE PARENT.] ~~Only~~ A family is eligible for assistance under this section if ~~one parent, in a two-parent family, is eligible for assistance~~ cares for the family's infant child. The eligible parent must:

(1) be over the age of 18;

(2) ~~provide care for the infant full-time care for the child in the child's infant's home;~~ and

(3) ~~provide child care for any other children in the family that~~ who are eligible for child care assistance under this chapter.

For the purposes of this section, "parent" means birth parent, adoptive parent, or stepparent.

Subd. 4. [ASSISTANCE.] (a) A family is limited to a lifetime total of 12 months of assistance under this section. The maximum rate of assistance ~~must be at~~ is equal to 75 percent of the rate established under section 119B.13 for care of infants in licensed family day child care in the applicant's county of residence. Assistance must be calculated to reflect the copy parent fee requirement and under section 119B.12 for the family's income level and family size.

(b) A participating family must ~~continue to~~ report income and other family changes as specified in the county's plan under section 119B.08, subdivision 3. The family must treat any assistance received under this section as unearned income.

(c) ~~Participation in the at-home infant child care program must be considered participation in the basic sliding fee program for purposes of continuing eligibility under section 119B.03, subdivision 3. Persons who are admitted to the at-home infant care program retain their position in any basic sliding fee program or on any waiting list attained at the time of admittance. If they are on the waiting list, they must advance as if they had not been admitted to the program. Persons leaving the at-home infant care program re-enter the basic sliding fee program at the position they would have occupied or the waiting list at the position to which they would have advanced. Persons who would have attained eligibility for the basic sliding fee program must be given assistance or advance to the top of the waiting list when they leave the at-home infant care program. Persons admitted to the at-home infant care program who are not on a basic sliding fee waiting list may apply to the basic sliding fee program, and if eligible, be placed on the waiting list.~~

(d) ~~The time that a family that receives assistance under this section is ineligible for~~ must be deducted from the one-year exemption from work requirements under the MFIP-S MFIP program.

(e) Assistance under this section does not establish an employer-employee relationship between any member of the assisted family and the county or state.

Subd. 5. [IMPLEMENTATION.] ~~By July 1, 1998,~~ (a) The commissioner shall implement the at-home infant child care program under this section through counties that administer the basic sliding fee program under section 119B.03. The commissioner must develop and distribute consumer information on the at-home infant care program to assist parents of infants or expectant parents in making informed child care decisions.

(b) The commissioner shall evaluate this program and report the impact to the legislature by January 1, 2000. The evaluation must include data on the number of families participating in the program; the number of families continuing to pursue employment or education while participating in the program; the average income of families prior to, during, and after participation in the program; family size; and single parent and two-parent status.

Sec. 25. Minnesota Statutes 1998, section 119B.07, is amended to read:

119B.07 [USE OF MONEY.]

Money for persons listed in sections 119B.03, subdivision 3, and 119B.05, subdivision 1, shall be used to reduce the costs of child care for students, including the costs of child care for students while employed if enrolled in an eligible education program at the same time and making satisfactory progress towards completion of the program. Counties may not limit the duration of child care subsidies for a person in an employment or educational program, except when the person is found to be ineligible under the child care fund eligibility standards. Any limitation must be based on a person's ~~employability~~ employment plan in the case of an ~~AFDC recipient~~ MFIP participant, and county policies included in the child care ~~allocation~~ fund plan. The maximum length of time a student is eligible for child care assistance under the child care fund for education and training is no more than the time necessary to complete the credit requirements for an associate or baccalaureate degree as determined by the educational institution, excluding basic or remedial education programs needed to prepare for post-secondary education or employment. To be eligible, the student must be in good standing and be making satisfactory progress toward the degree. Time limitations for child care assistance do not apply to basic or remedial educational programs needed to prepare for post-secondary education or employment. These programs include: high school, general equivalency diploma, and English as a second language. Programs exempt from this time limit must not run concurrently with a post-secondary program. ~~High school students who are participating in a post-secondary options program and who receive a high school diploma issued by the school district are exempt from the time limitations while pursuing a high school diploma. Financially eligible students who have received child care assistance for one academic year shall be provided child care assistance in the following academic year if funds allocated under sections 119B.03 and 119B.05 are available. If an AFDC recipient MFIP participant who is receiving AFDC MFIP child care assistance under this chapter moves to another county, continues to participate in educational or training programs authorized in their employability development employment plans, and continues to be eligible for AFDC MFIP child care assistance under this chapter, the AFDC caretaker MFIP participant must receive continued child care assistance from the county responsible for their current employability development employment plan, without interruption under section 256G.07.~~

Sec. 26. [119B.074] [SPECIAL REVENUE ACCOUNT FOR CHILD CARE.]

A child support collection account is established in the special revenue fund for the deposit of collections through the assignment of child support under section 256.741, subdivision 2. The commissioner of human services must deposit all collections made under section 256.741, subdivision 2, in the child support collection account. Money in this account is appropriated to the commissioner for assistance under section 119B.03 and is in addition to other state and federal appropriations.

Sec. 27. Minnesota Statutes 1998, section 119B.08, subdivision 3, is amended to read:

Subd. 3. [CHILD CARE FUND PLAN.] Effective January 1, 1992, the county will include the plan required under this subdivision in its biennial community social services plan required in this section, for the group described in section 256E.03, subdivision 2, paragraph (h). The commissioner shall establish the dates by which the county must submit these plans. The county and designated administering agency shall submit to the commissioner an annual child care fund allocation plan in its biennial community social services plan. The commissioner shall establish the dates by which the county must submit the plans. The plan shall include:

(1) a narrative of the total program for child care services, including all policies and procedures that affect eligible families and are used to administer the child care funds;

(2) the methods used by the county to inform eligible groups families of the availability of child care assistance and related services;

(3) the provider rates paid for all children with special needs by provider type;

(4) the county prioritization policy for all eligible groups families under the basic sliding fee program and ~~AFDC child care program~~; and

(5) other information as requested by the department to ensure compliance with the child care fund statutes and rules promulgated by the commissioner.

The commissioner shall notify counties within 60 days of the date the plan is submitted whether the plan is approved or the corrections or information needed to approve the plan. The commissioner shall withhold a county's allocation until it has an approved plan. Plans not approved by the end of the second quarter after the plan is due may result in a 25 percent reduction in allocation. Plans not approved by the end of the third quarter after the plan is due may result in a 100 percent reduction in the allocation to the county. Counties are to maintain services despite any reduction in their allocation due to plans not being approved.

Sec. 28. Minnesota Statutes 1998, section 119B.09, subdivision 1, is amended to read:

Subdivision 1. [GENERAL ELIGIBILITY REQUIREMENTS FOR ALL APPLICANTS FOR CHILD CARE ASSISTANCE.] (a) Child care services must be available to families who need child care to find or keep employment or to obtain the training or education necessary to find employment and who:

(1) meet the requirements of section 119B.05; ~~receive aid to families with dependent children, MFIP-S, or work first, whichever is in effect~~ MFIP assistance; and are receiving participating in employment and training services under ~~section 256.736 or~~ chapter 256J or 256K;

(2) have household income below the eligibility levels for ~~aid to families with dependent children~~ MFIP; or

(3) have household income within a range established by the commissioner.

(b) Child care services ~~for the families receiving aid to families with dependent children~~ must be made available as in-kind services, ~~to cover any difference between the actual cost and the amount disregarded under the aid to families with dependent children program.~~ Child care services to families whose incomes are below the threshold of eligibility for aid to families with dependent children, but are not AFDC caretakers, must be made available with the same copayment required of AFDC caretakers or MFIP-S caregivers.

(c) All applicants for child care assistance and families currently receiving child care assistance must be assisted and required to cooperate in establishment of paternity and enforcement of child support obligations for all children in the family as a condition of program eligibility. For purposes of this section, a family is considered to meet the requirement for cooperation when the family complies with the requirements of section 256.741, ~~if enacted.~~

Sec. 29. Minnesota Statutes 1998, section 119B.09, subdivision 3, is amended to read:

Subd. 3. [PRIORITIES; ALLOCATIONS.] If a county projects that its child care allocation is insufficient to meet the needs of all eligible groups families, it may prioritize among the groups families that remain to be served after the county has complied with the priority requirements of section 119B.03. Counties that have established a priority for ~~non-AFDC families who are not MFIP participants~~ beyond those established under section 119B.03 must submit the policy in the annual allocation child care fund plan.

Sec. 30. Minnesota Statutes 1998, section 119B.09, subdivision 7, is amended to read:

Subd. 7. [DATE OF ELIGIBILITY FOR ASSISTANCE.] The date of eligibility for child care assistance under this chapter is the later of the date the application was signed; the beginning date

of employment, education, or training; or the date a determination has been made that the applicant is a participant in employment and training services under Minnesota Rules, part 3400.0080, subpart 2a, ~~section 256.736~~, or chapter 256J or 256K. The date of eligibility for the basic sliding fee at-home infant child care program is the later of the date the infant is born or, in a county with a basic sliding fee ~~wait~~ waiting list, the date the family applies for at-home infant child care. Payment ceases for a family under the at-home infant child care program when a family has used a total of 12 months of assistance as specified under section 119B.061. Payment of child care assistance for employed persons on ~~AFDC MFIP~~ is effective the date of employment or the date of ~~AFDC MFIP~~ MFIP eligibility, whichever is later. Payment of child care assistance for ~~MFIP-S MFIP~~ or work first participants in employment and training services is effective the date of commencement of the services or the date of ~~MFIP-S MFIP~~ MFIP or work first eligibility, whichever is later. Payment of child care assistance for transition year child care must be made retroactive to the date of eligibility for transition year child care.

Sec. 31. Minnesota Statutes 1998, section 119B.10, subdivision 1, is amended to read:

Subdivision 1. [ASSISTANCE FOR PERSONS SEEKING AND RETAINING EMPLOYMENT.] (a) Persons who are seeking employment and who are eligible for assistance under this section are eligible to receive up to 240 hours of child care assistance per calendar year.

(b) Employed persons who work at least an average of 20 hours and full-time students who work at least an average of ten hours a week and receive at least a minimum wage for all hours worked are eligible for continued child care assistance for employment. For purposes of this section, work-study programs must be counted as employment. Child care assistance during employment must be authorized as provided in paragraphs (c) and (d).

(c) When the ~~caregiver~~ person works for an hourly wage and the hourly wage is equal to or greater than the applicable minimum wage, child care assistance shall be provided for the actual hours of employment, break, and mealtime during the employment and travel time up to two hours per day.

(d) When the ~~caregiver~~ person does not work for an hourly wage, child care assistance must be provided for the lesser of:

(1) the amount of child care determined by dividing gross earned income by the applicable minimum wage, up to one hour every eight hours for meals and break time, plus up to two hours per day for travel time; or

(2) the amount of child care equal to the actual amount of child care used during employment, including break and mealtime during employment, and travel time up to two hours per day.

Sec. 32. Minnesota Statutes 1998, section 119B.11, subdivision 2a, is amended to read:

Subd. 2a. [RECOVERY OF OVERPAYMENTS.] An amount of child care assistance paid to a recipient in excess of the payment due is recoverable by the county agency. If the family remains eligible for child care assistance, the overpayment must be recovered through recoupment as identified in Minnesota Rules, part 9565.5110, subpart 11, items A and B, if the family remains eligible for assistance 3400.0140, subpart 19. If the family no longer remains eligible for child care assistance, the county may choose to initiate efforts to recover overpayments from the family for overpayment less than \$50. If the overpayment is greater than or equal to \$50, the county shall seek voluntary repayment of the overpayment from the family. If the county is unable to recoup the overpayment through voluntary repayment, the county shall initiate civil court proceedings to recover the overpayment unless the county's costs to recover the overpayment will exceed the amount of the overpayment. A family with an outstanding debt under this subdivision is not eligible for child care assistance until: (1) the debt is paid in full; or (2) satisfactory arrangements are made with the county to retire the debt consistent with the requirements of this chapter and Minnesota Rules, chapter 3400, and the family is in compliance with the arrangements.

Sec. 33. Minnesota Statutes 1998, section 119B.12, subdivision 2, is amended to read:

Subd. 2. [PARENT FEE.] A family's monthly parent fee must be a fixed percentage of its

annual gross income. Parent fees must apply to families eligible for child care assistance under sections 119B.03 and 119B.05. Income must be as defined in section 119B.01, subdivision 12. The fixed percent is based on the relationship of the family's annual gross income to 100 percent of state median income. Beginning January 1, 1998, parent fees must begin at 75 percent of the poverty level. The minimum parent fees for families between 75 percent and 100 percent of poverty level must be \$5 per month. ~~Parent fees for families with incomes at or above the poverty level must not decrease due to the addition of family members after the family's initial eligibility determination.~~ Parent fees must be established in rule and must provide for graduated movement to full payment.

Sec. 34. Minnesota Statutes 1998, section 119B.13, is amended to read:

119B.13 [CHILD CARE RATES.]

Subdivision 1. [SUBSIDY RESTRICTIONS.] ~~Effective July 1, 1991,~~ The maximum rate paid for child care assistance under the child care fund is ~~the maximum rate eligible for federal reimbursement.~~ The rate may not exceed the 75th percentile rate for like-care arrangements in the county as surveyed by the commissioner. A rate which includes a provider bonus paid under subdivision 2 or a special needs rate paid under subdivision 3 may be in excess of the maximum rate allowed under this subdivision. The department of children, families, and learning shall monitor the effect of this paragraph on provider rates. The county shall pay the provider's full charges for every child in care up to the maximum established. The commissioner shall determine the maximum rate for each type of care, including special needs and handicapped care. Not less than once every two years, the ~~county~~ commissioner shall evaluate rates market practices for payment of ~~absent spaces~~ absences and shall establish policies for payment of absent days that reflect current market practice.

When the provider charge is greater than the maximum provider rate allowed, the parent is responsible for payment of the difference in the rates in addition to any family copayment fee.

Subd. 2. [PROVIDER RATE BONUS FOR ACCREDITATION.] ~~Currently accredited child care centers shall be paid a ten percent bonus above the maximum rate established in subdivision 1, up to the actual provider rate.~~ A family day child care provider or child care center shall be paid a ten percent bonus above the maximum rate established in subdivision 1, if the provider or center holds a current early childhood development credential approved by the commissioner, up to the actual provider rate. ~~For purposes of this subdivision, "accredited" means accredited by the National Association for the Education of Young Children.~~

Subd. 3. [PROVIDER RATE FOR CARE OF CHILDREN WITH HANDICAPS OR SPECIAL NEEDS.] Counties shall reimburse providers for the care of children with handicaps or special needs, at a special rate to be set approved by the county for care of these children, subject to the approval of the commissioner.

Subd. 4. [RATES CHARGED TO PUBLICLY SUBSIDIZED FAMILIES.] Child care providers receiving reimbursement under this chapter may not charge a rate to clients receiving assistance under this chapter that is higher than the private, full-paying client rate.

Subd. 5. [PROVIDER NOTICE.] The county shall inform both the family receiving assistance under this chapter and the child care provider of the payment amount and how and when payment will be received. If the county sends a family a notice that child care assistance will be terminated, the county shall inform the provider that unless the family requests to continue to receive assistance pending an appeal, child care payments will no longer be made. The notice to the ~~vendor~~ provider must not contain any private data on the family or information on why payment will no longer be made.

Subd. 6. [PROVIDER PAYMENTS.] Counties shall make vendor payments to the child care provider or pay the parent directly for eligible child care expenses. If payments for child care assistance are made to providers, the provider shall bill the county for services provided within ten days of the end of the month of service. If bills are submitted in accordance with the provisions of this subdivision, a county shall issue payment to the provider of child care under the child care

fund within 30 days of receiving an invoice from the provider. Counties may establish policies that make payments on a more frequent basis. A county's payment policies must be included in the county's child care plan under section 119B.08, subdivision 3.

Sec. 35. Minnesota Statutes 1998, section 119B.14, is amended to read:

119B.14 [EXTENSION OF EMPLOYMENT OPPORTUNITIES.]

The county board shall ~~insure~~ ensure that child care services available to eligible residents are well advertised and that everyone who receives or applies for aid to families with dependent children MFIP assistance is informed of training and employment opportunities and programs, including child care assistance and child care resource and referral services.

Sec. 36. Minnesota Statutes 1998, section 119B.15, is amended to read:

119B.15 [ADMINISTRATIVE EXPENSES.]

The commissioner shall use up to 1/21 of the state and federal funds available for the basic sliding fee program and 1/21 of the state and federal funds available for the AFDC MFIP child care program for payments to counties for administrative expenses.

