

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

 THIRTY-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 30, 2011

The House of Representatives convened at 4:30 p.m. and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by Representative Bruce Anderson, District 19A, Buffalo Township, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dean	Hamilton	Koenen	Melin	Schomacker
Anderson, B.	Dettmer	Hancock	Kriesel	Murphy, E.	Scott
Anderson, D.	Dill	Hansen	Lanning	Murphy, M.	Shimanski
Anderson, P.	Dittrich	Hausman	Leidiger	Murray	Simon
Anderson, S.	Doepke	Hilstrom	LeMieur	Myhra	Slawik
Anzelc	Downey	Hilty	Lenczewski	Nelson	Smith
Banaian	Drazkowski	Holberg	Lesch	Nornes	Stensrud
Barrett	Eken	Hoppe	Liebling	Norton	Swedzinski
Beard	Erickson	Hornstein	Lillie	O'Driscoll	Thissen
Benson, J.	Fabian	Hortman	Loeffler	Paymar	Tillberry
Benson, M.	Falk	Hosch	Lohmer	Pelowski	Torkelson
Bills	Franson	Howes	Loon	Peppin	Urdahl
Brynaert	Fritz	Huntley	Mack	Persell	Vogel
Buesgens	Garofalo	Johnson	Mahoney	Petersen, B.	Wagenius
Carlson	Gauthier	Kahn	Mariani	Peterson, S.	Wardlow
Clark	Gottwalt	Kath	Marquart	Poppe	Westrom
Cornish	Greene	Kelly	Mazorol	Quam	Winkler
Crawford	Greiling	Kieffer	McDonald	Rukavina	Woodard
Daudt	Gruenhagen	Kiel	McElfrick	Runbeck	Spk. Zellers
Davids	Gunther	Kiffmeyer	McFarlane	Sanders	
Davnie	Hackbarth	Knuth	McNamara	Scalze	

A quorum was present.

Atkins, Champion, Hayden, Laine, Moran, Morrow, Mullery, Murdock, Slocum and Ward were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 29, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Zellers:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State H. F. No. 362.

Sincerely,

MARK DAYTON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2011 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2011</i>	<i>Date Filed 2011</i>
	362	10	12:58 p.m. March 29	March 29

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Holberg from the Committee on Ways and Means to which was referred:

S. F. No. 958, A bill for an act relating to public safety; acquiring an easement for the correctional facility in Faribault; appropriating money for the courts, public defenders, public safety, corrections, certain other criminal justice agencies, boards, and commissions; amending Minnesota Statutes 2010, section 297I.06, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1 APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	<u>\$1,226,000</u>	<u>\$890,553,000</u>	<u>\$878,837,000</u>	<u>\$1,770,616,000</u>
<u>State Government</u>				
<u>Special Revenue</u>		<u>72,651,000</u>	<u>70,036,000</u>	<u>142,687,000</u>
<u>Environmental</u>		<u>69,000</u>	<u>69,000</u>	<u>138,000</u>
<u>Special Revenue</u>		<u>11,674,000</u>	<u>11,674,000</u>	<u>23,348,000</u>
<u>Trunk Highway</u>		<u>1,941,000</u>	<u>1,941,000</u>	<u>3,882,000</u>
<u>Total</u>	<u>\$1,226,000</u>	<u>\$976,888,000</u>	<u>\$962,557,000</u>	<u>\$1,940,671,000</u>

Sec. 2. APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

APPROPRIATIONS Available for the Year Ending June 30

	<u>2011</u>	<u>2012</u>	<u>2013</u>
Sec. 3. <u>PUBLIC SAFETY</u>			
<u>Subdivision 1. Total Appropriation</u>	<u>\$1,226,000</u>	<u>\$153,340,000</u>	<u>\$150,725,000</u>

Appropriations by Fund

	<u>2011</u>	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>1,226,000</u>	<u>71,665,000</u>	<u>71,665,000</u>
<u>Special Revenue</u>		<u>7,014,000</u>	<u>7,014,000</u>
<u>State Government</u>			
<u>Special Revenue</u>		<u>72,651,000</u>	<u>70,036,000</u>
<u>Environmental</u>		<u>69,000</u>	<u>69,000</u>
<u>Trunk Highway</u>		<u>1,941,000</u>	<u>1,941,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <u>Emergency Management</u>	<u>1,226,000</u>	<u>2,525,000</u>	<u>2,525,000</u>
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Appropriations by Fund

<u>General</u>	<u>1,226,000</u>	<u>1,852,000</u>	<u>1,852,000</u>
<u>Special Revenue</u>		<u>604,000</u>	<u>604,000</u>
<u>Environmental</u>		<u>69,000</u>	<u>69,000</u>

(a) **Disaster Match.** \$1,226,000 in fiscal year 2011 is appropriated from the general fund to provide a state match for Federal Emergency Management Agency (FEMA) disaster assistance to state agencies and political subdivisions under Minnesota Statutes, section 12.221, in the area designated under Presidential Declaration of Major Disaster, FEMA-1830-DR, for the flooding in Minnesota in the spring of 2009, whether included in the original declaration or added later by federal government action. This is a onetime appropriation. This appropriation is available until expended.