Sec. 37. Minnesota Statutes 1998, section 119B.18, subdivision 3, is amended to read:

Subd. 3. [CHILD DEVELOPMENT EDUCATION AND TRAINING LOANS.] The commissioner shall establish a child development education and training loan program to be administered by the regional child care resource and referral programs. The commissioner shall establish application procedures, eligibility criteria, terms, and other conditions necessary to make educational loans under this section. A single applicant may not receive more than \$1,500 per year under this program. All or part of the loan may be forgiven if the applicant continues to provide child care services for a period of ~~12~~ 24 months following the completion of all courses paid for by the educational loan.

Sec. 38. Minnesota Statutes 1998, section 119B.24, is amended to read:

119B.24 [DUTIES OF COMMISSIONER.]

In addition to the powers and duties already conferred by law, the commissioner of children, families, and learning shall:

(1) ~~by September 1, 1998, and every five years thereafter, survey and report on all components of the child care system, including, but not limited to, availability of licensed child care slots, the number of children in various kinds of child care settings, staff wages, rate of staff turnover, qualifications of child care workers, cost of child care by type of service and ages of children, and child care availability through school systems;~~

(2) ~~by September 1, 1998, and every five years thereafter, survey and report on the extent to which existing child care services fulfill the need for child care, giving particular attention to the need for part-time care and for care of infants, sick children, children with special needs, low-income children, toddlers, and school-age children;~~

(3) administer the child care fund, including the basic sliding fee program authorized under sections 119B.01 to 119B.16;

(4) (2) monitor the child care resource and referral programs established under section 119B.19; and

(5) (3) encourage child care providers to participate in a nationally recognized accreditation system for early childhood programs. The commissioner shall reimburse licensed child care providers for one-half of the direct cost of accreditation fees, upon successful completion of accreditation.

Sec. 39. Minnesota Statutes 1998, section 119B.25, subdivision 3, is amended to read:

Subd. 3. [FINANCING PROGRAM.] A nonprofit corporation that receives a grant under this section shall use the money to:

(1) establish a revolving loan fund to make loans to existing, expanding, and new licensed and legal unlicensed child care and early childhood education sites;

(2) establish a fund to guarantee private loans to improve or construct a child care or early childhood education site;

(3) establish a fund to provide forgivable loans or grants to match all or part of a loan made under this section; ~~and~~

(4) establish a fund as a reserve against bad debt; and

(5) establish a fund to provide business planning assistance for child care providers.

The nonprofit corporation shall establish the terms and conditions for loans and loan guarantees including, but not limited to, interest rates, repayment agreements, private match requirements, and conditions for loan forgiveness. The nonprofit corporation shall establish a minimum interest rate for loans to ensure that necessary loan administration costs are covered. The nonprofit corporation may use interest earnings for administrative expenses.

Sec. 40. Minnesota Statutes 1998, section 121A.19, is amended to read:

121A.19 [DEVELOPMENTAL SCREENING AID.]

Each school year, the state must pay a district ~~\$25~~ \$40 for each child screened according to the requirements of section 121A.17. If this amount of aid is insufficient, the district may permanently transfer from the general fund an amount that, when added to the aid, is sufficient.

Sec. 41. Minnesota Statutes 1998, section 124D.13, subdivision 6, is amended to read:

Subd. 6. [PARTICIPANTS' FEES.] A district ~~may charge~~ must establish a reasonable sliding fee scale but it shall waive the fee for a participant unable to pay.

Sec. 42. Minnesota Statutes 1998, section 124D.135, subdivision 1, is amended to read:

Subdivision 1. [REVENUE.] The revenue for early childhood family education programs for a school district equals ~~\$101.25 for 1998 and \$113.50 for 1999~~ fiscal years 2000 and 2001 and \$120 for 2002 and later fiscal years times the greater of:

(1) 150; or

(2) the number of people under five years of age residing in the district on October 1 of the previous school year.

Sec. 43. Minnesota Statutes 1998, section 124D.135, subdivision 3, is amended to read:

Subd. 3. [EARLY CHILDHOOD FAMILY EDUCATION LEVY.] For fiscal years 2000 and 2001 to obtain early childhood family education revenue, a district may levy an amount equal to the tax rate of .45 .5282 percent times the adjusted tax capacity of the district for the year preceding the year the levy is certified. Beginning with levies for fiscal year 2002, by September 30 of each year, the commissioner shall establish a tax rate for early childhood education revenue that raises \$21,027,000 for fiscal year 2002 and \$22,135,000 in fiscal year 2003 and each subsequent year. If the amount of the early childhood family education levy would exceed the early childhood family education revenue, the early childhood family education levy must equal the early childhood family education revenue.

Sec. 44. Minnesota Statutes 1998, section 124D.19, subdivision 11, is amended to read:

Subd. 11. [~~EXTENDED DAY SCHOOL-AGE CARE PROGRAMS.~~] (a) A school board may offer, as part of a community education program, ~~an extended day~~ a school-age care program for

children from kindergarten through grade 6 for the purpose of expanding students' learning opportunities. If the school board chooses not to offer a school-age care program, it may allow an appropriate insured community group, for profit entity or nonprofit organization to use available school facilities for the purpose of offering a school-age care program.

(b) A school-age care program must include the following:

- (1) adult supervised programs while school is not in session;
- (2) parental involvement in program design and direction;
- (3) partnerships with the kindergarten through grade 12 system, and other public, private, or nonprofit entities; and
- (4) opportunities for trained secondary school pupils to work with younger children in a supervised setting as part of a community service program.; and
- (5) access to available school facilities, including the gymnasium, sports equipment, computer labs, and media centers, when not otherwise in use as part of the operation of the school. The school district may establish reasonable rules relating to access to these facilities and may require that:

(i) the organization request access to the facilities and prepare and maintain a schedule of proposed use;

(ii) the organization provide evidence of adequate insurance to cover the activities to be conducted in the facilities; and

(iii) the organization prepare and maintain a plan demonstrating the adequacy and training of staff to supervise the use of the facilities.

~~(b) (c) The district may charge a sliding fee based upon family income for extended day school-age care programs. The district may receive money from other public or private sources for the extended day school-age care program. The board of the district must develop standards for school-age child care programs. Districts must adopt standards within one year after the district first offers services under a program authorized by this subdivision. The state board of education may not adopt rules for extended day school-age care programs.~~

~~(e) (d) The district shall maintain a separate account within the community services fund for all funds related to the extended day school-age care program.~~

(e) A district is encouraged to coordinate the school-age care program with its special education, vocational education, adult basic education, early childhood family education programs, kindergarten through grade 12 instruction and curriculum services, youth development and youth service agencies, and with related services provided by other governmental agencies and nonprofit agencies.

Sec. 45. Minnesota Statutes 1998, section 124D.22, is amended to read:

124D.22 [~~EXTENDED DAY SCHOOL-AGE CARE REVENUE.~~]

Subdivision 1. [~~ELIGIBILITY.~~] A district that offers ~~an extended day~~ a school-age care program according to section 124D.19, subdivision 11, is eligible for ~~extended day school-age care revenue for the additional costs of providing services to children with disabilities or to children experiencing family or related problems of a temporary nature who participate in the extended day school-age care program.~~

Subd. 2. [~~EXTENDED DAY SCHOOL-AGE CARE REVENUE.~~] The ~~extended day school-age care revenue for an eligible district equals the approved additional cost of providing services to children with disabilities or children experiencing family or related problems of a temporary nature who participate in the extended day school-age care program.~~

Subd. 3. [~~EXTENDED DAY SCHOOL-AGE CARE LEVY.~~] To obtain ~~extended day school-age care~~ revenue, a school district may levy an amount equal to the district's ~~extended day school-age care~~ revenue as defined in subdivision 2 multiplied by the lesser of one, or the ratio of the quotient derived by dividing the adjusted net tax capacity of the district for the year before the year the levy is certified by the resident pupil units in the district for the school year to which the levy is attributable, to ~~\$3,767~~ \$3,280.

Subd. 4. [~~EXTENDED DAY SCHOOL-AGE CARE AID.~~] A district's ~~extended day school-age care~~ aid is the difference between its ~~extended day school-age care~~ revenue and its ~~extended day school-age care~~ levy. If a district does not levy the entire amount permitted, ~~extended day school-age care~~ aid must be reduced in proportion to the actual amount levied.

Sec. 46. Minnesota Statutes 1998, section 124D.23, is amended by adding a subdivision to read:

Subd. 2b. [INSURANCE.] The commissioner of children, families, and learning may designate one collaborative to act as a lead collaborative for purposes of obtaining liability coverage for participating collaboratives.

Sec. 47. Minnesota Statutes 1998, section 125A.35, subdivision 5, is amended to read:

Subd. 5. [INCREASED COSTS.] County boards that have submitted base year 1993 expenditures as required under subdivision 4 are not required to pay any increased cost over the base year 1993 for early intervention services resulting from implementing the early intervention system. Increased costs to county boards may be paid for with early intervention ~~flow-through~~ service dollars.

Sec. 48. Minnesota Statutes 1998, section 256.01, subdivision 4, is amended to read:

Subd. 4. [DUTIES AS STATE AGENCY.] The state agency shall:

(1) supervise the administration of assistance to dependent children under Laws 1937, chapter 438, by the county agencies in an integrated program with other service for dependent children maintained under the direction of the state agency;

(2) may subpoena witnesses and administer oaths, make rules, and take such action as may be necessary, or desirable for carrying out the provisions of Laws 1937, chapter 438. All rules made by the state agency shall be binding on the counties and shall be complied with by the respective county agencies;

(3) establish adequate standards for personnel employed by the counties and the state agency in the administration of Laws 1937, chapter 438, and make the necessary rules to maintain such standards;

(4) prescribe the form of and print and supply to the county agencies blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(5) cooperate with the federal government and its public welfare agencies in any reasonable manner as may be necessary to qualify for federal aid for aid to dependent children and in conformity with the provisions of Laws 1937, chapter 438, including the making of such reports and such forms and containing such information as the Federal Social Security Board may from time to time require, and comply with such provisions as such board may from time to time find necessary to assure the correctness and verification of such reports;

(6) may cooperate with other state agencies in establishing reciprocal agreements in instances where a child receiving aid to dependent children moves or contemplates moving into or out of the state, in order that such child may continue to receive supervised aid from the state moved from until the child shall have resided for one year in the state moved to;

(7) on or before October 1 in each even-numbered year make a biennial report to the governor concerning the activities of the agency; and

(8) enter into agreements with other departments of the state as necessary to meet all requirements of the federal government; and

(9) cooperate with the commissioner of children, families, and learning to enforce the requirements for program integrity and fraud prevention for investigation for child care assistance under chapter 119B.

Sec. 49. Minnesota Statutes 1998, section 256.045, is amended by adding a subdivision to read:

Subd. 3c. [FINAL ORDER IN HEARING UNDER SECTION 119B.16.] The state human services referee shall recommend an order to the commissioner of children, families, and learning in an appeal under section 119B.16. The commissioner shall affirm, reverse, or modify the order. An order issued under this subdivision is conclusive on the parties unless an appeal is taken under subdivision 7.

Sec. 50. Minnesota Statutes 1998, section 256.045, subdivision 6, is amended to read:

Subd. 6. [ADDITIONAL POWERS OF THE COMMISSIONER; SUBPOENAS.] (a) The commissioner of human services, or the commissioner of health for matters within the commissioner's jurisdiction under subdivision 3b, or the commissioner of children, families, and learning for matters within the commissioner's jurisdiction under subdivision 3c, may initiate a review of any action or decision of a county agency and direct that the matter be presented to a state human services referee for a hearing held under subdivision 3, 3a, 3b, 3c, or 4a. In all matters dealing with human services committed by law to the discretion of the county agency, the commissioner's judgment may be substituted for that of the county agency. The commissioner may order an independent examination when appropriate.

(b) Any party to a hearing held pursuant to subdivision 3, 3a, 3b, 3c, or 4a may request that the commissioner issue a subpoena to compel the attendance of witnesses and the production of records at the hearing. A local agency may request that the commissioner issue a subpoena to compel the release of information from third parties prior to a request for a hearing under section 256.046 upon a showing of relevance to such a proceeding. The issuance, service, and enforcement of subpoenas under this subdivision is governed by section 357.22 and the Minnesota Rules of Civil Procedure.

(c) The commissioner may issue a temporary order staying a proposed demission by a residential facility licensed under chapter 245A while an appeal by a recipient under subdivision 3 is pending or for the period of time necessary for the county agency to implement the commissioner's order.

Sec. 51. Minnesota Statutes 1998, section 256.045, subdivision 7, is amended to read:

Subd. 7. [JUDICIAL REVIEW.] Except for a prepaid health plan, any party who is aggrieved by an order of the commissioner of human services, or the commissioner of health in appeals within the commissioner's jurisdiction under subdivision 3b, or the commissioner of children, families, and learning for matters within the commissioner's jurisdiction under subdivision 3c, may appeal the order to the district court of the county responsible for furnishing assistance, or, in appeals under subdivision 3b, the county where the maltreatment occurred, by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record within 30 days after the date the commissioner issued the order, the amended order, or order affirming the original order, and by filing the original notice and proof of service with the court administrator of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the court administrator in appeals taken pursuant to this subdivision, with the exception of appeals taken under subdivision 3b. The commissioner may elect to become a party to the proceedings in the district court. Except for appeals under subdivision 3b, any party may demand that the commissioner furnish all parties to the proceedings with a copy of the decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the human services referee, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner under subdivision 5 may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Sec. 52. Minnesota Statutes 1998, section 256.046, subdivision 1, is amended to read:

Subdivision 1. [HEARING AUTHORITY.] A local agency shall ~~must~~ initiate an administrative fraud disqualification hearing for individuals accused of wrongfully obtaining assistance or intentional program violations, in lieu of a criminal action when it has not been pursued, in the aid to families with dependent children, ~~MFIP-S MFIP~~, child care assistance programs, general assistance, family general assistance, Minnesota supplemental aid, medical care, or food stamp programs. The hearing is subject to the requirements of section 256.045 and the requirements in Code of Federal Regulations, title 7, section 273.16, for the food stamp program and title 45, section 235.112, as of September 30, 1995, for the cash grant and medical care programs.

Sec. 53. Minnesota Statutes 1998, section 256.741, subdivision 4, is amended to read:

Subd. 4. [EFFECT OF ASSIGNMENT.] Assignments in this section take effect upon a determination that the applicant is eligible for public assistance. The amount of support assigned under this subdivision may not exceed the total amount of public assistance issued or the total support obligation, whichever is less. Child care support collections made according to an assignment under subdivision 2, paragraph (c), must be ~~transferred deposited~~, subject to any limitations of federal law, ~~from~~ by the commissioner of human services in the child support collection account in the special revenue fund and appropriated to the commissioner of children, families, and learning ~~and dedicated to the child care fund under chapter 119B~~ for child care assistance under section 119B.03. These collections are in addition to state and federal funds appropriated to the child care fund.

Sec. 54. Minnesota Statutes 1998, section 256.98, subdivision 1, is amended to read:

Subdivision 1. [WRONGFULLY OBTAINING ASSISTANCE.] A person who commits any of the following acts or omissions with intent to defeat the purposes of sections 145.891 to 145.897, 256.12, 256.031 to 256.361, 256.72 to 256.871, 256.9365, 256.94 to 256.966, ~~child care, MFIP-S MFIP~~, chapter 256B, 256D, 256J, 256K, or 256L, child care assistance programs, or all of these sections, is guilty of theft and shall be sentenced under section 609.52, subdivision 3, clauses (1) to (5):

(1) obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, by intentional concealment of any material fact, or by impersonation or other fraudulent device, assistance or the continued receipt of assistance, to include child care assistance or vouchers produced according to sections 145.891 to 145.897 and MinnesotaCare services according to sections 256.9365, 256.94, and 256L.01 to 256L.16, to which the person is not entitled or assistance greater than that to which the person is entitled;

(2) knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the county agency; or

(3) obtains or attempts to obtain, alone or in collusion with others, the receipt of payments to which the individual is not entitled as a provider of subsidized child care, or by furnishing or concurring in a willfully false claim for child care assistance.

The continued receipt of assistance to which the person is not entitled or greater than that to which the person is entitled as a result of any of the acts, failure to act, or concealment described in this subdivision shall be deemed to be continuing offenses from the date that the first act or failure to act occurred.

Sec. 55. Minnesota Statutes 1998, section 256.98, subdivision 7, is amended to read:

Subd. 7. [DIVISION OF RECOVERED AMOUNTS.] Except for recoveries under chapter 119B, if the state is responsible for the recovery, the amounts recovered shall be paid to the appropriate units of government as provided under section 256.863. If the recovery is directly attributable to a county, the county may retain one-half of the nonfederal share of any recovery from a recipient or the recipient's estate.

This subdivision does not apply to recoveries from medical providers or to recoveries involving

the department of human services, surveillance and utilization review division, state hospital collections unit, and the benefit recoveries division.

Sec. 56. Minnesota Statutes 1998, section 256.98, subdivision 8, is amended to read:

Subd. 8. [DISQUALIFICATION FROM PROGRAM.] (a) Any person found to be guilty of wrongfully obtaining assistance by a federal or state court or by an administrative hearing determination, or waiver thereof, through a disqualification consent agreement, or as part of any approved diversion plan under section 401.065, or any court-ordered stay which carries with it any probationary or other conditions, in the aid to families with dependent children program, the Minnesota family assistance program-statewide, the food stamp program, the Minnesota family investment plan, ~~child care program~~, the general assistance or family general assistance program, or the Minnesota supplemental aid program shall be disqualified from that program. The needs of that individual shall not be taken into consideration in determining the grant level for that assistance unit:

- (1) for one year after the first offense;
- (2) for two years after the second offense; and
- (3) permanently after the third or subsequent offense.

The period of program disqualification shall begin on the date stipulated on the advance notice of disqualification without possibility of postponement for administrative stay or administrative hearing and shall continue through completion unless and until the findings upon which the sanctions were imposed are reversed by a court of competent jurisdiction. The period for which sanctions are imposed is not subject to review. The sanctions provided under this subdivision are in addition to, and not in substitution for, any other sanctions that may be provided for by law for the offense involved. A disqualification established through hearing or waiver shall result in the disqualification period beginning immediately unless the person has become otherwise ineligible for assistance. If the person is ineligible for assistance, the disqualification period begins when the person again meets the eligibility criteria of the program from which they were disqualified and makes application for that program.

(b) A family receiving assistance through child care assistance programs under chapter 119B with a family member who is found to be guilty of wrongfully obtaining child care assistance by a federal court, state court, or an administrative hearing determination or waiver, through a disqualification consent agreement, as part of an approved diversion plan under section 401.065, or a court-ordered stay with probationary or other conditions, is disqualified from child care assistance programs. The disqualifications must be for periods of three months, six months, and two years for the first, second, and third offenses respectively. Subsequent violations must result in permanent disqualification. During the disqualification period, disqualification from any child care program must extend to all child care programs and must be immediately applied.

Sec. 57. Minnesota Statutes 1998, section 256.983, subdivision 3, is amended to read:

Subd. 3. [DEPARTMENT RESPONSIBILITIES.] The commissioner shall establish training programs which shall be attended by all investigative and supervisory staff of the involved county agencies. The commissioner shall also develop the necessary operational guidelines, forms, and reporting mechanisms, which shall be used by the involved county agencies. An individual's application or redetermination form ~~shall for public assistance benefits, including child care assistance programs and medical care programs, must include an authorization for release by the individual to obtain documentation for any information on that form which is involved in a fraud prevention investigation. The authorization for release would be~~ is effective until for six months after public assistance benefits have ceased.

Sec. 58. Minnesota Statutes 1998, section 256.983, subdivision 4, is amended to read:

Subd. 4. [FUNDING.] (a) County agency reimbursement shall be made through the settlement provisions applicable to the ~~aid to families with dependent children program, food stamp program, Minnesota family investment program-statewide, and MFIP, child care assistance programs, the~~ medical assistance program, and other federal and state-funded programs.

(b) The commissioner will maintain program compliance if for any three consecutive month period, a county agency fails to comply with fraud prevention investigation program guidelines, or fails to meet the cost-effectiveness standards developed by the commissioner. This result is contingent on the commissioner providing written notice, including an offer of technical assistance, within 30 days of the end of the third or subsequent month of noncompliance. The county agency shall be required to submit a corrective action plan to the commissioner within 30 days of receipt of a notice of noncompliance. Failure to submit a corrective action plan or, continued deviation from standards of more than ten percent after submission of a corrective action plan, will result in denial of funding for each subsequent month, or billing the county agency for fraud prevention investigation (FPI) service provided by the commissioner, or reallocation of program grant funds, or investigative resources, or both, to other counties. The denial of funding shall apply to the general settlement received by the county agency on a quarterly basis and shall not reduce the grant amount applicable to the FPI project.

Sec. 59. Minnesota Statutes 1998, section 466.01, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPALITY.] For the purposes of sections 466.01 to 466.15, "municipality" means any city, whether organized under home rule charter or otherwise, any county, town, public authority, public corporation, nonprofit firefighting corporation that has associated with it a relief association as defined in section 424A.001, subdivision 4, special district, school district, however organized, county agricultural society organized pursuant to chapter 38, joint powers board or organization created under section 471.59 or other statute, public library, regional public library system, multicounty multitype library system, the following local collaboratives whose plans have been approved by the children's cabinet: family services collaborative ~~collaboratives~~ established under section 124D.23, children's mental health collaboratives established under sections 245.491 to 245.496, or a collaborative established by the merger of a children's mental health collaborative and a family services collaborative, other political subdivision, or community action agency.

Sec. 60. Laws 1997, chapter 162, article 2, section 28, subdivision 6, is amended to read:

Subd. 6. [PROGRAM COMPONENTS.] An adolescent parenting program must include:

(1) a high quality educational program provided in the least restrictive environment that includes strategies to ensure access to educational services, including flexible attendance policies and class scheduling, and grants academic credit for all work completed;

(2) to the extent possible, collaboration with other governmental agencies and community-based organizations to provide on-site support services, including child care;

(3) an individualized learning plan for each eligible student that includes career goals;

(4) assurance of compliance with requirements of Public Law Number 92-318, title IX, prohibiting discrimination against students due to their pregnant or parenting status;

(5) courses in parent education and life skills;

(6) accountability measures for student performance linked to graduation standards;

(7) professional development opportunities on adolescent pregnancy and parenting issues and strategies to achieve academic success with this student population;

(8) a system to document that adolescent parenting and prevention support funds were used to provide support services to eligible students;

(9) a comprehensive assessment of the district's adolescent pregnancy prevention programs and recommendations for improvements;

(10) a system for collecting and reporting specific student data, including goals and outcome measurements; and

- (11) a program advisory council, which may consist of an existing local council; and
- (12) transportation options for parents and their children, including allowing transportation on district buses along existing routes.

Sec. 61. [PLAN FOR INTEGRATION.]

The commissioner of children, families, and learning shall develop a plan for integrating child care and early childhood education programs and services. The plan must focus on cost-efficient delivery of services and address central location of programs, integration of programs, ease of accessibility to services by families, nontraditional hours of child care, infant care, sick child care, special needs child care, and legislative simplification of programs. The commissioner shall consult with representatives from a variety of for-profit, nonprofit, and publicly funded child care and early childhood education programs and services in developing the plan. The plan must contain budget recommendations, proposed legislation in draft form, and recommendations for financial incentives to reward programs that provide cooperative services. The commissioner must report on the plan by January 15, 2001, to the senate and house committees having jurisdiction over child care and early childhood education programs.

Sec. 62. [PRETAX CHILD CARE ACCOUNTS; ASSISTANCE FOR EMPLOYERS.]

The commissioner of children, families, and learning in cooperation with the commissioner of revenue must provide assistance to support parental choice in child care through increased availability of pretax child care accounts. The commissioner may use a portion of the available Child Care and Development Fund to provide assistance under this section. The assistance must encourage employers to participate by establishing accounts for their employees. Assistance may include technical assistance, workshops for employers or employees on the advantages of pretax accounts, and other types of promotional material or assistance. The commissioner must report to the legislature by February 1, 2000, on progress under this section.

Sec. 63. [PARENT FEE SCHEDULE.]

The commissioner of children, families, and learning shall amend the parent fee schedule in Minnesota Rules, chapter 3400, to do the following:

(1) parent fees for families with incomes between 101.01 percent of the federal poverty guidelines and 35 percent of the state median income must equal 2.20 percent of adjusted gross income for families at 35 percent of the state median income;

(2) parent fees for families with incomes between 35.01 percent state median income and 42 percent of the state median income must equal 2.70 percent of adjusted gross income for families at 42 percent of the state median income;

(3) parent fees for families with incomes between 42.01 percent state median income and 75 percent of the state median income must begin at 3.75 percent of adjusted gross income and provide for graduated movement of fee increases; and

(4) parent fees for families at 75 percent of state median income must equal 20.0 percent of gross annual income.

Sec. 64. [CHILDHOOD LEARNING MATERIALS; CONTRIBUTIONS.]

The commissioner of children, families, and learning shall initiate contacts with businesses and other organizations to encourage them to donate materials designed to help families interact with their children during the first four years of life in ways that will help develop the skills and abilities necessary to succeed in reading and in school. The goal of this cooperative effort shall be to provide learning materials for children under age five through an alliance of business, nonprofit organizations, and government. The commissioner shall provide testimony on the status of this project by February 1, 2000, to the house and senate committees with jurisdiction over family and early childhood education.

Sec. 65. [ADDITIONAL EARLY CHILDHOOD FAMILY EDUCATION AID; FISCAL YEAR 2000.]

A district that complies with Minnesota Statutes, section 124D.13, shall receive additional early childhood family education aid for fiscal year 2000 equal to \$2.46 times the greater of:

(1) 150; or

(2) the number of people under five years of age residing in the school district on October 1 of the previous school year. The additional early childhood family education aid may be used only for early childhood family education programs.

Sec. 66. [CONSOLIDATION PLAN.]

The commissioner of children, families, and learning shall identify potential obstacles to the consolidation of MFIP, transition year, and basic sliding fee child care programs into one child care assistance program and shall study ways to achieve this consolidation during the 2002-2003 biennium. The commissioner shall testify before relevant house and senate committees on this matter during the year 2000 session.

Sec. 67. [STATE MONEY TO BE USED AS MATCH FOR WELFARE-TO-WORK GRANT MONEY.]

The commissioner of finance shall examine all relevant state expenditures authorized for fiscal years 2000 and 2001 to determine whether any expenditures can be used to provide a state match to obtain federal Welfare-to-Work funds. If the commissioner determines that any state expenditures can be used for this purpose in a manner that does not compromise the state's TANF maintenance-of-effort and is consistent with the state's fiscal policies and practices, the commissioner shall direct the appropriate agencies to take the actions necessary to track, document, and verify the designated state expenditures in order to qualify for and use up to \$5,000,000 in state expenditures for use as a match for federal Welfare-to-Work funds.

Sec. 68. [TRANSFER OF PROGRAMS.]

The powers and duties of the department of children, families, and learning with respect to drug policy and violence prevention 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 Minnesota Statutes, section 15.039.

Sec. 69. [INCONSISTENT AMENDMENTS.]

The amendments in this article to Minnesota Statutes 1998, sections 119B.01, subdivisions 15 and 16; 119B.03, subdivision 4; 119B.05, subdivision 1; 119B.07; 119B.08, subdivision 3; 119B.09, subdivisions 1, 3, and 7; 119B.14; and 119B.15 prevail over the amendments to the same provisions of Minnesota Statutes 1998 that are contained in the 1999 S. F. No. 1585, if enacted.

Sec. 70. [REVISOR INSTRUCTION.]

(a) The revisor of statutes shall change the headnote of Minnesota Statutes, section 119B.05, from "AFDC CHILD CARE PROGRAM" to "MFIP CHILD CARE ASSISTANCE PROGRAM" and the headnote of Minnesota Statutes, section 125A.35, from "EARLY INTERVENTION FLOW-THROUGH DOLLARS" to "EARLY INTERVENTION SERVICE DOLLARS."

(b) The revisor of statutes shall change the term "learning readiness" to "school readiness" wherever it appears in Minnesota Statutes and Minnesota Rules in connection with the learning readiness programs regulated under Minnesota Statutes, chapter 124D.

Sec. 71. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.] The sums indicated in this section are appropriated from the general fund to the department of children, families, and learning for the fiscal years designated.

Subd. 2. [SCHOOL READINESS PROGRAM REVENUE.] For revenue for learning readiness programs according to Minnesota Statutes, sections 124D.15 and 124D.16:

<u>\$10,395,000</u>	<u>.....</u>	<u>2000</u>
<u>\$10,395,000</u>	<u>.....</u>	<u>2001</u>

The 2000 appropriation includes \$1,040,000 for 1999 and \$9,355,000 for 2000.

The 2001 appropriation includes \$1,040,000 for 2000 and \$9,355,000 for 2001.

Any balance in the first year does not cancel but is available in the second year.

Subd. 3. [EARLY CHILDHOOD FAMILY EDUCATION AID.] For early childhood family education aid according to Minnesota Statutes, section 124D.135:

<u>\$20,485,000</u>	<u>.....</u>	<u>2000</u>
<u>\$19,420,000</u>	<u>.....</u>	<u>2001</u>

The 2000 appropriation includes \$1,390,000 for 1999 and \$19,095,000 for 2000.

The 2001 appropriation includes \$2,122,000 for 2000 and \$17,298,000 for 2001.

Any balance in the first year does not cancel but is available in the second year.

Subd. 4. [HEALTH AND DEVELOPMENTAL SCREENING AID.] For health and developmental screening aid according to Minnesota Statutes, sections 121A.17 and 121A.19:

<u>\$2,450,000</u>	<u>.....</u>	<u>2000</u>
<u>\$2,650,000</u>	<u>.....</u>	<u>2001</u>

The 2000 appropriation includes \$155,000 for 1999 and \$2,295,000 for 2000.

The 2001 appropriation includes \$255,000 for 2000 and \$2,395,000 for 2001.

Any balance in the first year does not cancel but is available in the second year.

Subd. 5. [WAY TO GROW.] For grants for existing way to grow programs according to Minnesota Statutes, section 124D.17:

<u>\$475,000</u>	<u>.....</u>	<u>2000</u>
<u>\$475,000</u>	<u>.....</u>	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 6. [HEAD START PROGRAM.] For Head Start programs according to Minnesota Statutes, section 119A.52:

<u>\$18,375,000</u>	<u>.....</u>	<u>2000</u>
<u>\$18,375,000</u>	<u>.....</u>	<u>2001</u>

\$1,000,000 each year must be used for grants to local Head Start agencies for full-year programming for children ages 0 to 3. Programs must comply with applicable federal Head Start performance standards. Grantees may use state grant funds to provide services in addition to those allowed under federal Head Start regulations. In awarding grants, the commissioner must give priority to continue existing programs. Any additional money must be distributed to local Head Start agencies to expand full-year programming for children ages 0 to 3.

Any balance in the first year does not cancel but is available in the second year.

Subd. 7. [SCHOOL AGE CARE AID.] For extended day aid according to Minnesota Statutes, section 124D.22:

<u>\$274,000</u>	.....	<u>2000</u>
<u>\$216,000</u>	.....	<u>2001</u>

The 2000 appropriation includes \$30,000 for 1999 and \$244,000 for 2000.

The 2001 appropriation includes \$27,000 for 2000 and \$189,000 for 2001.

Any balance in the first year does not cancel but is available in the second year.

Subd. 8. [BASIC SLIDING FEE CHILD CARE.] For child care assistance according to Minnesota Statutes, section 119B.03:

<u>\$21,621,000</u>	.....	<u>2000</u>
<u>\$22,377,000</u>	.....	<u>2001</u>

Six months before the end of the biennium, the commissioner must estimate the amount of biennial expenditures from the allocation for assistance under the at-home infant care program. The commissioner must transfer the amount of any projected surplus allocation to the basic sliding fee program. Of the amount set aside under section 119B.061 for the at-home infant care program, up to \$25,000 must be used to develop and provide information under section 119B.061, subdivision 5.

Any balance in the first year does not cancel but is available in the second year.

The fiscal year 2002 and 2003 base is \$62,199,000 each year. Of this amount, \$51,999,000 is from the general fund and \$10,200,000 is from the federal TANF block grant.

Subd. 9. [MFIP CHILD CARE.] For child care assistance according to Minnesota Statutes, section 119B.05:

<u>\$86,318,000</u>	.....	<u>2000</u>
<u>\$88,443,000</u>	.....	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 10. [CHILD CARE DEVELOPMENT.] For child care development grants according to Minnesota Statutes, section 119B.21:

<u>\$1,865,000</u>	.....	<u>2000</u>
<u>\$1,865,000</u>	.....	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Sec. 72. [FEDERAL TANF TRANSFERS.]

Subdivision 1. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.] The sums indicated in this section are transferred from the federal TANF fund to the child care and development fund and appropriated to the department of children, families, and learning for the fiscal years designated. The commissioner shall ensure that all transferred funds are expended in accordance with the child care and development fund regulations and that the maximum allowable transferred funds are used for the programs in this section.

Subd. 2. [BASIC SLIDING FEE CHILD CARE.] For child care assistance according to Minnesota Statutes, section 119B.03:

<u>\$37,985,000</u>	.....	<u>2000</u>
<u>\$37,986,000</u>	.....	<u>2001</u>

Any balance the first year does not cancel but is available in the second year. The fiscal year 2002 and 2003 base is \$62,199,000 each year. Of this amount, \$51,999,000 is from the general fund and \$10,200,000 is from the federal TANF block grant.