(b) **Hazmat and Chemical Assessment Teams.** \$604,000 each year is appropriated from the fire safety account in the special revenue fund. These amounts must be used to fund the hazardous materials and chemical assessment teams.

Subd. 3. <u>Criminal Apprehension</u>	<u>41,887,000</u>	<u>41,887,000</u>
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Appropriations by Fund

<u>General</u>	<u>39,939,000</u>	<u>39,939,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>

DWI Lab Analysis; Trunk Highway Fund. Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$1,941,000 each year is appropriated from the trunk highway fund for laboratory analysis related to driving while impaired cases.

Subd. 4. Fire Marshal5,757,0005,757,000

This appropriation is from the fire safety account in the special revenue fund and is for activities under Minnesota Statutes, section 299F.012.

Subd. 5. Alcohol and Gambling Enforcement2,236,0002,236,000Appropriations by Fund

<u>General</u>	<u>1,583,000</u>	<u>1,583,000</u>
<u>Special Revenue</u>	<u>653,000</u>	<u>653,000</u>

This appropriation is from the alcohol enforcement account in the special revenue fund. Of this appropriation, \$500,000 each year shall be transferred to the general fund. The transfer amount for fiscal year 2014 and fiscal year 2015 shall be \$500,000 per year.

Subd. 6. Office of Justice Programs28,387,00028,387,000Appropriations by Fund

<u>General</u>	<u>28,291,000</u>	<u>28,291,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

(a) **Domestic Abuse Shelters.** The commissioner may not reduce grants to domestic abuse shelters more than 11 percent from the base.

(b) **Administration Costs.** Up to 2.5 percent of the grant money appropriated in this subdivision may be used to administer the grant program.

Subd. 7. Emergency Communication Networks72,548,00069,933,000

This appropriation is from the state government special revenue fund for 911 emergency telecommunications services.

(a) **Public Safety Answering Points.** \$13,664,000 each year is to be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2.

(b) **Medical Resource Communication Centers.** \$683,000 each year is for grants to the Minnesota Emergency Medical Services Regulatory Board for the Metro East and Metro West Medical Resource Communication Centers that were in operation before January 1, 2000.

(c) **ARMER Debt Service.** \$23,261,000 each year is to the commissioner of management and budget to pay debt service on revenue bonds issued under Minnesota Statutes, section 403.275.

Any portion of this appropriation not needed to pay debt service in a fiscal year may be used by the commissioner of public safety to pay cash for any of the capital improvements for which bond proceeds were appropriated by Laws 2005, chapter 136, article 1, section 9, subdivision 8, or Laws 2007, chapter 54, article 1, section 10, subdivision 8.

(d) **Metropolitan Council Debt Service.** \$1,410,000 each year is to the commissioner of management and budget for payment to the Metropolitan Council for debt service on bonds issued under Minnesota Statutes, section 403.27.

(e) **ARMER State Backbone Operating Costs.** \$8,300,000 the first year and \$8,650,000 the second year are to the commissioner of transportation for costs of maintaining and operating the statewide radio system backbone.

(f) **ARMER Improvements.** \$1,000,000 each year is for the Statewide Radio Board for costs of design, construction, maintenance of, and improvements to those elements of the statewide public safety radio and communication system that support mutual aid communications and emergency medical services or provide enhancement of public safety communication interoperability.

(g) **Transfer.** \$2,600,000 each year is transferred to the general fund. This is a onetime transfer.

Sec. 4. **PEACE OFFICER STANDARDS AND TRAINING (POST) BOARD**

\$3,770,000

\$3,770,000

(a) **Excess Amounts Transferred.** This appropriation is from the peace officer training account in the special revenue fund. Any new receipts credited to that account in the first year in excess of \$3,770,000 must be transferred and credited to the general fund. Any new receipts credited to that account in the second year in excess of \$3,770,000 must be transferred and credited to the general fund.

(b) **Peace Officer Training Reimbursements.** \$2,634,000 each year is for reimbursements to local governments for peace officer training costs.

Sec. 5. **PRIVATE DETECTIVE BOARD**

\$120,000

\$120,000

Sec. 6. **HUMAN RIGHTS**

\$1,170,000

\$1,170,000

Mission Priority. The commissioner shall dedicate the department's appropriation under this section to enforcement measures.

Sec. 7. **DEPARTMENT OF CORRECTIONS****Subdivision 1. Total Appropriation****\$455,185,000****\$441,427,000**Appropriations by Fund

<u>General</u>	<u>454,295,000</u>	<u>440,537,000</u>
<u>Special Revenue</u>	<u>890,000</u>	<u>890,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Correctional Institutions**325,759,000****312,001,000**Appropriations by Fund

<u>General</u>	<u>325,179,000</u>	<u>311,421,000</u>
<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>

(a) Position Reductions. The commissioner shall realize the cuts to correctional institutions by eliminating management positions within the department's facilities, particularly duplicate positions. The commissioner may not eliminate line officer positions. The commissioner shall focus the reductions in areas that will not compromise line officer or public safety.