Subd. 3. [TRANSITION YEAR FAMILIES.] To provide uninterrupted assistance under Minnesota Statutes, section 119B.03, for families completing transition year child care assistance in fiscal year 2000:

\$2,500,000	.....	2000
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This is a one-time appropriation. Any balance the first year does not cancel but is available in the second year.

Subd. 4. [CHILD CARE DEVELOPMENT.] For child care development activities:

\$1,130,000	.....	2000
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\$ 449,000	.....	2001
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\$100,000 of the 2000 appropriation is for a grant to a nonprofit corporation under Minnesota Statutes, section 119B.25, for purposes that are eligible for funding under the Child Care and Development Fund, including improvements to child care facilities, business planning, and development of licensed child care.

Up to \$20,000 of the fiscal year 2000 appropriation is for assistance to establish pretax child care accounts in section 62.

These are one-time appropriations. Any balance in the first year does not cancel but is available in the second year.

Subd. 5. [PROGRAM INTEGRITY.] For administrative costs of program integrity and fraud prevention for child care assistance programs under chapter 119B:

\$175,000	.....	2000
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\$175,000	.....	2001
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This must be a base general fund appropriation for fiscal years 2002 and 2003.

Sec. 73. [REPEALER.]

(a) Minnesota Statutes 1998, sections 119B.01, subdivision 15; 119B.03, subdivision 7; 119B.05, subdivisions 6 and 7; 119B.075; 119B.17; and 124D.14, are repealed.

(b) Section 63 is repealed on the effective date of the specified rule changes in Minnesota Rules, chapter 3400.

## ARTICLE 2

### COMMUNITY AND SYSTEMS CHANGE

Section 1. Minnesota Statutes 1998, section 124D.20, subdivision 5, is amended to read:

Subd. 5. [COMMUNITY EDUCATION LEVY.] To obtain community education revenue, a district may levy the amount raised by a tax rate of ~~.44~~ .4795 percent times the adjusted net tax capacity of the district. If the amount of the community education levy would exceed the community education revenue, the community education levy shall be determined according to subdivision 6.

Sec. 2. Laws 1997, First Special Session chapter 4, article 1, section 61, subdivision 2, is amended to read:

Subd. 2. [TAX RATE ADJUSTMENT.] For taxes payable in 1998 and 1999, the commissioner shall adjust each tax rate established under Minnesota Statutes, chapters ~~124 and 124A~~ 120B, 122A, 123A, 123B, 124D, 125A, 126C, and 127A, by multiplying the rate by the ratio of the statewide tax capacity as calculated using the class rates in effect for assessment year 1996 to the statewide tax capacity using the class rates for that assessment year.

Sec. 3. Laws 1997, First Special Session chapter 4, article 1, section 61, subdivision 3, as amended by Laws 1998, chapter 398, article 1, section 41, is amended to read:

Subd. 3. [EQUALIZING FACTORS.] For taxes payable in 1998 and 1999, the commissioner shall adjust each equalizing factor established using adjusted net tax capacity per actual pupil unit under Minnesota Statutes, chapters ~~124 and 124A~~ 120B, 122A, 123A, 123B, 124D, 125A, 126C, and 127A, by dividing the equalizing factor by the ratio of the statewide tax capacity as calculated using the class rates in effect for assessment year 1996 to the statewide tax capacity using the class rates for that assessment year.

Sec. 4. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.] The sums indicated in this section are appropriated from the general fund to the department of children, families, and learning for the fiscal years designated.

Subd. 2. [FAMILY COLLABORATIVES.] For family collaboratives according to Laws 1995, First Special Session chapter 3, article 4, section 29, subdivision 10:

<u>\$4,777,000</u>	<u>.....</u>	<u>2000</u>
<u>\$2,535,000</u>	<u>.....</u>	<u>2001</u>

No new family services collaboratives shall be funded with this appropriation after June 30, 1999.

Any balance in the first year does not cancel but is available in the second year.

Subd. 3. [COMMUNITY EDUCATION AID.] For community education aid according to Minnesota Statutes, section 124D.20:

<u>\$14,136,000</u>	<u>.....</u>	<u>2000</u>
<u>\$14,696,000</u>	<u>.....</u>	<u>2001</u>

The 2000 appropriation includes \$160,000 for 1999 and \$13,976,000 for 2000.

The 2001 appropriation includes \$1,552,000 for 2000 and \$13,144,000 for 2001.

Any balance in the first year does not cancel but is available in the second year.

Subd. 4. [ADULTS WITH DISABILITIES PROGRAM AID.] For adults with disabilities programs according to Minnesota Statutes, section 124D.56:

<u>\$670,000</u>	<u>.....</u>	<u>2000</u>
<u>\$670,000</u>	<u>.....</u>	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 5. [HEARING-IMPAIRED ADULTS.] For programs for hearing-impaired adults according to Minnesota Statutes, section 124D.57:

<u>\$70,000</u>	<u>.....</u>	<u>2000</u>
<u>\$70,000</u>	<u>.....</u>	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 6. [FIRST CALL MINNESOTA.] For a grant to First Call Minnesota to operate a statewide system of information and referral for community services:

<u>\$ 50,000</u>	<u>.....</u>	<u>2000</u>
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This is a one-time appropriation.

ARTICLE 3

PREVENTION AND INTERVENTION

Section 1. [124D.221] [AFTER-SCHOOL ENRICHMENT PROGRAMS.]

Subdivision 1. [ESTABLISHMENT.] A competitive statewide after-school enrichment grant program is established to provide implementation grants to community or nonprofit organizations, to political subdivisions, or to school-based programs. The commissioner shall develop criteria for after-school enrichment programs.

Subd. 2. [PRIORITY NEIGHBORHOODS.] For grants in Minneapolis and St. Paul, the commissioner must give priority to neighborhoods in this subdivision. In Minneapolis, priority neighborhoods are Near North, Hawthorne, Sumner-Glenwood, Harrison, Jordan, Powderhorn, Central, Whittier, Cleveland, McKinley, Waite Park, Sheridan, Holland, and Phillips. In St. Paul, priority neighborhoods are Summit-University, Thomas-Dale, North End, Payne-Phalen, Daytons Bluff, and the West Side.

Subd. 3. [PROGRAM OUTCOMES.] The expected outcomes of the after-school enrichment programs are to:

- (1) increase the number of children participating in adult-supervised programs in nonschool hours;
- (2) support academic achievement, including the areas of reading and math;
- (3) reduce the amount of juvenile crime;
- (4) increase school attendance and reduce the number of school suspensions;
- (5) increase the number of youth engaged in community service and other activities designed to support character improvement, strengthen families, and instill community values;
- (6) increase skills in technology, the arts, sports, and other activities; and
- (7) increase and support the academic achievement and character development of adolescent parents.

Subd. 4. [PLAN.] An applicant shall develop a plan for an after-school enrichment program for youth. The plan must include:

- (1) collaboration with and leverage of existing community resources that have demonstrated effectiveness;
- (2) creative outreach to children and youth;
- (3) involvement of local governments, including park and recreation boards or schools, unless no government agency is appropriate;
- (4) community control over the design of the enrichment program; and
- (5) identification of the sources of nonpublic funding.

Subd. 5. [PLAN APPROVAL; GRANTS.] An applicant shall submit a plan developed under subdivision 4 to the commissioner for approval. The commissioner shall award a grant for the implementation of an approved plan.

Sec. 2. Minnesota Statutes 1998, section 124D.33, subdivision 3, is amended to read:

Subd. 3. [EXPECTED OUTCOMES.] Grant recipients must use the funds for programs designed to prevent teen pregnancy and to prevent crime in the long term. Recipient programs must assist youth to demonstrate the following outcomes:

- (1) a reduction in the incidence of teen pregnancy;
- (2) an increase in the establishment of paternity, especially through the recognition of parentage process;

(3) an increase in the number of child support orders and collection;

(4) an understanding of early childhood development, including the importance of fathers in the lives of children;

~~(1) understand~~ (5) an understanding of the connection between sexual behavior, adolescent pregnancy, and the roles and responsibilities of marriage and parenting;

(6) an understanding that abstinence is the only completely safe means of sexual protection; and

~~(2) understand~~ (7) an understanding of the long-term responsibility of fatherhood;

~~(3) understand the importance of fathers in the lives of children;~~

~~(4) acquire parenting skills and knowledge of child development; and~~

~~(5) find community support for their roles as fathers and nurturers of children.~~

Sec. 3. Minnesota Statutes 1998, section 124D.33, subdivision 4, is amended to read:

Subd. 4. [GRANT APPLICATIONS.] (a) An application for a grant may be submitted by a youth or parenting program whose purpose is to reduce teen pregnancy or teach child development and parenting skills in collaboration with a district. Each grant application must include a description of the program's structure and components, including collaborative and outreach efforts; an implementation and evaluation plan to measure the program's success; a plan for using males as instructors and mentors; and a cultural diversity plan to ensure that staff or teachers will reflect the cultural backgrounds of the population served and that the program content is culturally sensitive.

(b) Grant recipients must, at a minimum, provide education in responsible parenting and child development, responsible decision-making related to marriage and relationships, and the legal implications of paternity. Grant recipients also must provide public awareness efforts in the collaborating school district. Grant recipients may offer support groups, health and nutrition education, and mentoring and peer teaching.

(c) A grant applicant must establish an advisory committee to assist the applicant in planning and implementation of a grant. The advisory committee must include student representatives, adult males from the community, representatives of community organizations, teachers, parent educators, and representatives of family social service agencies.

(d) A grant applicant must detail in its application how it will evaluate the effectiveness of its program, including how it will collect data to establish whether the expected outcomes have been met. The applicant must report the data it collects to the commissioner semiannually.

Sec. 4. Minnesota Statutes 1998, section 171.29, subdivision 2, is amended to read:

Subd. 2. [FEES, ALLOCATION.] (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$250 fee plus a \$40 surcharge before the driver's license is reinstated. The \$250 fee is to be credited as follows:

(1) Twenty percent shall be credited to the trunk highway fund.

(2) Fifty-five percent shall be credited to the general fund.

(3) Eight percent shall be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount shall be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent shall be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) The first \$200,000 in a fiscal year is to the commissioner of children, families, and learning for programs in for elementary and secondary schools school students.

(ii) The remainder credited in a fiscal year is appropriated to the commissioner of transportation to be spent as grants to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent shall be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under the provisions of section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

(iv) the establishment of education programs for persons with traumatic brain injury; and

(v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

(c) The \$40 surcharge shall be credited to a separate account to be known as the remote electronic alcohol monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(d) When these fees are collected by a county-operated office of deputy registrar, a handling charge is imposed in the amount specified under section 168.33, subdivision 7. The handling charge must be deposited in the treasury of the place for which the deputy registrar was appointed and the reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 168.33, subdivision 2.

Sec. 5. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.] The sums indicated in this section are appropriated from the general fund, unless otherwise indicated, to the department of children, families, and learning for the fiscal years designated.

Subd. 2. [VIOLENCE PREVENTION EDUCATION GRANTS.] For violence prevention education grants according to Minnesota Statutes, section 120B.23:

<u>\$1,450,000</u>	<u>.....</u>	<u>2000</u>
<u>\$1,450,000</u>	<u>.....</u>	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 3. [ABUSED CHILDREN.] For abused children programs according to Minnesota Statutes, section 119A.21:

<u>\$945,000</u>	.....	<u>2000</u>
<u>\$945,000</u>	.....	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 4. [CHILDREN'S TRUST FUND.] For children's trust fund according to Minnesota Statutes, sections 119A.12 and 119A.13:

<u>\$225,000</u>	.....	<u>2000</u>
<u>\$225,000</u>	.....	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 5. [AFTER-SCHOOL ENRICHMENT GRANTS.] For after school enrichment grants according to Laws 1996, chapter 412, article 4, section 30:

<u>\$5,260,000</u>	.....	<u>2000</u>
<u>\$5,260,000</u>	.....	<u>2001</u>

Of this amount, \$200,000 each year is for programs that make state armories available to communities for youth recreational and enrichment activities.

Any balance in the first year does not cancel but is available in the second year.

In fiscal year 2002 and 2003, the base for this program is \$5,510,000 from the general fund each year.

Subd. 6. [ALCOHOL-IMPAIRED DRIVER.] (a) For grants with funds received under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), clause (4):

<u>\$200,000</u>	.....	<u>2000</u>
<u>\$200,000</u>	.....	<u>2001</u>

(b) These appropriations are from the alcohol-impaired driver account of the special revenue fund to the department of children, families, and learning for chemical abuse prevention grants.

(c) Up to \$150,000 each year may be used for chemical abuse prevention grants to provide a match for a community collaborative project for children and youth developed by a regional organization established under Minnesota Statutes.

The regional organization must include a broad cross section of public and private sector community representatives to address specific community needs of children and youth. A regional organization that receives a grant must provide a two-to-one match of nonstate dollars.

(d) \$50,000 each year is for grants to a nonprofit organization to fund culturally appropriate prevention programs for American Indian youth and families and urban American Indian communities.

In addition, \$200,000 of the amount of special revenue funds carried forward for fiscal year 2000 may be used in fiscal years 2000 and 2001 for grants under this paragraph.

Subd. 7. [FAMILY VISITATION CENTERS.] (a) For family visitation centers according to Minnesota Statutes, section 119A.37:

<u>\$200,000</u>	.....	<u>2000</u>
<u>\$200,000</u>	.....	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

(b) An additional \$96,000 in fiscal year 2000 and \$96,000 in fiscal year 2001 is appropriated from the special revenue fund under Minnesota Statutes, section 517.08, subdivision 1c, for family visitation centers. Any balance in the first year does not cancel but is available for the second year.

Subd. 8. [ADOLESCENT PARENTING GRANTS.] For grants to reduce long-term welfare dependency and promote self-sufficiency among adolescent parents under Laws 1997, chapter 162, article 2, section 28:

<u>\$1,000,000</u>	.....	<u>2000</u>
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Any balance in the first year does not cancel but is available in the second year.

\$200,000 of this appropriation is one time and is not to be added to the base.

Subd. 9. [MALE RESPONSIBILITY AND FATHERING GRANTS.] For grants according to Minnesota Statutes, section 124D.33:

<u>\$250,000</u>	.....	<u>2000</u>
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<u>\$250,000</u>	.....	<u>2001</u>
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Any balance in the first year does not cancel but is available in the second year.

#### ARTICLE 4

#### SELF-SUFFICIENCY AND LIFELONG LEARNING

Section 1. Minnesota Statutes 1998, section 16B.405, subdivision 2, is amended to read:

Subd. 2. [SOFTWARE SALE FUND.] (a) Except as provided in ~~paragraph (b)~~ paragraphs (b) and (c), proceeds of the sale or licensing of software products or services by the commissioner must be credited to the intertechnologies revolving fund. If a state agency other than the department of administration has contributed to the development of software sold or licensed under this section, the commissioner may reimburse the agency by discounting computer services provided to that agency.

(b) Proceeds of the sale or licensing of software products or services developed by the pollution control agency, or custom developed by a vendor for the agency, must be credited to the environmental fund.

(c) Proceeds of the sale or licensing of software products or services developed by the department of children, families, and learning, or custom developed by a vendor for the agency, to support the achieved savings assessment program, must be appropriated to the commissioner of children, families, and learning and credited to the weatherization program to support weatherization activities.

Sec. 2. Minnesota Statutes 1998, section 122A.26, is amended by adding a subdivision to read:

Subd. 3. [ENGLISH AS A SECOND LANGUAGE.] Notwithstanding subdivision 2, a person who possesses a bachelor's or master's degree in English as a second language, applied linguistics, or bilingual education, or who possesses a related degree as approved by the commissioner, shall be permitted to teach English as a second language in an adult basic education program that receives funding under section 124D.53.

Sec. 3. Minnesota Statutes 1998, section 124D.52, is amended by adding a subdivision to read:

Subd. 4. [ENGLISH AS A SECOND LANGUAGE PROGRAMS.] Persons may teach English as a second language classes conducted at a worksite, if they meet the requirements of section 122A.19, subdivision 1, clause (a), regardless of whether they are licensed teachers. Persons teaching English as a second language for an approved adult basic education program must possess a bachelor's or master's degree in English as a second language, applied linguistics, or bilingual education, or a related degree as approved by the commissioner.

Sec. 4. Minnesota Statutes 1998, section 124D.52, is amended by adding a subdivision to read:

Subd. 5. [BASIC SERVICE LEVEL.] A district, or a consortium of districts, with a program approved by the commissioner under subdivision 2 must establish, in consultation with the commissioner, a basic level of service for every adult basic education site in the district or consortium. The basic service level must describe minimum levels of academic instruction and support services to be provided at each site. The program must set a basic service level that promotes effective learning and student achievement with measurable results. Each district or consortium of districts must submit its basic service level to the commissioner for approval.