(b) Inmate Medical Cost Savings; Report. The commissioner shall reduce the inmate medical per diem by at least five percent. By January 15, 2012, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety finance detailing how the commissioner achieved the cost savings. If the commissioner fails to realize five percent savings on inmate medical costs, the report shall contain a detailed explanation of why the savings were not realized.

(c) Juvenile Facilities; Report. By December 1, 2011, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety finance on the continued operation of the department's two juvenile facilities. In the report, the commissioner shall evaluate the cost savings to the department and state of closing one or both of the facilities. If the commissioner determines one or both of the facilities should remain open, the commissioner shall make recommendations on how to operate the facilities in the most cost-effective manner possible. If the commissioner recommends the closing of one or both of the juvenile facilities, the report shall contain recommendations for alternative placements for juvenile offenders and alternative uses for the facilities.

(d) **Reform Working Group; Report.** (1) The commissioner of corrections shall form a working group to study the following topics:

(i) adoption of an earned credit program for inmates in the state correctional facilities similar to the programs in 36 other states;

(ii) the federal immigration and customs enforcement rapid REPAT program and the potential for the state to participate in the program;

(iii) expanding the use of medical and other forms of early release; and

(iv) the feasibility of closing a wing or an entire state facility or leasing vacant prison space to house inmates from other states.

(2) The working group shall consist of corrections personnel, the state public defender, an individual representing victim services, a representative from the county attorneys association, a majority and minority member of the house Public Safety Committee and a majority and minority member of the senate Judiciary and Public Safety Committee, and any other members that the commissioner deems necessary.

(3) The working group shall issue a report to the chair and ranking minority member of the house Public Safety Finance and Policy Committee and the chair and ranking minority member of the senate Judiciary and Public Safety Committee by January 15, 2012. The report must contain recommendations for each of the areas of study under paragraph (1) and specific recommendations concerning the use of earned credits for inmates that address:

(i) the feasibility of an earned credit policy;

(ii) the type and amount of earned credit that could be offered;

(iii) the type of inmates to include and exclude from an earned credit program; and

(iv) any potential cost savings that would result from issuing earned credit.

Subd. 3. **Community Services**

109,082,000

109,082,000

Appropriations by Fund

<u>General</u>	<u>108,982,000</u>	<u>108,982,000</u>
<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>

Probation Revocation Reform; Report. The commissioner of corrections, in consultation with staff of the Sentencing Guidelines Commission and representatives from community corrections

agencies, shall develop performance incentives for counties to reduce the number of probation revocations by at least ten percent. The commissioner is encouraged to review policies in states that have implemented performance incentive programs. The commissioner shall also examine and consider:

- (1) the revocation rate differences between counties;
- (2) granting earned compliance credits for offenders on probation;
- (3) recent innovations in probation services, such as the HOPE program and the Georgia model, to determine the feasibility of implementing similar programs in Minnesota;
- (4) limiting prison time for first time probation revocations; and
- (5) the impact of adopting one, unified probation and supervised release delivery system in the state.

The commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety finance by January 15, 2012.

Subd. 4. Operations Support

20,344,000

20,344,000

Appropriations by Fund

<u>General</u>	<u>20,134,000</u>	<u>20,134,000</u>
<u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>

Position Reductions. At least 50 percent of the reductions in operations support must come from the elimination of, or reduction in benefits for, management positions. The commissioner shall focus the reductions in areas such as information technology, finance, and other areas that will not compromise line officer or public safety. The commissioner shall also work to eliminate positions that duplicate the duties of other department employees.

Subd. 5. Transfers

(a) **MINNCOR.** Notwithstanding Minnesota Statutes, section 241.27, the commissioner of management and budget shall transfer \$600,000 the first year and \$600,000 the second year from the Minnesota correctional industries revolving fund to the general fund. These are onetime transfers.

(b) **Various Special Revenue Accounts.** Notwithstanding any law to the contrary, the commissioner of management and budget shall transfer \$400,000 the first year and \$400,000 the second year from the Department of Corrections' special revenue accounts to the general fund. These are onetime transfers. The commissioner of corrections shall adjust expenditures to stay within the remaining revenues.

Sec. 8. **SUPREME COURT**Subdivision 1. **Total Appropriation****\$41,274,000****\$39,575,000**

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. **Supreme Court Operations**30,458,00030,759,000

(a) **Contingent Account.** \$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

(b) **Employee Health Care.** The chief justice of the Supreme Court shall study and report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over judiciary finance by January 15, 2012, on the advantages and disadvantages of having judicial branch officials and employees leave the state employee group insurance program and form their own group benefit plan, including the option of shifting to a plan based on high-deductible health savings accounts.

Subd. 3. **Civil Legal Services**10,816,0008,816,000

(a) **Legal Services to Low-Income Clients in Family Law Matters.** Of this appropriation, \$877,000 each year is 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 in the second year.

(b) **Limits on Services.** No portion of the funds appropriated may be used to represent or serve clients: (1) in federal civil or criminal matters outside the jurisdiction of the state courts or agencies; (2) in suing a state or federal entity; and (3) in advocating at the legislature for or against current or proposed policy and law.

Sec. 9. **COURT OF APPEALS****\$10,106,000****\$10,228,000**Sec. 10. **TRIAL COURTS****\$233,347,000****\$236,966,000**Sec. 11. **GUARDIAN AD LITEM BOARD****\$11,988,000****\$11,988,000**

Case priority. The board shall assign guardians to clients who are entitled by statute to representation prior to clients for whom the courts request guardians but who are not entitled to a guardian under statute.

Sec. 12. <u>TAX COURT</u>	<u>\$790,000</u>	<u>\$790,000</u>
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Operating schedule. At least one tax court judge shall hold hearings and meetings or otherwise conduct regular business on all days that executive branch agencies are open for business.

Sec. 13. <u>UNIFORM LAWS COMMISSION</u>	<u>\$30,000</u>	<u>\$30,000</u>
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Membership dues. This appropriation is to pay the state's membership dues to the National Uniform Laws Commission. No portion of this appropriation may be used to fund the travel or expenses of members of the commission.

Sec. 14. <u>BOARD ON JUDICIAL STANDARDS</u>	<u>\$456,000</u>	<u>\$456,000</u>
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Sec. 15. <u>BOARD OF PUBLIC DEFENSE</u>	<u>\$64,726,000</u>	<u>\$64,726,000</u>
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Public defense corporations representation. Funds appropriated to public defense corporations shall only be used to defend clients who are constitutionally or statutorily entitled to a public defender and who meet the income eligibility standards in Minnesota Statutes, section 611.17.

Sec. 16. <u>SENTENCING GUIDELINES</u>	<u>\$586,000</u>	<u>\$586,000</u>
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Sec. 17. **PROHIBITION ON USE OF APPROPRIATIONS**

No portion of the appropriations in sections 8 to 16 may be used for the purchase of motor vehicles or out-of-state travel that is not directly connected with and necessary to carry out the core functions of the organizations funded in this article.

Sec. 18. **SALARY FREEZE.**

(a) Effective July 1, 2011, a state employee funded in sections 8 to 16 may not receive a salary or wage increase. This section prohibits any increases, including but not limited to: across-the-board increases; cost-of-living adjustments; increases based on longevity; step increases; increases in the form of lump-sum payments; increases in employer contributions to deferred compensation plans; or any other pay grade adjustments of any kind. This section does not prohibit an increase in the rate of salary and wages for an employee who is promoted or transferred to a position with greater responsibilities and with a higher salary or wage rate.

(b) This section expires on June 30, 2013.

Sec. 19. **CAPPING MILEAGE REIMBURSEMENT.**

For entities funded by an appropriation in sections 8 to 16, no official or employee may be reimbursed for mileage expenses at a rate that exceeds 51 cents per mile.

ARTICLE 2 PUBLIC SAFETY, CORRECTIONS, AND HUMAN RIGHTS POLICY

Section 1. Minnesota Statutes 2010, section 243.212, is amended to read:

243.212 CO-PAYMENTS FOR HEALTH SERVICES.

Any inmate of an adult correctional facility under the control of the commissioner of corrections shall incur co-payment obligations for health care services provided. The co-payment shall be at least \$5 per visit to a health care provider. The co-payment will be paid from the inmate account of earnings and other funds, as provided in section 243.23, subdivision 3. The funds paid under this subdivision are appropriated to the commissioner of corrections for the delivery of health care services to inmates.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 2. Minnesota Statutes 2010, section 297I.06, subdivision 3, is amended to read:

Subd. 3. **Fire safety account, annual transfers, allocation.** A special account, to be known as the fire safety account, is created in the state treasury. The account consists of the proceeds under subdivisions 1 and 2. \$468,000 in fiscal year 2008, \$4,268,000 in fiscal year 2009, \$9,268,000 in fiscal year 2010, \$5,968,000 in fiscal year 2011, \$6,618,000 in fiscal year 2012, \$6,618,000 in fiscal year 2013, and \$2,368,000 in each year thereafter is transferred from the fire safety account in the special revenue fund to the general fund to offset the loss of revenue caused by the repeal of the one-half of one percent tax on fire insurance premiums.