Sec. 5. Minnesota Statutes 1998, section 124D.53, subdivision 3, is amended to read:

Subd. 3. [AID.] Adult basic education aid for each approved program equals 65 percent of the general education formula allowance \$2,295 for fiscal year 2000 and \$2,338 for fiscal year 2001 and later fiscal years times the number of full-time equivalent students in its adult basic education program during the first prior program year.

Sec. 6. Minnesota Statutes 1998, section 124D.53, is amended by adding a subdivision to read:

Subd. 7. [BASIC POPULATION AID.] A district with a population of less than 30,000 is eligible for basic population aid if: (1) the district levied for adult basic education for revenue in fiscal year 1999; and (2) the district has a basic service level approved by the commissioner under section 124D.52, subdivision 5, or is a member of a consortium with an approved basic service level. Basic population aid is equal to the greater of \$4,000 or \$1 times the population of the district. District population is determined according to section 275.14. Aid under this section is in addition to aid under subdivision 3 and must be used for sites that meet the approved basic service level under section 124D.52, subdivision 5.

Sec. 7. Minnesota Statutes 1998, section 124D.54, subdivision 1, is amended to read:

Subdivision 1. [AID ELIGIBILITY.] For fiscal years 1998 and later, Adult high school graduation aid for eligible pupils age 21 or over, equals 65 percent of the general education formula allowance times 1.30 times the average daily membership under section 126C.05, subdivision 12.:

(1) for fiscal year 2000: 1.30 multiplied by the average daily membership under section 126C.05, subdivision 12, multiplied by (i) \$1,676 or (ii) \$3,251,000 divided by the state total weighted average daily membership, not to exceed \$2,295;

(2) for fiscal year 2001 and later fiscal years: \$2,338 multiplied by 1.30 multiplied by the average daily membership under section 126C.05, subdivision 12.

Adult high school graduation aid must be paid in addition to any other aid to the district. Pupils age 21 or over may not be counted by the district for any purpose other than adult high school graduation aid.

Sec. 8. Laws 1998, First Special Session chapter 1, article 1, section 10, is amended to read:

Sec. 10. [HOUSEHOLD ELIGIBILITY; PARTICIPATION.]

Subdivision 1. [INITIAL ELIGIBILITY.] To be eligible for state or TANF matching funds in the family assets for independence initiative, a household must have income at or below 200 185 percent of the federal poverty level and assets of \$25,000 \$15,000 or less. An individual who is a dependent of another person for federal income tax purposes may not be a separate eligible household for purposes of establishing a family asset account. An individual who is a debtor for a judgment resulting from nonpayment of a court-ordered child support obligation may not participate in this program. Households accessing TANF matching funds are subject to the MFIP definition of household under Minnesota Statutes, section 256J.08, subdivision 46. Income and assets are determined according to eligibility guidelines for the energy assistance program.

Subd. 2. [CONTINUED PARTICIPATION.] A participating household whose income exceeds 200 185 percent of the poverty level may continue to make contributions to the savings account. The amount of any contributions made during the time when a participating household's income is greater than 200 185 percent of the poverty level is not eligible for the match under section 11.

Subd. 3. [FAMILY PARTICIPATION.] Each participating household must sign a family asset agreement that includes the amount of scheduled deposits into its savings account, the proposed use, and the proposed savings goal. A participating household must agree to complete an economic literacy training program.

Participating households may only deposit money that is derived from household earned income or from state and federal income tax credits.

Sec. 9. Laws 1998, First Special Session chapter 1, article 1, section 11, is amended to read:

Sec. 11. [WITHDRAWAL; MATCHING; PERMISSIBLE USES.]

Subdivision 1. [WITHDRAWAL OF FUNDS.] To receive a match, a participating household must transfer funds withdrawn from a family asset account to a ~~fiduciary organization~~ its matching fund custodial account held by the fiscal agent, according to the family asset agreement. The fiduciary organization must determine if the match request is for a permissible use consistent with the household's family asset agreement.

~~A fiduciary organization~~ The fiscal agent must ensure the household's custodial account contains the applicable matching funds to match the balance in the household's account, including interest, on at least a quarterly basis and at the time of an approved withdrawal. Matches must be provided as follows:

(1) from state grant and TANF funds a matching contribution of ~~\$2~~ \$1.50 for every \$1 of funds withdrawn from the family asset account equal to the lesser of \$720 per year or a \$3,000 lifetime limit; and

(2) from nonstate funds, a matching contribution of no less than ~~\$2~~ \$1.50 for every \$1 of funds withdrawn from the family asset account equal to the lesser of \$720 per year or a \$3,000 lifetime limit.

Subd. 2. [VENDOR PAYMENT OF WITHDRAWN FUNDS.] Upon receipt of ~~withdrawn transferred custodial account~~ funds, the fiduciary organization must make a direct payment to the vendor of the goods or services for the permissible use.

Sec. 10. Laws 1998, First Special Session chapter 1, article 1, section 12, is amended to read:

Sec. 12. [PROGRAM REPORTING.]

The fiscal agent on behalf of each fiduciary organization operating participating in a family assets for independence initiative must annually report quarterly to the commissioner of human services and to the commissioner of children, families, and learning identifying the participants with accounts, the number of accounts, the amount of savings and matches for each participant's account, the uses of the account, and the number of businesses, homes, and educational services paid for with money from the account, as well as other information that may be required for the state to operate commissioner to administer the program effectively and meet federal TANF reporting requirements.

Sec. 11. [ADULT BASIC EDUCATION SERVICE DELIVERY STUDY GROUP.]

(a) The commissioner of children, families, and learning shall establish a task force to review, evaluate, and make legislative recommendations by January 15, 2000, on improving the delivery of adult basic education (ABE) services. The study group must make recommendation on ways to:

(1) improve the efficiency and effectiveness of ABE service delivery of over the next five years; and

(2) increase the number of adult learners served and the proportion of need for adult education met by ABE programs.

(b) The group should, at a minimum, consider the following factors:

(1) changes in the need for ABE services due to socioeconomic trends, welfare reform, and labor market factors;

(2) evolving instructional technologies, including distance learning and the integration of computers and other technologies into ABE programs;

(3) the organization, formation, and functioning of ABE service delivery through regional consortiums and school district programs;

(4) accountability in the delivery of ABE services to meet defined learner outcomes;

(5) funding to promote and recognize educational outcomes in ABE programs; and

(6) defining and maintaining viable ABE program delivery that meets the needs of adult learners throughout Minnesota.

(c) Members of the study group must include members of the house and senate committees that fund adult basic education programs; representatives of the department of children, families, and learning; and representatives of ABE programs, including school districts, community education, nonprofit organizations, correctional programs, and other organizations that provide or support ABE education. The group must include rural, urban, and suburban members.

Sec. 12. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.] The sums indicated in this section are appropriated from the general fund to the department of children, families, and learning for the fiscal years designated.

Subd. 2. [MINNESOTA ECONOMIC OPPORTUNITY GRANTS.] For Minnesota economic opportunity grants:

<u>\$8,514,000</u>	<u>.....</u>	<u>2000</u>
<u>\$8,514,000</u>	<u>.....</u>	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 3. [TRANSITIONAL HOUSING PROGRAMS.] For transitional housing programs according to Minnesota Statutes, section 119A.43:

<u>\$2,075,000</u>	<u>.....</u>	<u>2000</u>
<u>\$2,075,000</u>	<u>.....</u>	<u>2001</u>

Of this amount, \$50,000 each year is for transitional housing services for homeless veterans and \$50,000 each year is for a grant to the Kids Capacity Initiative program in Hennepin county.

Of this amount, \$25,000 for the biennium is for a grant to Perspective, Inc. to provide transitional housing services. One or more nonprofit organizations must provide an equal amount of matching funds.

\$25,000 each year is for a grant to the city of St. Louis Park for the Meadowbrook Collaborative Housing Project to enhance youth outreach services and to provide educational and recreational programming for at-risk youth. The collaborative must include a cross section of public and private sector community representatives.

Any balance in the first year does not cancel but is available in the second year.

Subd. 4. [FOODSHELF PROGRAMS.] For foodshelf programs according to Minnesota Statutes, section 119A.44:

<u>\$1,278,000</u>	<u>.....</u>	<u>2000</u>
<u>\$1,278,000</u>	<u>.....</u>	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 5. [ADULT BASIC EDUCATION AID.] For adult basic education aid according to Minnesota Statutes, section 124D.52, in fiscal year 2000 and Minnesota Statutes, section 124D.53 in fiscal year 2001:

<u>\$20,132,000</u>	<u>.....</u>	<u>2000</u>
<u>\$22,477,000</u>	<u>.....</u>	<u>2001</u>

The 2000 appropriation includes \$1,227,000 for 1999 and \$18,905,000 for 2000.

The 2001 appropriation includes \$2,101,000 for 2000 and \$20,376,000 for 2001.

Subd. 6. [ADULT BASIC EDUCATION BASIC POPULATION AID.] For basic population aid for eligible districts under section 7:

<u>\$1,960,000</u>	<u>.....</u>	<u>2000</u>
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Notwithstanding Minnesota Statutes, section 127A.45, subdivision 12, 100 percent of this appropriation is for fiscal year 2000.

Any balance in the first year does not cancel but is available in the second year. This is a one-time appropriation.

Subd. 7. [ADULT GRADUATION AID.] For adult graduation aid according to Minnesota Statutes, section 124D.54:

<u>\$3,184,000</u>	<u>.....</u>	<u>2000</u>
<u>\$4,732,000</u>	<u>.....</u>	<u>2001</u>

The 2000 appropriation includes \$258,000 for 1999 and \$2,926,000 for 2000.

The 2001 appropriation includes \$325,000 for 2000 and \$4,407,000 for 2001.

Subd. 8. [GED TESTS.] For payment of 60 percent of the costs of GED tests according to Laws 1993, chapter 224, article 4, section 44, subdivision 10:

<u>\$125,000</u>	<u>.....</u>	<u>2000</u>
<u>\$125,000</u>	<u>.....</u>	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Subd. 9. [FAMILY ASSETS FOR INDEPENDENCE.] For a grant to the Ramsey Action Program to provide matching grants to fiduciary organizations under Laws 1998, First Special Session chapter 1, article 1, sections 6 to 12:

<u>\$500,000</u>	<u>.....</u>	<u>2000</u>
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Any balance in the first year does not cancel but is available in the second year.

Subd. 10. [LEAD HAZARD REDUCTION PROJECT.] For a grant to a nonprofit organization currently operating the CLEARCorps lead hazard reduction project:

<u>\$500,000</u>	<u>.....</u>	<u>2000</u>
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\$300,000 of this is a one-time appropriation. Any balance in the first year does not cancel but is available in the second year.

The grant must be used to continue the lead hazard reduction project and reduce and prevent lead poisoning in Minnesota's children. The grant may be used as a match for federal funds to reduce lead hazards.

Subd. 11. [GED ON TELEVISION.] For a grant to a public television station that serves rural areas of Minnesota:

<u>\$75,000</u>	.....	<u>2000</u>
<u>\$75,000</u>	.....	<u>2001</u>

The grant must be used to provide GED programming to aid immigrants and others who lack a high school diploma to obtain a GED. Any balance in the first year does not cancel but is available in the second year. This is a one-time appropriation.

Subd. 12. [EMERGENCY SERVICES.] For emergency services grants according to Laws 1997, chapter 162, article 3, section 7:

<u>\$350,000</u>	.....	<u>2000</u>
<u>\$350,000</u>	.....	<u>2001</u>

Any balance in the first year does not cancel but is available in the second year.

Sec. 13. [REPEALER.]

Minnesota Statutes 1998, section 124D.53, subdivision 6, is repealed.

#### ARTICLE 5

#### RESOURCE AND REFERRAL PROGRAMS

Section 1. Minnesota Statutes 1998, section 119B.01, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] For the purposes of sections 119B.01 to 119B.19 this chapter, the following terms have the meanings given.

Sec. 2. Minnesota Statutes 1998, section 119B.01, is amended by adding a subdivision to read:

Subd. 18. [LEGAL NONLICENSED CHILD CARE PROVIDER.] "Legal nonlicensed child care provider" means a child care provider who is excluded from licensing requirements under section 245A.03, subdivision 2.

Sec. 3. Minnesota Statutes 1998, section 119B.19, subdivision 1, is amended to read:

Subdivision 1. [~~AUTHORITY DISTRIBUTION OF FUNDS FOR OPERATION OF CHILD CARE RESOURCE AND REFERRAL PROGRAMS.~~] The commissioner of children, families, and learning may make grants shall distribute funds to public or private nonprofit agencies organizations for the planning, establishment, expansion, improvement, or operation of child care resource and referral programs and child care services according to the provisions of under this section and may make grants to county boards to carry out the purposes of sections 119B.19 to 119B.21. The commissioner must adopt rules for programs under this section and sections 119B.20 and 119B.21. The commissioner must develop a process to fund organizations to operate child care resource and referral programs that includes application forms, timelines, and standards for renewal.

Sec. 4. Minnesota Statutes 1998, section 119B.19, is amended by adding a subdivision to read:

Subd. 1a. [DESIGNATION OF ORGANIZATIONS.] The commissioner shall designate an organization to administer a child care resource and referral program to serve a region.

Sec. 5. Minnesota Statutes 1998, section 119B.19, is amended by adding a subdivision to read:

Subd. 6. [BASIS FOR DISTRIBUTING FUNDS.] (a) The commissioner shall distribute funds for the administration of child care resource and referral programs based on the following factors for each region:

- (1) the region served by the program;
- (2) the number of children under the age of 13 years needing child care;

(3) the ratio of children under the age of 13 years needing child care to the number of licensed spaces;

(4) the number of licensed child care providers and school-age care programs; and

(5) other related factors determined by the commissioner.

(b) The commissioner may provide ongoing funding to a designated organization for a child care resource and referral program that continues to meet state standards.

Sec. 6. Minnesota Statutes 1998, section 119B.19, is amended by adding a subdivision to read:

Subd. 6a. [LOCAL MATCH REQUIREMENT.] A local match of 25 percent is required.

Sec. 7. Minnesota Statutes 1998, section 119B.19, is amended by adding a subdivision to read:

Subd. 7. [CHILD CARE RESOURCE AND REFERRAL PROGRAMS.] Within each region, a child care resource and referral program must:

(1) maintain one database of all existing child care resources and services and one database of family referrals;

(2) provide a child care referral service for families;

(3) develop resources to meet the child care service needs of families;

(4) increase the capacity to provide culturally responsive child care services;

(5) coordinate professional development opportunities for child care and school-age care providers;

(6) administer and award child care services grants;

(7) administer and provide loans for child development education and training; and

(8) cooperate with the Minnesota Child Care Resource and Referral Network and its member programs to develop effective child care services and child care resources.

Sec. 8. Minnesota Statutes 1998, section 119B.20, subdivision 7, is amended to read:

Subd. 7. [FACILITY IMPROVEMENT EXPENSES.] "Facility improvement expenses" means funds for building the cost of improvements, equipment, appropriate technology and software, toys, and supplies needed to establish, expand, or improve a licensed child care facility or a child care program under the jurisdiction of a local district school board of education.

Sec. 9. Minnesota Statutes 1998, section 119B.20, subdivision 8, is amended to read:

Subd. 8. [INTERIM FINANCING.] "Interim financing" means funds to carry out such funding for up to 18 months:

(1) for activities as that are necessary for family day care homes, group family day care homes, and child care centers to receive and maintain state child care licensing;

(2) to expand an existing child care program or to improve program quality; and

(3) to provide operating funds operate for a period of six consecutive months after a family day care home, group family day care home, or child care center facility becomes licensed or satisfies standards of the state board of education. Interim financing may not exceed a period of 18 months.

Sec. 10. Minnesota Statutes 1998, section 119B.20, subdivision 12, is amended to read:

Subd. 12. [TRAINING PROGRAM.] "Training program" means child development courses offered by an accredited post-secondary institution or similar training approved by a county board

or the department of children, families, and learning commissioner. To qualify as a training program under this section, a course of study must teach A training program must be a course of study that teaches specific skills that to meet licensing requirements or requirements of the state board of education.

Sec. 11. Minnesota Statutes 1998, section 119B.20, is amended by adding a subdivision to read:

Subd. 13. [REGION.] "Region" means a region designated by the governor under section 462.385.

Sec. 12. Minnesota Statutes 1998, section 119B.21, subdivision 1, is amended to read:

Subdivision 1. [~~GRANTS ESTABLISHED DISTRIBUTION OF GRANT FUNDS.~~] (a) The commissioner shall award grants to develop child care services, including child care service development grants for start-up and facility improvement expenses, interim financing, staff training expenses, and grants for child care resource and referral programs. Child care service development grants may include family child care technical assistance awards up to \$1,000. distribute funds to the child care resource and referral programs designated under section 119B.19, subdivision 1a, for child care services grants under subdivision 5 and family child care technical assistance grants under subdivision 10.