Sec. 3. Minnesota Statutes 2010, section 363A.06, subdivision 1, is amended to read:

Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies to effectuate the purposes of this chapter and shall do the following:

(1) exercise leadership under the direction of the governor in the development of human rights policies and programs, and make recommendations to the governor and the legislature for their consideration and implementation;

~~(2) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;~~

~~(3) meet and function at any place within the state;~~

~~(4) (3) employ attorneys, clerks, and other employees and agents as the commissioner may deem necessary and prescribe their duties;~~

~~(5) (4) to the extent permitted by federal law and regulation, utilize the records of the Department of Employment and Economic Development of the state when necessary to effectuate the purposes of this chapter;~~

~~(6) (5) obtain upon request and utilize the services of all state governmental departments and agencies;~~

~~(7) (6) adopt suitable rules for effectuating the purposes of this chapter;~~

~~(8) (7) issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing;~~

~~(9) (8) subpoena witnesses, administer oaths, take testimony, and require the production for examination of any books or papers relative to any matter under investigation or in question as the commissioner deems appropriate to carry out the purposes of this chapter;~~

~~(10)~~ (9) attempt, by means of ~~education~~, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state;

~~(11) develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs the commissioner deems necessary;~~

~~(12)~~ (10) make a written report of the activities of the commissioner to the governor each year;

~~(13)~~ (11) accept gifts, bequests, grants, or other payments public and private to help finance the activities of the department;

~~(14)~~ (12) create such local and statewide advisory committees as will in the commissioner's judgment aid in effectuating the purposes of the Department of Human Rights;

~~(15) develop such programs as will aid in determining the compliance throughout the state with the provisions of this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, familial status, sexual orientation, or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life;~~

~~(16)~~ (13) develop and disseminate technical assistance to persons subject to the provisions of this chapter, and to agencies and officers of governmental and private agencies;

~~(17)~~ (14) provide staff services to such advisory committees as may be created in aid of the functions of the Department of Human Rights;

~~(18)~~ (15) make grants in aid to the extent that appropriations are made available for that purpose in aid of carrying out duties and responsibilities; and

~~(19)~~ (16) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363A.08, subdivision 7. The commissioner may use nonstate funds to develop and conduct programs of formal and informal education designed to eliminate discrimination and further compliance with this chapter.

In performing these duties, the commissioner shall give priority to those duties in clauses (7), (8), and (9) ~~and (10) and to the duties in section 363A.36.~~

(b) All gifts, bequests, grants, or other payments, public and private, accepted under paragraph (a), clause ~~(13)~~ (11), must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner of human rights to help finance activities of the department.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 4. Minnesota Statutes 2010, section 363A.36, subdivision 1, is amended to read:

Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in excess of \$100,000 ~~\$250,000~~, no department or agency of the state shall accept any bid or proposal for a contract or agreement from any business having more than ~~40~~ 50 full-time employees within this state on a single working day during the previous 12 months, unless the commissioner is in receipt of the business' affirmative action plan for the employment of minority persons, women, and qualified disabled individuals. No department or agency of the state shall execute

any such contract or agreement until the affirmative action plan has been approved by the commissioner. Receipt of a certificate of compliance issued by the commissioner shall signify that a firm or business has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~ five years. A municipality as defined in section 466.01, subdivision 1, that receives state money for any reason is encouraged to prepare and implement an affirmative action plan for the employment of minority persons, women, and the qualified disabled and submit the plan to the commissioner.

(b) This paragraph applies to a contract for goods or services in excess of ~~\$100,000~~ \$250,000 to be entered into between a department or agency of the state and a business that is not subject to paragraph (a), but that has more than ~~40~~ 50 full-time employees on a single working day during the previous 12 months in the state where the business has its primary place of business. A department or agency of the state may not execute a contract or agreement with a business covered by this paragraph unless the business has a certificate of compliance issued by the commissioner under paragraph (a) or the business certifies that it is in compliance with federal affirmative action requirements.

(c) This section does not apply to contracts entered into by the State Board of Investment for investment options under section 352.965, subdivision 4.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 5. Minnesota Statutes 2010, section 609.105, subdivision 1, is amended to read:

Subdivision 1. ~~Sentence to more than one year~~ **60 days or less.** In a felony sentence to imprisonment for more than one year shall commit, when the remaining term of imprisonment is for 60 days or less, the defendant shall be committed to the custody of the commissioner of corrections and must serve the remaining term of imprisonment at a workhouse, work farm, county jail, or other place authorized by law.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 6. Minnesota Statutes 2010, section 609.105, is amended by adding a subdivision to read:

Subd. 1c. **Sentence to more than 60 days.** A felony sentence to imprisonment when the warrant of commitment has a remaining term of imprisonment for more than 60 days shall commit the defendant to the custody of the commissioner of corrections.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 7. Minnesota Statutes 2010, section 609.105, is amended by adding a subdivision to read:

Subd. 4. **Definitions.** (a) For the purposes of this section, the terms in this subdivision have the meanings given them.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 8. **[609.3458] INDETERMINATE SENTENCE FOR PREDATORY SEX OFFENDERS.**

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

(1) "sex offense" means a violation of section 609.342, 609.343, 609.344, or 609.345;

(2) "predatory sex offender" means a person who:

(i) is unable to control the person's sexual impulses;

(ii) is dangerous to other persons; and

(iii) has a pattern of harmful sexual conduct; and

(3) "harmful sexual conduct" means sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another.

Subd. 2. **Applicability.** A prosecuting attorney may charge a person under this section when probable cause exists that the person:

(1) committed a sex offense; and

(2) is a predatory sex offender.