(b) Up to ten percent of funds appropriated for grants under this section may be used by the commissioner for statewide child care development initiatives, training initiatives, collaboration programs, and research and data collection. The commissioner shall develop eligibility guidelines and a grant application form, inform county social service agencies about the availability of child care services grants, and set a date by which applications must be received by the commissioner process to distribute funds under this paragraph. Child care resource and referral programs may apply for funding under this paragraph.

Sec. 13. Minnesota Statutes 1998, section 119B.21, subdivision 2, is amended to read:

Subd. 2. [~~DISTRIBUTION OF BASIS FOR DISTRIBUTING GRANT FUNDS.~~] (a) At least 90 percent of funds appropriated for grants under this section may be distributed by the commissioner shall allocate grant money appropriated to child care resource and referral programs under section 119B.19, subdivision 1a, for child care service development among the development regions designated by the governor under section 462.385, considering services grants and family child care technical assistance grants based on the following factors for each economic development region:

- (1) the number of children under 13 years of age needing child care in the service-area region;
- (2) the geographic-area region served by the agency program;
- (3) the ratio of children under 13 years of age needing child care to the number of licensed spaces in the service-area region;
- (4) the number of licensed child care providers and extended-day school-age child care programs in the service-area region; and
- (5) other related factors determined by the commissioner.

(b) Out of the amount allocated for each economic development region, the commissioner shall Child care resource and referral programs must award child care services grants and child care technical assistance grants based on the recommendation of the child care regional advisory proposal review committees under subdivision 3. In addition, the commissioner shall award no more than 75 percent of the money either to child care facilities for the purpose of facility improvement or interim financing or to child care workers for staff training expenses.

(c) Any funds unobligated may be used by the commissioner to award grants to proposals that received funding recommendations by the regional advisory committees but were not awarded due to insufficient funds.

(d) The commissioner may ~~allocate grants~~ distribute funds under this section for a two-year period and ~~may carry forward funds from the first year as necessary.~~

Sec. 14. Minnesota Statutes 1998, section 119B.21, subdivision 3, is amended to read:

Subd. 3. [~~CHILD CARE REGIONAL ADVISORY PROPOSAL REVIEW COMMITTEES.~~]  
 (a) ~~Child care regional advisory proposal review committees shall~~ must establish regional priorities and review and make recommendations to the commissioner on applications for family child care technical assistance awards grants and service development child care services grants under this section. The commissioner and make funding recommendations to the child care resource and referral program designated under section 119B.19, subdivision 1a. Within each region, the committee must allocate available funding between child care services grants and child care technical assistance grants. The committee must also allocate funding for child care services grants for facility financing purposes and provider training purposes. The child care regional proposal review committees must complete their reviews and forward their recommendations to the child care resource and referral program by the date specified by the commissioner.

(b) ~~A child care resource and referral program shall appoint~~ establish a process to select members of the child care regional advisory committees in each governor's economic development region proposal review committee. People appointed under this subdivision Members must represent the following constituent groups: family child care providers, group child care center providers, parent-users school-age care providers, parents who use child care services, health services, social services, public schools, Head Start, employers, and other citizens with demonstrated interest in child care issues. Members of the advisory task force proposal review committee with a direct financial interest in a pending grant proposal may not provide a recommendation or participate in the ranking of that grant proposal.

(c) ~~The child care resource and referral program may reimburse committee members may be reimbursed for their actual travel, child care, and child care provider substitute expenses for up to six committee meetings per year. The child care regional advisory committees shall complete their reviews and forward their recommendations to the commissioner by the date specified by the commissioner. The program may also pay a stipend to parent representatives for participating in up to six meetings per year.~~

Sec. 15. Minnesota Statutes 1998, section 119B.21, subdivision 5, is amended to read:

Subd. 5. [~~PURPOSES FOR WHICH A CHILD CARE SERVICES GRANT MAY BE AWARDED SERVICES GRANTS.~~] The commissioner A child care resource and referral program designated under section 119B.19, subdivision 1a, may award child care services grants for:

(1) ~~child care service development grants for the following purposes:~~

(i) ~~for~~ creating new licensed day child care facilities and expanding existing facilities, including, but not limited to, supplies, equipment, facility renovation, and remodeling;

(ii) ~~for~~ (2) improving licensed day child care facility programs, including, but not limited to, staff specialists, staff training, supplies, equipment, and facility renovation and remodeling;

(iii) ~~for~~ supportive child (3) staff training and development services including, but not limited to, in-service training, curriculum development, accreditation, certification, consulting specialist, resource centers, and program and resource materials;

(iv) ~~for~~ carrying out programs including, but not limited to, staff, supplies, equipment, facility renovation, and training;

(v) ~~for~~ (4) interim financing;

(vi) ~~family child care technical assistance awards; and~~

(vii) ~~for~~ (5) capacity building through the purchase of appropriate technology and software, and staff training to create, enhance, and maintain financial systems for facilities;

~~(2) child care resource and referral program services identified in section 119B.19, subdivision 3; or~~

~~(3) targeted recruitment initiatives to expand and build capacity of the child care system to create, enhance, and maintain business management systems;~~

~~(6) emergency assistance for child care programs;~~

~~(7) new programs or projects for the creation, expansion, or improvement of programs that serve ethnic immigrant and refugee communities; and~~

~~(8) targeted recruitment initiatives to expand and build the capacity of the child care system and to improve the quality of care provided by legal nonlicensed child care providers.~~

Sec. 16. Minnesota Statutes 1998, section 119B.21, subdivision 8, is amended to read:

Subd. 8. [ELIGIBLE GRANT RECIPIENTS.] Eligible recipients of A child care resource and referral program designated under section 119B.19, subdivision 1a, may award child care services grants are to:

(1) licensed providers of child care, or those;

(2) providers in the process of being licensed, resource and referral programs, or;

(3) corporations or public agencies, that develop or provide child care services;

(4) school-age care programs; or

(5) any combination thereof of clauses (1) to (4).

Unlicensed providers are only eligible for grants under subdivision 5, clause (7).

Sec. 17. Minnesota Statutes 1998, section 119B.21, subdivision 9, is amended to read:

Subd. 9. [GRANT MATCH REQUIREMENTS.] A recipient of a child care grants services grant for facility improvements, interim financing, resource and referral, and or staff training and development require must provide a 25 percent local match by the grant applicant. A local match is not required for a family child care technical assistance award.

Sec. 18. Minnesota Statutes 1998, section 119B.21, subdivision 10, is amended to read:

Subd. 10. [FAMILY CHILD CARE TECHNICAL ASSISTANCE AWARDS GRANTS.] (a) A child care resource and referral organization designated under section 119B.19, subdivision 1a, may award technical assistance awards for child care service development must be used by the family child care provider grantee grants of up to \$1,000. These grants may be used for:

(1) facility improvements, including, but not limited to, improvements to meet licensing requirements;

(2) improvements to expand the a child care facility; or program;

(3) toys and equipment;

(4) technology and software to create, enhance, and maintain business management systems;

(5) start-up costs, interim financing, or;

(6) staff training and development; and

(7) other uses approved by the commissioner.

(b) A child care resource and referral program may award family child care technical assistance grants to:

- (1) licensed family child care providers; or
- (2) child care providers in the process of becoming licensed.
- (c) A local match is not required for a family child care technical assistance grant.

Sec. 19. Minnesota Statutes 1998, section 119B.21, subdivision 11, is amended to read:

Subd. 11. [STATEWIDE ADVISORY TASK FORCE.] The commissioner may convene a statewide advisory task force ~~which shall~~ to advise the commissioner on statewide grants or other child care issues. The following ~~constituent~~ groups must be represented: family child care providers, child care center programs, school-age care providers, parent-users parents who use child care services, health services, social services, Head Start, public schools, employers, and other citizens with demonstrated interest in child care issues. ~~Each regional grant review committee formed under subdivision 3, shall appoint a representative to the advisory task force.~~ Additional members may be appointed by the commissioner. ~~The commissioner may convene meetings of the task force as needed. Terms of office and removal from office are governed by the appointing body.~~ The commissioner may compensate members for their travel, child care, and child care provider substitute expenses for attending task force meetings ~~of the task force.~~ The commissioner may also pay a stipend to parent representatives for participating in task force meetings.

Sec. 20. Minnesota Statutes 1998, section 119B.23, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] ~~In addition to the commissioner's authority to make child care services grants,~~ The county board is authorized to provide child care services; or to make grants from the community social service fund, special tax revenue, or its general fund, or other sources to any municipality, or corporation, or combination thereof, for the cost of providing technical assistance and or child care services. The county board is also authorized to contract for services with any licensed day child care facility, ~~as the board deems necessary or proper to carry out the purposes of this section.~~

The county board may also make grants to or contract with any municipality, licensed child care facility, ~~or resource and referral program organization designated under section 119B.19, subdivision 1a,~~ or corporation or combination thereof, for any of the following purposes:

- (1) creating new licensed day child care facilities and expanding existing facilities including, but not limited to, supplies, equipment, and facility renovation and remodeling;
- (2) improving licensed day child care facility programs, including, but not limited to, staff specialists, staff training, supplies, equipment, and facility renovation and remodeling. ~~In awarding grants for training, counties must give, with priority to~~ for training grants for child care workers caring for infants, toddlers, sick children, children in low-income families, and children with special needs;
- (3) providing supportive child development services, including, but not limited to, in-service training, curriculum development, consulting specialists, resource centers, and program and resource materials;
- (4) carrying out programs, including, but not limited to, staff, supplies, equipment, facility renovation, and training;
- (5) providing interim financing; ~~and or~~
- (6) carrying out the resource and referral program services identified in section 119B.19, subdivision 3 7.

Sec. 21. [REVISOR INSTRUCTION.]

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.

<u>A</u>	<u>B</u>
<u>119B.01, subd. 1</u>	<u>119B.011, subd. 1</u>
<u>119B.01, subd. 2</u>	<u>119B.011, subd. 3</u>
<u>119B.01, subd. 3</u>	<u>119B.011, subd. 7</u>
<u>119B.01, subd. 4</u>	<u>119B.011, subd. 4</u>
<u>119B.01, subd. 5</u>	<u>119B.011, subd. 8</u>
<u>119B.01, subd. 6</u>	<u>119B.011, subd. 5</u>
<u>119B.01, subd. 7</u>	<u>119B.011, subd. 9</u>
<u>119B.01, subd. 7a</u>	<u>119B.011, subd. 10</u>
<u>119B.01, subd. 8</u>	<u>119B.011, subd. 11</u>
<u>119B.01, subd. 9</u>	<u>119B.011, subd. 12</u>
<u>119B.01, subd. 10</u>	<u>119B.011, subd. 13</u>
<u>119B.01, subd. 11</u>	<u>119B.011, subd. 14</u>
<u>119B.01, subd. 12</u>	<u>119B.011, subd. 17</u>
<u>119B.01, subd. 12a</u>	<u>119B.011, subd. 18</u>
<u>119B.01, subd. 13</u>	<u>119B.011, subd. 20</u>
<u>119B.01, subd. 14</u>	<u>119B.011, subd. 19</u>
<u>119B.01, subd. 15</u>	<u>119B.011, subd. 2</u>
<u>119B.01, subd. 16</u>	<u>119B.011, subd. 24</u>
<u>119B.01, subd. 17</u>	<u>119B.011, subd. 6</u>
<u>119B.01, subd. 18</u>	<u>119B.011, subd. 16</u>
<u>119B.18, subd. 3</u>	<u>119B.211</u>
<u>119B.20, subd. 7</u>	<u>119B.189, subd. 1</u>
<u>119B.20, subd. 8</u>	<u>119B.189, subd. 2</u>
<u>119B.20, subd. 12</u>	<u>119B.189, subd. 4</u>
<u>119B.20, subd. 13</u>	<u>119B.201, subd. 3</u>
<u>119B.21, subd. 2,</u>	<u>119B.21, subd. 1,</u>
<u>para. (a)</u>	<u>para. (c)</u>
<u>119B.21, subd. 2,</u>	<u>119B.21, subd. 1,</u>
<u>para. (b)</u>	<u>para. (d)</u>
<u>119B.21, subd. 2,</u>	<u>119B.21, subd. 1,</u>
<u>para. (d)</u>	<u>para. (e)</u>
<u>119B.21, subd. 5</u>	<u>119B.21, subd. 5,</u>
	<u>para. (a)</u>
<u>119B.21, subd. 8</u>	<u>119B.21, subd. 5,</u>
	<u>para. (b)</u>
<u>119B.21, subd. 9</u>	<u>119B.21, subd. 5,</u>
	<u>para. (c)</u>

Sec. 22. [REPEALER.]

Minnesota Statutes 1998, sections 119B.18, subdivisions 1 and 2; 119B.19, subdivisions 3, 4, and 5; 119B.20, subdivisions 1, 2, 3, 4, 5, 6, 9, 10, and 11; 119B.21, subdivisions 4, 6, and 12; and 119B.22, are repealed."

Delete the title and insert:

"A bill for an act relating to education; family and early childhood education; providing for children and family support programs, community and systems change, prevention and intervention, self-sufficiency and lifelong learning, and resources and referral programs; appropriating money; amending Minnesota Statutes 1998, sections 13.46, subdivision 2; 16B.405, subdivision 2; 119A.45; 119B.01, subdivisions 1, 2, 10, 12, 12a, 13, 16, 17, and by adding subdivisions; 119B.02, subdivision 1, and by adding subdivisions; 119B.03, subdivisions 1, 2, 3, 4, 6, and 9; 119B.04, subdivision 1; 119B.05, subdivision 1; 119B.06, subdivision 1; 119B.061; 119B.07; 119B.08, subdivision 3; 119B.09, subdivisions 1, 3, and 7; 119B.10, subdivision 1; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13; 119B.14; 119B.15; 119B.18,

subdivision 3; 119B.19, subdivision 1, and by adding subdivisions; 119B.20, subdivisions 7, 8, 12, and by adding a subdivision; 119B.21, subdivisions 1, 2, 3, 5, 8, 9, 10, and 11; 119B.23, subdivision 1; 119B.24; 119B.25, subdivision 3; 121A.19; 122A.26, by adding a subdivision; 124D.13, subdivision 6; 124D.135, subdivisions 1 and 3; 124D.19, subdivision 11; 124D.20, subdivision 5; 124D.22; 124D.23, by adding a subdivision; 124D.33, subdivisions 3 and 4; 124D.52, by adding subdivisions; 124D.53, subdivision 3, and by adding a subdivision; 124D.54, subdivision 1; 125A.35, subdivision 5; 171.29, subdivision 2; 256.01, subdivision 4; 256.045, subdivisions 6, 7, and by adding a subdivision; 256.046, subdivision 1; 256.741, subdivision 4; 256.98, subdivisions 1, 7, and 8; 256.983, subdivisions 3 and 4; and 466.01, subdivision 1; Laws 1997, chapter 162, article 2, section 28, subdivision 6; Laws 1997, First Special Session chapter 4, article 1, section 61, subdivisions 2 and 3, as amended; Laws 1998, First Special Session chapter 1, article 1, sections 10, 11, and 12; proposing coding for new law in Minnesota Statutes, chapters 119B; and 124D; repealing Minnesota Statutes 1998, sections 119B.01, subdivision 15; 119B.03, subdivision 7; 119B.05, subdivisions 6 and 7; 119B.075; 119B.17; 119B.18, subdivisions 1 and 2; 119B.19, subdivisions 3, 4, and 5; 119B.20, subdivisions 1, 2, 3, 4, 5, 6, 9, 10, and 11; 119B.21, subdivisions 4, 6, and 12; 119B.22; 124D.14; and 124D.53, subdivision 6."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Barbara Sykora, Bud Nornes, Richard Mulder, Jim Abeler, Mary Jo McGuire

Senate Conferees: (Signed) Pat Piper, Becky Lourey, Linda I. Higgins, Claire A. Robling, Arlene J. Lesewski

Senator Piper moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1467 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1467 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kleis	Novak	Scheid
Belanger	Higgins	Knutson	Oliver	Solon
Berg	Hottinger	Krentz	Olson	Spear
Berglin	Janezich	Laidig	Pariseau	Stevens
Betzold	Johnson, D.E.	Langseth	Piper	Ten Eyck
Cohen	Johnson, D.H.	Larson	Pogemiller	Terwilliger
Day	Johnson, D.J.	Lesewski	Price	Vickerman
Dille	Johnson, J.B.	Lessard	Ranum	Wiener
Fischbach	Junge	Lourey	Robertson	Wiger
Flynn	Kelley, S.P.	Metzen	Robling	
Foley	Kelly, R.C.	Moe, R.D.	Sams	
Frederickson	Kierlin	Neuville	Scheevel	

Those who voted in the negative were:

Limmer	Marty	Runbeck	Ziegler
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Senator Johnson, D.H. moved that the following members be excused for a Conference Committee on S.F. No. 1404 from 10:00 to 10:10 a.m.:

Senators Johnson, D.H. and Knutson. The motion prevailed.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1825, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1825 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1999

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1825

A bill for an act relating to lawful gambling; specifying locations where pull-tab dispensing machines may be used; requiring certain information to be printed on raffle tickets; authorizing certain tipboard games and tipboard rules; increasing maximum consolation prizes for bingo games; specifying maximum tipboard prizes; amending Minnesota Statutes 1998, sections 349.151, subdivision 4b, and by adding a subdivision; 349.1711, by adding a subdivision; and 349.211, subdivision 2, and by adding a subdivision.

May 12, 1999

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 1825, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 1825 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 240.01, is amended by adding a subdivision to read:

Subd. 24. [CARD CLUB.] "Card club" means a facility or portion of a facility where the commission has authorized a licensee to conduct card playing.

Sec. 2. Minnesota Statutes 1998, section 240.01, is amended by adding a subdivision to read:

Subd. 25. [CARD PLAYING.] "Card playing" means an activity wherein individuals compete and wager with each other utilizing a 52-unit system comprised of a series of numbers, numbered two through ten, and the letters J, Q, K, and A, combined with four symbols commonly known as hearts, diamonds, spades, and clubs, wherein each individual unit constitutes the display of one of the 52 possible combinations. The symbol commonly known as a joker may be incorporated into the system.

Sec. 3. Minnesota Statutes 1998, section 240.01, is amended by adding a subdivision to read:

Subd. 26. [UNBANKED.] "Unbanked" means a wagering system or game where the individual participants compete against each other and not against the sponsor or house. In an unbanked system or game, the sponsor or house may deduct a percentage from the accumulated wagers and

impose other charges for hosting the activity, but does not have an interest in the outcome of a game. The sponsor or house may add additional prizes, awards, or money to any game for promotional purposes.

Sec. 4. Minnesota Statutes 1998, section 240.07, subdivision 3, is amended to read:

Subd. 3. [LICENSE ISSUANCE.] (a) If after considering the information received from the hearing and investigations, the commission determines that the applicant will conduct horse racing in accordance with all applicable laws and rules, will not adversely affect the public health, welfare, and safety, that the license will not create a competitive situation that will adversely affect racing and the public interest and that the applicant is fit to sponsor and manage racing, the commission may issue a class B license.

(b) If the commission determines that the licensee will operate a card club in accordance with all applicable law and rules and the applicant's approved plan of operation under section 240.30, subdivision 6, that the operation of a card club by the licensee will not adversely affect the public health, welfare, and safety, and that the licensee is fit to operate a card club, the commission may include with the class B license an authorization to conduct a card club at the licensee's class A racetrack as provided in section 240.30. The commission may give an interim authorization for the operation of a card club that is effective until the expiration of the licensee's class B license, and may charge for the interim authorization a proportionate amount of the additional class B license fee under section 240.10.

(c) The license is for a period of one year.

Sec. 5. Minnesota Statutes 1998, section 240.10, is amended to read:

240.10 [LICENSE FEES.]

The fee for a class A license is \$10,000 per year. The fee for a class B license is \$100 for each assigned racing day on which racing is actually conducted, and \$50 for each day on which simulcasting is authorized and actually takes place, plus \$10,000 per year if the class B license includes authorization to operate a card club. The fee for a class D license is \$50 for each assigned racing day on which racing is actually conducted. Fees imposed on class B and class D licenses must be paid to the commission at a time and in a manner as provided by rule of the commission.

The commission shall by rule establish an annual license fee for each occupation it licenses under section 240.08 but no annual fee for a class C license may exceed \$100.

License fee payments received must be paid by the commission to the state treasurer for deposit in the general fund.

Sec. 6. [240.135] [CARD CLUB REVENUE.]

(a) From the amounts received from charges authorized under section 240.30, subdivision 4, the licensee shall set aside the amounts specified in this section to be used for purse payments. These amounts are in addition to the breeders fund and purse requirements set forth elsewhere in this chapter.

(1) For amounts between zero and \$6,000,000, the licensee shall set aside ten percent to be used as purses.

(2) For amounts in excess of \$6,000,000, the licensee shall set aside 14 percent to be used as purses.

(b) From all amounts set aside under paragraph (a), the licensee shall set aside ten percent to be deposited in the breeders fund. The licensee and the horseperson's organization representing the majority of horsepersons who have raced at the racetrack during the preceding 12 months may negotiate percentages different from those stated in this section if the agreement is in writing and filed with the racing commission.

(c) It is the intent of the legislature that the proceeds of the card playing activities authorized by this chapter be used to improve the horse racing industry by improving purses. The commission shall annually review the financial details of card playing activities and determine if the present use of card playing proceeds is consistent with the policy established by this paragraph. If the commission determines that the use of the proceeds does not comply with the policy set forth herein, then the commission shall direct the parties to make the changes necessary to ensure compliance. If these changes require legislation, the commission shall make the appropriate recommendations to the legislature.

Sec. 7. [240.136] [COMPULSIVE GAMBLING NOTICE.]

A class B licensee who has been authorized to operate a card club must prominently post in the card club premises the toll-free telephone number established by the commissioner of human services in connection with the compulsive gambling program established under section 245.98.

Sec. 8. Minnesota Statutes 1998, section 240.25, subdivision 8, is amended to read:

Subd. 8. [AGE UNDER 18.] A person under the age of 18 may not place a bet or present a pari-mutuel ticket for payment with an approved pari-mutuel system or participate in card playing at a card club at a licensed racetrack.

Sec. 9. [240.30] [CARD CLUBS.]

Subdivision 1. [CARD CLUB OPERATION.] A class B licensee conducting pari-mutuel betting on horse racing at a class A racetrack may operate a card club at the racetrack and offer card playing services to patrons only if the commission has authorized the licensee to operate a card club operation under section 240.07, subdivision 3, paragraph (b), and the commission has approved the licensee's plan of operation under subdivision 6. The commission may withdraw its authorization for operation of a card club at any time for a violation of a law or rule governing card club operation.

Subd. 2. [SUPERVISION.] The authorized licensee is responsible for conducting and supervising the card games, providing all necessary equipment, services, and personnel, and reimbursing the commission for costs related to card club regulation and enforcement.

Subd. 3. [TYPE OF WAGERING.] All card club wagering activities must be conducted in an unbanked system.

Subd. 4. [CHARGES.] The authorized licensee may charge patrons for card playing services by deducting and retaining money from wagers, by charging a fee based on playing time, or by any other means authorized by the commission.

Subd. 5. [LIMITATION.] The commission shall not authorize a licensee to operate a card club unless the licensee has conducted at least 50 days of live racing at a class A facility within the past 12 months or during the preceding calendar year.

Subd. 6. [PLAN OF OPERATION.] (a) The commission shall not authorize a class B licensee to operate a card club unless the licensee has submitted, and the commission approved, a plan of operation for card playing activities. The plan must set forth all necessary details for conducting card playing activities, including, among other things:

(1) specifying and defining all card games to be played, including all governing aspects of each game;

(2) time and location of card playing activities;

(3) amount and method by which participants will be charged for card playing services;

(4) arrangements to ensure the security of card playing activities;

(5) designation of all licensed employees of the licensee who undertake supervisory positions related to card playing activities;

(6) internal control systems for card playing activities; and

(7) a plan for the training of card club personnel in identification of problem gamblers and appropriate action to prevent or control problem gambling.

(b) The licensee must prepare and make available to all customers a written manual that covers all portions of the current plan of operation. The licensee must also publish, in pamphlet form, a condensed and comprehensive version of the manual and make it available to all customers.

Subd. 7. [AMENDMENTS TO PLAN; VIOLATIONS; RELATION TO OTHER LAWS.] (a) The licensee may amend the plan of operation only with the commission's approval. The commission may withdraw its approval of a plan of operation.

(b) Card club activities are deemed to be relevant to the integrity of horse racing activities in Minnesota for purposes of sections 240.03; 240.06, subdivision 7; 240.08; and 240.27, subdivision 1.

(c) A violation of a law or rule relating to card club operation or a violation of an approved plan of operation is deemed to be a violation of law or rule for purposes of section 240.22.

(d) A violation of an approved plan of operation is deemed to be a violation of a rule of the commission for purposes of section 240.26, subdivision 3.

(e) Card playing at a card club is deemed to be a bet at a licensed racetrack for purposes of section 240.28, subdivision 2.

Subd. 8. [LIMITATIONS.] The commission may not approve any plan of operation under subdivision 6 that exceeds any of the following limitations:

(1) the maximum number of tables used for card playing at the card club at any one time may not exceed 50;

(2) the opening wager by any player in any card game may not exceed \$15; and

(3) no single wager that increases the total amount staked in any card game may exceed \$30.

Subd. 9. [REIMBURSEMENT TO COMMISSION.] The commission shall require that the licensee reimburse it for the commission's actual costs, including personnel costs, of regulating the card club. Amounts received under this subdivision must be deposited as provided in section 240.155, subdivision 1.

Sec. 10. Minnesota Statutes 1998, section 349.151, subdivision 4b, is amended to read:

Subd. 4b. [PULL-TAB SALES FROM DISPENSING DEVICES.] (a) The board may by rule authorize but not require the use of pull-tab dispensing devices.

(b) Rules adopted under paragraph (a):

(1) must limit the number of pull-tab dispensing devices on any permitted premises to three;

(2) must limit the use of pull-tab dispensing devices to a permitted premises which is (i) a licensed premises for on-sales of intoxicating liquor or 3.2 percent malt beverages; or (ii) a licensed bingo hall that allows gambling only by persons 18 years or older; and

(3) must prohibit the use of pull-tab dispensing devices at any licensed premises where pull-tabs are sold other than through a pull-tab dispensing device by an employee of the organization who is also the lessor or an employee of the lessor.

(c) Notwithstanding rules adopted under paragraph (b), pull-tab dispensing devices may be used in establishments licensed for the off-sale of intoxicating liquor, other than drugstores and general food stores licensed under section 340A.405, subdivision 1.

(d) The director may charge a manufacturer a fee of up to \$5,000 per pull-tab dispensing device

to cover the costs of services provided by an independent testing laboratory to perform testing and analysis of pull-tab dispensing devices. The director shall deposit in a separate account in the state treasury all money the director receives as reimbursement for the costs of services provided by independent testing laboratories that have entered into contracts with the state to perform testing and analysis of pull-tab dispensing devices. Money in the account is appropriated to the director to pay the costs of services under those contracts.

Sec. 11. Minnesota Statutes 1998, section 349.1711, is amended by adding a subdivision to read:

Subd. 4. [TIPBOARD RULES.] The board may by rule permit tipboard games with multiple seals. The board may also adopt rules for cumulative or carryover tipboard prizes.

Sec. 12. [349.173] [CONDUCT OF RAFFLES.]

Raffle tickets at a minimum must list the three most expensive prizes to be awarded. If additional prizes will be awarded that are not contained on the raffle ticket, the raffle ticket must contain the statement "A complete list of additional prizes is available upon request." Notwithstanding section 349.12, subdivision 33, raffles conducted under the exemptions in section 349.166 may use tickets that contain only the sequential number of the raffle ticket and no other information if the organization makes a list of prizes and a statement of other relevant information required by rule available to persons purchasing tickets and if tickets are only sold at the event and on the date when the tickets are sold.

Sec. 13. Minnesota Statutes 1998, section 349.211, subdivision 2, is amended to read:

Subd. 2. [PROGRESSIVE BINGO GAMES.] A prize of up to \$2,000 may be awarded for a progressive bingo game, including a cover-all game. The prize for a progressive bingo game may start at \$300 and be increased by up to \$100 for each occasion during which the progressive bingo game is played. A consolation prize of up to \$100 \$200 for a progressive bingo game may be awarded in each occasion during which the progressive bingo game is played and the accumulated prize is not won. The total amount awarded in progressive bingo game prizes in any calendar year may not exceed \$36,000.

Sec. 14. Minnesota Statutes 1998, section 349.211, is amended by adding a subdivision to read:

Subd. 2c. [TIPBOARD PRIZES.] The maximum prize which may be awarded for a tipboard ticket is \$500, not including any cumulative or carryover prizes. Cumulative or carryover prizes in tipboard games shall not exceed \$2,500.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 13 are effective the day following final enactment. Section 14 is effective the day following final approval of the rules established in section 11."

Delete the title and insert:

"A bill for an act relating to gambling; allowing a class B licensee of a class A racetrack to conduct card club activities; expanding the use of pull-tab dispensing machines; making technical changes; setting forth conduct of raffles; modifying progressive bingo prizes; specifying maximum tipboard prizes; amending Minnesota Statutes 1998, sections 240.01, by adding subdivisions; 240.07, subdivision 3; 240.10; 240.25, subdivision 8; 349.151, subdivision 4b; 349.1711, by adding a subdivision; and 349.211, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 240; and 349."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Mike Osskopp, Bob Milbert, David Tomassoni

Senate Conferees: (Signed) Jim Vickerman, Jerry R. Janezich, Cal Larson

Senator Vickerman moved that the foregoing recommendations and Conference Committee

Report on H.F. No. 1825 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1825 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 42 and nays 20, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.H.	Larson	Pogemiller	Ten Eyck
Cohen	Johnson, D.J.	Lessard	Price	Terwilliger
Day	Johnson, J.B.	Metzen	Robertson	Vickerman
Fischbach	Junge	Moe, R.D.	Sams	Wiener
Flynn	Kelly, R.C.	Novak	Scheid	Wiger
Hanson	Kierlin	Oliver	Solon	Ziegler
Higgins	Kleis	Olson	Spear	
Hottinger	Knutson	Ourada	Stevens	
Janezich	Langseth	Pariseau	Stumpf	

Those who voted in the negative were:

Anderson	Dille	Kelley, S.P.	Limmer	Ranum
Belanger	Foley	Krentz	Lourey	Robling
Berglin	Frederickson	Laidig	Marty	Runbeck
Betzold	Johnson, D.E.	Lesewski	Neuville	Scheevel

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

## REPORTS OF COMMITTEES

Senator Junge moved that the Committee Report at the Desk be now adopted. The motion prevailed.

### Senator Johnson, D.J. from the Committee on Taxes, to which was re-referred

**H.F. No. 878:** A bill for an act relating to public administration; making deficiency appropriations for state government operations; imposing certain conditions and directions; providing a sales tax rebate; providing agricultural property tax relief; changing income tax rates and brackets; appropriating money; amending Minnesota Statutes 1998, sections 290.06, subdivisions 2c and 2d; and 290.091, subdivisions 1, 2, and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the report from the Committee on Education Finance, adopted by the Senate April 23, 1999, as follows:

Pages 1 to 3, delete sections 1 to 10 and insert:

"Section 1. Laws 1999, chapter 112, section 1, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Acre" means an acre of effective agricultural use land within the state of Minnesota as reported to the farm service agency on form 156EZ for the purposes of this subdivision and subdivisions 2 and 9.

(c) "Commissioner" means the commissioner of revenue.

(d) "Effective agricultural use land" means the land suitable for growing an agricultural crop

and excludes land enrolled in the conservation reserve program established by Minnesota Statutes, section 103F.515, or the water bank program established by Minnesota Statutes, section 103F.601.

(e) "Farm" or "farm operation" means an agricultural production operation with a unique farm number as reported on form 156EZ to the farm service agency, which includes at least 40 acres of effective agricultural use land. "Farm" also includes an agricultural production operation, which contains less than 40 acres of effective agriculture use if the farm operator operates another farm qualifying under this paragraph.

(f) "Farm operator" means a person who is identified as the operator of a farm on form 156EZ filed with the farm service agency.

(g) "Farm service agency" means the United States Farm Service Agency.

(h) "Farmer" or "farmer at risk" means a person who produces an agricultural crop or livestock and is reported to the farm service agency as bearing a percentage of the risk for the farm operation.

(i) "Livestock" means cattle, hogs, poultry, and sheep.

(j) "Livestock production facility" means a farm that has produced at least \$10,000 in sales of unprocessed livestock or unprocessed dairy products as reported on schedule F or form 1065 or form 1120 or 1120S of the farmer's federal income tax return for either taxable years beginning in calendar year 1997 or 1998.

(k) "Person" includes individuals, fiduciaries, estates, trusts, partnerships, joint ventures, and corporations.

Sec. 2. Laws 1999, chapter 112, section 1, subdivision 3, is amended to read:

Subd. 3. [LIVESTOCK PRODUCERS.] A farmer person who owns or resides on property homesteaded under section 273.124, subdivision 1, paragraph (c), and operates a livestock production facility on 160 acres or less may elect the agricultural property tax refund under subdivisions 4 to 8 in lieu of the per acre payment under subdivision 2. To qualify, the farmer person must apply for the refund as provided in subdivisions 4 to 8. The 40 acre minimum farm size under subdivision 1 does not apply to eligibility under subdivisions 4 to 8.