Subd. 3. **Procedures.** A person subject to prosecution under this section shall have a bifurcated trial. The first phase of the trial shall determine the person's guilt on the sex offense charge. If the person is found guilty of the sex offense, the second phase of the trial shall determine whether the person is a predatory sex offender. In both phases of the trial, the burden of proof is on the state and the standard of proof is beyond a reasonable doubt. A person charged under this section has all of the rights of a criminal defendant in both phases of the trial.

Subd. 4. **Indeterminate sentence; minimum and maximum term specified.** (a) A person convicted of a sex offense who has been found by the fact finder to be a predatory sex offender shall be committed to the custody of the commissioner of corrections for the term required by paragraph (b).

(b) The minimum sentence of incarceration for offenders sentenced under paragraph (a) shall be twice the presumptive sentence under the sentencing guidelines for a person with the offender's criminal history. When the sentencing guidelines presume a stayed sentence for the sex offense, the court shall specify a minimum sentence. Notwithstanding any law to the contrary and the statutory maximum sentence for the offense, the maximum sentence is 60 years.

(c) A person sentenced under this section and subsequently released shall be placed on conditional release as provided for in subdivision 9.

(d) Notwithstanding section 609.135, the court may not stay the imposition or execution of the sentence required by this subdivision. An offender committed to the custody of the commissioner of corrections under this section may not be released from incarceration except as provided in this section and section 244.05, subdivision 8.

Subd. 5. **Sentence of persons not found to be predatory sex offenders.** If the person is convicted of the sex offense but is not determined to be a predatory sex offender, the court shall sentence the offender as otherwise provided by law.

Subd. 6. **Release authority.** The commissioner of corrections, under rules adopted by the commissioner, may grant supervised release to offenders sentenced under this section.

Subd. 7. **Petition for release, hearing.** (a) A person who has served the minimum period of incarceration to which the person was sentenced may petition the commissioner of corrections for release. The commissioner shall hold a hearing on each petition for release prior to making any determination. Within 45 days of the hearing, the commissioner shall give written notice of the time and place of the hearing to all interested parties, including the petitioner, the sentencing court, the county attorney's office that prosecuted the case, and any victims of the crime who requested notification. The hearing must be held on the record. Upon the approval of the commissioner, the petitioner may subpoena witnesses to appear at the hearing.

(b) If the commissioner determines the person satisfies the criteria for conditional release, the commissioner shall release the person from incarceration no later than 14 days after making a determination.

(c) If the commissioner rejects the person's petition for release, the commissioner must specify in writing the reasons for the rejection. The person may not petition for release again until 24 months have elapsed since the rejection, unless the commissioner specifies a shorter time period.

Subd. 8. **Criteria for release.** (a) A person sentenced under this section shall not be released from incarceration unless it appears to the satisfaction of the commissioner that the person:

- (1) no longer poses a threat to the public;
- (2) is no longer in need of programming in a secure facility; and
- (3) is capable of reintegration with the general public.

(b) The person seeking release has the burden of showing, by clear and convincing evidence, that the criteria in paragraph (a) have been met.

Subd. 9. **Conditional release.** (a) A person sentenced under this section shall serve, upon release from incarceration, a conditional release term. The conditional release term shall be the 60-year maximum term under this section less the amount of time actually served, but the term cannot be less than ten years.

(b) The commissioner of corrections shall establish the conditions of release for a person granted conditional release.

(c) The county attorney in the county where the conviction occurred, the person's conditional release agent, or any other interested party may file a petition with the court alleging that the person failed to satisfy any condition of release. If the court determines that a person has violated a condition of release, the court may order an appropriate sanction, including, but not limited to, incarcerating the person for a period specified by the court in a local or state correctional facility. The period may be of any duration up to the remainder of time left in the person's conditional release term.

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

Sec. 9. Minnesota Statutes 2010, section 626.8458, subdivision 5, is amended to read:

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 ~~four~~ five years.

Sec. 10. Minnesota Statutes 2010, section 641.15, subdivision 2, is amended to read:

Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners pursuant to this section. The amount paid by the ~~Anoka~~ county board for a medical service shall not exceed the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. ~~For all other counties, In the absence of a health or medical insurance or health plan that has a contractual obligation with the provider or the prisoner, medical providers shall charge no higher than the rate negotiated between the county and the provider. In the absence of an agreement between the county and the provider, the provider may not charge no more than the discounted rate the provider has negotiated with the nongovernmental third party payer that provided the most revenue to the provider during the previous calendar year an amount that exceeds the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services.~~ The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur co-payment obligations for health care services provided by a county correctional facility. The county board shall determine the co-payment amount. Notwithstanding any law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held by the county, to the extent possible. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program or the general assistance medical care program.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 11. **JUVENILE JUSTICE REFORM ADVISORY TASK FORCE.**

Subdivision 1. **Creation; duties.** (a) A task force is established to study, evaluate, and analyze issues related to juvenile justice reform. At a minimum, the task force shall examine the following issues and assess whether and how a change to law, rule, or practice would best serve public safety, address the needs of juvenile offenders, and promote cost-efficiency or cost-savings in the juvenile justice system:

(1) the purpose and intent of the delinquency and child protection provisions of the Juvenile Court Act;

(2) the age at which a juvenile who is alleged of committing a felony may be certified as an adult or prosecuted as an extended jurisdiction juvenile;

(3) the minimum age at which a juvenile may be prosecuted for committing a delinquent act or a petty juvenile offense;

(4) the age at which the juvenile court's jurisdiction over the following individuals should terminate: delinquent children, juvenile petty offenders, and extended jurisdiction juveniles;

(5) laws relating to juvenile records, including data classifications, retention periods, expungement provisions, effect on future juvenile and adult sentencing, and restrictions on the release of records by different agencies and the courts;

(6) laws which prevent youth involved with the CHIPs, juvenile justice, or adult court systems from later being employed in various jobs;

(7) laws relating to continuances and stays of adjudication in juvenile delinquency cases, including length of continuance or stay, extensions, collateral consequences, and disposition of such cases; and

(8) laws relating to diversion in juvenile cases, including eligibility, program components, and diversion alternatives.

(b) In addition, the task force shall:

(1) identify the types of dispositions, including treatment and counseling, that have been most and least successful in reforming and treating juvenile offenders and in deterring juvenile offenders from committing specific crimes; and

(2) identify the types of dispositions, including treatment and counseling, that have been the most and least cost-effective in reforming, treating, and deterring juvenile offenders.

(c) In its evaluation and analysis, the task force shall consider approaches taken by other states in these areas and may examine other issues that the task force or commissioner of corrections finds relevant.

Subd. 2. Membership. The task force consists of the following members:

(1) the commissioner of corrections, or the commissioner's designee;

(2) the commissioner of public safety, or the commissioner's designee;

(3) the commissioner of human services, or the commissioner's designee;

(4) the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over criminal justice policy, or their designees;

(5) a county attorney selected by the Minnesota County Attorneys Association;

(6) a representative from the Board of Public Defense, selected by that board;

(7) a representative of the Minnesota Chiefs of Police Association;

(8) a representative of the Minnesota Sheriffs Association;

(9) a juvenile probation officer selected by the commissioner of corrections;

(10) a member of the Juvenile Justice Advisory Committee, selected by that committee;

(11) a member of the Juvenile Justice Coalition, selected by that coalition; and

(12) a law professor who is knowledgeable in juvenile justice issues, selected by the commissioner of corrections.

Subd. 3. **Meetings.** The commissioner of corrections, or the commissioner's designee, shall convene the initial meeting of the task force. The members of the task force must elect a chair or co-chairs at the initial meeting. The task force shall meet sufficiently enough to accomplish the tasks identified in this section.

Subd. 4. **Terms; compensation; removal; vacancies.** The expiration, membership terms, removal of members, and filling of vacancies on the task force shall be as provided in Minnesota Statutes, section 15.059. Members shall serve without compensation and expense reimbursement. The task force expires June 30, 2012.

Subd. 5. **Report.** By January 15, 2012, the task force shall submit its report, including any proposed legislative changes, to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over criminal justice policy and funding.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 12. **SEX OFFENDER POLICY TASK FORCE.**

Subdivision 1. **Creation; duties.** (a) A task force is established to study, evaluate, and analyze issues related to sex offenders. At a minimum, the task force shall examine and make recommendations on the following issues:

(1) sex offender sentencing, including expanded use of indeterminate sentencing and implementation of section 8;

(2) sex offender treatment, both in prison and in the community;

(3) sex offender civil commitment, including less costly alternatives;

(4) the effectiveness in cost and outcomes of the Minnesota sex offender program;

(5) best practices for supervising sex offenders such as intensive supervised release, specialized caseloads, and other innovative methods; ideal caseload sizes for supervising agents; and methods to implement this in a manner that does not negatively impact the supervision of other types of offenders;

(6) sex offender community notification and registration, including the effectiveness of posting offender information on the Internet; and

(7) any other issues related to sex offender management and treatment that the task force deems appropriate.

(b) In its evaluation and analysis, the task force shall consider approaches taken by other states in the areas in paragraph (a).

Subd. 2. **Membership.** The task force consists of the following members:

(1) the commissioner of public safety, or the commissioner's designee;

(2) the commissioner of corrections, or the commissioner's designee;

(3) the commissioner of human services, or the commissioner's designee;

(4) the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over public safety finance and human services finance, or their designees;

(5) a county attorney, selected by the Minnesota County Attorneys Association;

(6) one representative from the Board of Public Defense, selected by that board;

(7) a representative of the Minnesota Chiefs of Police Association;

(8) a representative of the Minnesota Sheriffs Association;

(9) a probation officer, selected by the commissioner of corrections; and

(10) a sex offender treatment provider who is privately employed, selected by the commissioner of human services.

Subd. 3. **Meetings.** The commissioner of public safety, or the commissioner's designee, shall convene the initial meeting of the task force and serve as the chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section.