Sec. 3. Laws 1999, chapter 112, section 1, subdivision 4, is amended to read:

Subd. 4. [REFUND.] The refund equals the full amount of the property tax payment due and payable on May 15, 1999, on a livestock production facility that is class 1b agricultural homestead property or class 2a agricultural homestead property as defined in Minnesota Statutes, section 273.13, excluding that portion of the tax attributable to the house, garage, and surrounding acre of land. If a portion of the property was leased for the agricultural production year, the refund amount shall be ~~prorated so that only the portion of the property which was not leased for the agricultural production year qualifies for the refund~~ reduced by \$4 for each acre that was leased for the agricultural production year.

Sec. 4. Laws 1999, chapter 112, section 1, subdivision 9, is amended to read:

Subd. 9. [ALTERNATE QUALIFICATION.] (a) If an agricultural production operation does not meet the definition of a farm under subdivision 1 solely because (1) the farm operator had not filed a form 156EZ with the farm service agency, (2) there was an error in the farm service agency's records, or (3) an operator operates more than one farm and the acres of effective agricultural use land of each a farm is less than 40 acres, but the combined acres of effective agricultural use land of all land operated by that operator is at least 40 acres, the commissioner may allow the farm operator to apply for payment under subdivision 2 after providing such information as the commissioner may require to determine the number of acres that would be comparable to the effective agricultural use land listed on form 156EZ.

(b) If the number of acres of effective agricultural use land for crop year 1998 for a farm is

greater than indicated in the farm service agency's records, the commissioner may allow a farm operator to apply for payment on the greater acreage after providing such information as the commissioner may require.

(c) If a person who produced an agricultural crop or livestock in 1998 and bore a portion of the risk for the farm operation does not meet the definition of a farmer under subdivision 1 solely because that information was not reported to the farm service agency, or because there was an error in the farm service agency's records, the commissioner may allow the farmer to be included on an application for payment under subdivision 2 after the farmer provides such information as the commissioner may require to determine the farmer was at risk for that farm.

Sec. 5. [APPROPRIATION.]

There is appropriated from the general fund to the commissioner of revenue to meet the cost of administering Laws 1999, chapter 112, \$110,000 for fiscal year 1999 and \$528,000 for fiscal year 2000.

Sec. 6. [APPROPRIATION.]

\$350,000 is appropriated to the commissioner of children, families, and learning for fiscal year 2000 for a planning grant for an urban agricultural high school for curriculum, design, coordination with the state's graduation standards, demographic research, development of partnerships, site acquisition, market assessment of student interest, collaboration with the local municipality and school district on any proposed site prior to acquisition, and facility predesign purposes."

Page 3, delete lines 27 to 29 and insert:

"A bill for an act relating to public administration; modifying agricultural property tax relief provisions; appropriating money; amending Laws 1999, chapter 112, section 1, subdivisions 1, 3, 4, and 9."

And when so amended the bill do pass. Amendments adopted. Report adopted.

## SECOND READING OF HOUSE BILLS

H.F. No. 878 was read the second time.

## MOTIONS AND RESOLUTIONS

Senator Johnson, D.H. moved that the name of Senator Kleis be added as a co-author to S.F. No. 2263. The motion prevailed.

Senator Kleis moved that the name of Senator Olson be added as a co-author to S.F. No. 2264. The motion prevailed.

### Senator Ourada introduced--

**Senate Resolution No. 85:** A Senate resolution congratulating Monticello Boy Scout Troop 270 on celebrating its 45th anniversary.

Referred to the Committee on Rules and Administration.

### Senator Johnson, D.E. introduced--

**Senate Resolution No. 86:** A Senate resolution honoring Brigadier General Gary E. LeBlanc as he retires.

Referred to the Committee on Rules and Administration.

Senator Frederickson moved that his name be stricken as chief author, shown as a co-author and the name of Senator Pogemiller be added as chief author to S.F. No. 1351. The motion prevailed.

Senator Novak moved that his name be stricken as chief author, shown as a co-author and the name of Senator Pogemiller be shown as chief author to S.F. No. 672. The motion prevailed.

### RECESS

Senator Junge moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### APPOINTMENTS

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1932: Senators Scheid, Oliver and Solon.

H.F. No. 1621: Senators Higgins, Metzen and Kleis.

Senator Junge moved that the foregoing appointments be approved. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 145 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 145

A bill for an act relating to ethics in government; clarifying and simplifying the law related to lobbyist registration, conflicts of interest, and campaign finance; eliminating invalid provisions; amending Minnesota Statutes 1998, sections 10A.01; 10A.02, as amended; 10A.03; 10A.04; 10A.05; 10A.06; 10A.065, subdivisions 1, 1a, and 3; 10A.08; 10A.09; 10A.10; 10A.11; 10A.12; 10A.13; 10A.14; 10A.15; 10A.16; 10A.17; 10A.18; 10A.19; 10A.20; 10A.22, subdivisions 6 and 7; 10A.23; 10A.24; 10A.241; 10A.242; 10A.25; 10A.255, subdivisions 1 and 3; 10A.265; 10A.27; 10A.275, subdivision 1; 10A.28; 10A.29; 10A.30, subdivision 1; 10A.31; 10A.315; 10A.321; 10A.322; 10A.323; 10A.324, subdivisions 1 and 3; 10A.34; 200.02, by adding a subdivision; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1998, sections 10A.065, subdivision 5; 10A.22, subdivisions 1, 4, and 5; 10A.255, subdivision 2; 10A.275, subdivisions 2 and 3; 10A.324, subdivisions 2 and 4; 10A.325; 10A.335; 10A.40; 10A.41; 10A.42; 10A.43; 10A.44; 10A.45; 10A.46; 10A.47; 10A.48; 10A.49; 10A.50; and 10A.51.

May 14, 1999

The Honorable Allan H. Spear  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 145, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 145 be further amended as follows:

Page 55, line 34, delete "\$100" and insert "\$10"

Page 75, lines 3 and 4, reinstate the stricken language

Page 75, line 5, reinstate the stricken "state" and reinstate the stricken comma

Page 75, line 6, reinstate the stricken language

Page 80, after line 30, insert:

"Subd. 3. In chapter 10A, the revisor of statutes must change "shall" wherever it appears so that the use of words of authority in that chapter conforms to the instructions in the Minnesota Rules Drafting Manual. In following the manual's instructions, the revisor must not use "shall" to impose duties."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) John Marty, Linda Scheid, Mark Ourada

House Conferees: (Signed) Jim Rhodes, Marty Seifert, Phyllis Kahn

Senator Marty moved that the foregoing recommendations and Conference Committee Report on S.F. No. 145 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 145 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Langseth	Ourada	Stevens
Belanger	Higgins	Larson	Pariseau	Stumpf
Berg	Janezich	Lesewski	Pogemiller	Ten Eyck
Berglin	Johnson, D.E.	Lessard	Price	Terwilliger
Betzold	Johnson, D.H.	Limmer	Ranum	Vickerman
Cohen	Johnson, J.B.	Lourey	Robertson	Wiener
Day	Junge	Marty	Robling	Wiger
Dille	Kelley, S.P.	Metzen	Runbeck	Ziegler
Fischbach	Kleis	Neuville	Sams	
Flynn	Knutson	Novak	Scheevel	
Foley	Krentz	Oliver	Scheid	
Frederickson	Laidig	Olson	Solon	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 346 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 346

A bill for an act relating to child custody; expanding provisions for relative ex parte temporary custody; amending Minnesota Statutes 1998, section 518.158, subdivisions 1 and 2.

May 13, 1999

The Honorable Allan H. Spear  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 346, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Jane B. Ranum, Leo T. Foley, Sheila M. Kiscaden

House Conferees: (Signed) Jean Wagenius, Jim Seifert, Lynda Boudreau

Senator Ranum moved that the foregoing recommendations and Conference Committee Report on S.F. No. 346 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 346 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Laidig	Olson	Solon
Belanger	Higgins	Langseth	Ourada	Spear
Berg	Janezich	Larson	Pariseau	Stevens
Berglin	Johnson, D.E.	Lesewski	Pogemiller	Stumpf
Betzold	Johnson, D.H.	Lessard	Price	Ten Eyck
Cohen	Johnson, J.B.	Limmer	Ranum	Terwilliger
Day	Junge	Lourey	Robertson	Vickerman
Dille	Kelley, S.P.	Marty	Robling	Wiener
Fischbach	Kierlin	Metzen	Runbeck	Wiger
Flynn	Kleis	Neuville	Sams	Ziegler
Foley	Knutson	Novak	Scheevel	
Frederickson	Krentz	Oliver	Scheid	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 1404 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 1404**

A bill for 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, subdivisions 1, 2, 3, 4, and by adding a subdivision; and 617.247, subdivisions 1, 2, 3, 4, and by adding a subdivision.

May 14, 1999

The Honorable Allan H. Spear  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1404, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1404 be further amended as follows:

Page 5, line 14, strike "gross misdemeanor" and insert "felony and may be sentenced to imprisonment for not more than three years and a fine of not more than \$5,000"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Dave Johnson, David L. Knutson, Allan H. Spear

House Conferees: (Signed) Wesley J. "Wes" Skoglund, Rich Stanek, Len Biernat

Senator Johnson, D.H. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1404 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1404 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Olson	Spear
Belanger	Janezich	Langseth	Ourada	Stevens
Berg	Johnson, D.E.	Larson	Pariseau	Stumpf
Berglin	Johnson, D.H.	Lesewski	Pogemiller	Ten Eyck
Betzold	Johnson, D.J.	Lessard	Price	Terwilliger
Cohen	Johnson, J.B.	Limmer	Ranum	Vickerman
Day	Junge	Lourey	Robertson	Wiener
Dille	Kelley, S.P.	Marty	Robling	Wiger
Fischbach	Kelly, R.C.	Metzen	Runbeck	Ziegler
Flynn	Kierlin	Moe, R.D.	Sams	
Foley	Kleis	Neuville	Scheevel	
Frederickson	Knutson	Novak	Scheid	
Hanson	Krentz	Oliver	Solon	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1289 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 1289:** A bill for an act relating to crime prevention; increasing the criminal penalty for providing alcoholic beverages to underage persons under certain circumstances; amending Minnesota Statutes 1998, section 340A.701, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Ourada	Spear
Belanger	Hottinger	Larson	Pariseau	Stevens
Berg	Johnson, D.E.	Lesewski	Piper	Stumpf
Berglin	Johnson, D.H.	Lessard	Pogemiller	Ten Eyck
Betzold	Johnson, J.B.	Limmer	Price	Terwilliger
Cohen	Junge	Lourey	Ranum	Vickerman
Day	Kelley, S.P.	Marty	Robertson	Wiener
Dille	Kelly, R.C.	Metzen	Robling	Wiger
Fischbach	Kierlin	Moe, R.D.	Runbeck	Ziegler
Flynn	Kleis	Neuville	Sams	
Foley	Knutson	Novak	Scheevel	
Frederickson	Krentz	Oliver	Scheid	
Hanson	Laidig	Olson	Solon	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Junge moved that the name of Senator Limmer be added as a co-author to S.F. No. 1109. The motion prevailed.

S.F. No. 2221 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2221

A bill for an act relating to crime prevention and judiciary finance; appropriating money for the judicial branch, public safety, corrections, public defense, human rights, crime victims, and related purposes; establishing grant programs, task forces, and pilot projects; requiring reports and studies; increasing the number of judges; transferring responsibility for the office of drug policy and violence prevention, the Asian-Pacific juvenile crime intervention and prevention grant program, the juvenile weekend program at Camp Ripley, and the operation and maintenance of the state land and buildings that compose MCF-Sauk Centre; increasing the membership and expanding the duties of the criminal and juvenile justice policy group; 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; clarifying and expanding certain criminal and civil penalties; establishing a work program for certain repeat DWI offenders and repealing the existing work program for nonviolent offenders; requiring counties to pay the costs of placing juvenile females at Minnesota correctional facility-Sauk Centre; requiring the department of corrections to submit an annual performance report; imposing criminal penalties for persons taking responsibility for criminal acts; providing for sanction conference procedures to dispose of technical violations of probation; providing a posttraumatic stress syndrome benefit; providing for recovery of damages when there is an unauthorized release of animals; privatizing the educational program at Minnesota correctional facility-Red Wing; making certain changes related to part-time peace officers; requiring policies and training and making certain other changes related to police pursuits; 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; extending the sunset date for a juvenile records provision; requiring that the continued operation of the new Rush City prison beyond July 1, 2001, be specifically authorized by law; amending Minnesota Statutes 1998, sections 2.722, subdivision 1; 3.739, subdivision 1; 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; 169.121, subdivisions 3, 3e, and by adding subdivisions; 169.129, 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;

242.192; 243.05, subdivision 1; 243.50; 244.052, subdivision 1, and by adding a subdivision; 244.19, subdivision 3a; 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; 299C.65, subdivisions 2, 5, and by adding subdivisions; 340A.415; 340A.703; 346.56; 346.56; 466.01, subdivision 6; 480.181, subdivision 1; 484.64, subdivision 3; 484.65, subdivision 3; 485.018, subdivisions 2 and 6; 485.03; 485.27; 487.02, subdivision 2; 487.10, subdivision 4; 518.165, subdivision 3; 546.13; 546.44, subdivision 3; 563.01, subdivisions 2, 9, and 10; 609.035, subdivisions 1, 2, and by adding a subdivision; 609.135, subdivisions 1 and 2; 609.495, by adding a subdivision; 609.531, subdivision 1; 609.5315, by adding a subdivision; 611.33, subdivision 3; 626.5532, subdivision 1; 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; 244; 260; 299A; 299L; 401; 480; and 626; repealing Minnesota Statutes 1998, sections 119A.04, subdivision 5; 241.277; 256D.05, subdivisions 3 and 3a; 357.021, subdivision 2a; 401.02, subdivision 5; 563.01, subdivision 1; 609.113; 626.5532, subdivision 2; and 626.8463, subdivision 2; Laws 1997, chapter 238, section 4.

May 14, 1999

The Honorable Allan H. Spear  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2221, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2221 be further amended as follows:

Delete everything after the enacting clause and insert:

"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.

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
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## 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
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\$99,000 the first year and \$99,000 the second year from the Bureau of Criminal Apprehension 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 predesign 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
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\$52,000 the second year is for a fire code development and training position. The permanent 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

\$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

\$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 administrative 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.

\$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	

\$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	

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 legislative 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

\$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

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

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

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

Subd. 3. Administrative Services  
Office

1,215,000

1,243,000

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

Subd. 4. District Public  
Defense

39,977,000

42,991,000

\$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
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#### 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 employee 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 operating 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

\$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	
<p>\$800,000 the first year and \$1,200,000 the second year are for technology improvements.</p>			
Sec. 14. CORRECTIONS OMBUDSMAN		470,000	400,000
<p>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.</p>			
Sec. 15. SENTENCING GUIDELINES COMMISSION		567,000	528,000
<p>\$100,000 the first year and \$50,000 the second year are for the sentencing guidelines worksheet. This is a one-time appropriation.</p>			
Sec. 16. HUMAN RIGHTS		3,862,000	3,924,000
Sec. 17. UNIFORM LAWS COMMISSION		37,000	38,000
Sec. 18. AUTOMOBILE THEFT PREVENTION BOARD		2,277,000	1,886,000
<p>This appropriation is from the automobile theft prevention account in the special revenue fund.</p> <p>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.</p> <p>The automobile theft prevention board may not spend any money it receives from surcharges in the fiscal year 2000-2001 biennium, unless the legislature approves the spending.</p> <p>The executive director of the auto theft prevention board may not sit on the automobile theft prevention board.</p>			
Sec. 19. ADMINISTRATION		3,554,000	-0-
<p>\$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</p>			

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
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\$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
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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;

(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:

(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 jurisdiction 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, 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.

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 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

(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
- (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;
- (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 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. 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 justice 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.

**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 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" 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;
- (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.

Column A  
119A.25  
119A.26

Column B  
299A.281  
299A.282

<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 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.

(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 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, subdivision 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.

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 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.

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.

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. [243.95] [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.

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.

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;
- (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 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 posttraumatic 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.

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;

(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.

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).

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
- (j) (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 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
- (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.

## 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 U~~l~~m, 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;

(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 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:

- (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 subsequent 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 believes 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.

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;

(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 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 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.

(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 noncompliant. 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 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;

(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 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 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.

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 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 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 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 a 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;

(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.

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;
- (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):

(+) (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 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 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.

(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, 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 after 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.

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.

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 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.

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.~~

~~(e)~~ 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 of 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, 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, 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 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).

(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 general 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.

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.]