Subd. 4. **Terms; compensation; removal; vacancies.** The expiration, membership terms, removal of members, and filling of vacancies on the task force shall be as provided in Minnesota Statutes, section 15.059. Members shall serve without compensation and expense reimbursement. The task force expires June 30, 2012.

Subd. 5. **Report.** By January 15, 2012, the task force shall submit its report, including any proposed legislative changes, to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance and human services policy and finance.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 13. **ACQUISITION OF EASEMENT; MINNESOTA CORRECTIONAL FACILITY IN FARIBAULT.**

Notwithstanding Minnesota Statutes, section 16B.31, subdivision 5, the commissioner of administration may acquire an easement for utility and access purposes to serve the Minnesota correctional facility in the city of Faribault by any of the acquisition methods permitted by that subdivision even in the absence of a specific appropriation to the commissioner to acquire the easement.

Sec. 14. **REPEALER.**

Minnesota Statutes 2010, section 363A.36, subdivision 5, is repealed.

EFFECTIVE DATE. This section is effective July 1, 2011.

ARTICLE 3
COURTS AND SENTENCING

Section 1. Minnesota Statutes 2010, section 169.79, subdivision 6, is amended to read:

Subd. 6. **Other motor vehicles.** If the motor vehicle is any kind of motor vehicle other than those provided for in subdivisions 2 to 4, ~~one plate~~ two plates must be displayed ~~on~~. One plate must be displayed at the front ~~and one on the rear~~ of the vehicle and one at the back. The two plates must either be mounted on the front and rear bumpers of the vehicle or on the front and back of the vehicle exterior in places designed to hold a license plate.

Sec. 2. Minnesota Statutes 2010, section 169.797, subdivision 4, is amended to read:

Subd. 4. **Penalty.** (a) A person who violates this section is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.791, or a statute or ordinance in conformity with one of those sections. The operator of a vehicle who violates subdivision 3 and who causes or contributes to causing a vehicle accident that results in the death of any person or in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. In addition to any sentence of imprisonment that the court may impose on a person convicted of violating this section, the court shall impose a fine of not less than \$200 nor more than the maximum amount authorized by law. The court may allow community service in lieu of any fine imposed if the defendant is indigent.

(b) A driver who is the owner of the vehicle may, no later than the date and time specified in the citation for the driver's first court appearance, produce proof of insurance stating that security had been provided for the vehicle that was being operated at the time of demand to the court administrator. The required proof of insurance may be sent by mail by the driver as long as it is received no later than the date and time specified in the citation for the driver's first court appearance. If a citation is issued, no person shall be convicted of violating this section if the court administrator receives the required proof of insurance no later than the date and time specified in the citation for the driver's first court appearance. If the charge is made other than by citation, no person shall be convicted of violating this section if the person presents the required proof of insurance at the person's first court appearance after the charge is made.

(c) If the driver is not the owner of the vehicle, the driver shall, no later than the date and time specified in the citation for the driver's first court appearance, provide the district court administrator with proof of insurance or the name and address of the owner. Upon receipt of the name and address of the owner, the district court administrator shall communicate the information to the law enforcement agency.

(d) If the driver is not the owner of the vehicle, the officer may send or provide a notice to the owner of the vehicle requiring the owner to produce proof of insurance for the vehicle that was being operated at the time of the demand. Notice by mail is presumed to be received five days after mailing and shall be sent to the owner's current address or the address listed on the owner's driver's license. Within ten days after receipt of the notice, the owner shall produce the required proof of insurance to the place stated in the notice received by the owner. The required proof of insurance may be sent by mail by the owner as long as it is received within ten days. Any owner who fails to produce proof of insurance within ten days of an officer's request under this subdivision is guilty of a misdemeanor. The peace officer may mail the citation to the owner's current address or address stated on the owner's driver's license. It is an affirmative defense to a charge against the owner that the driver used the owner's vehicle without consent, if insurance would not have been required in the absence of the unauthorized use by the driver. It is not a defense that a person failed to notify the Department of Public Safety of a change of name or address as required under section 171.11. The citation may be sent after the ten-day period.

~~(b)~~ (e) The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2.

~~(c)~~ (f) In addition to the criminal penalty, the driver's license of an operator convicted under this section shall be revoked for not more than 12 months. If the operator is also an owner of the vehicle, the registration of the vehicle shall also be revoked for not more than 12 months. Before reinstatement of a driver's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48.

~~(d)~~ (g) The commissioner shall include a notice of the penalties contained in this section on all forms for registration of vehicles required to maintain a plan of reparation security.

Sec. 3. Minnesota Statutes 2010, section 260C.331, subdivision 3, is amended to read:

Subd. 3. **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:

(1) 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;

(2) 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;

(3) the expense of transporting a minor to a place designated by the court;

(4) reasonable compensation for an attorney appointed by the court to serve as counsel.

The State Guardian Ad Litem Board shall pay for guardian ad litem expenses and reasonable compensation for an attorney to serve as counsel for a guardian ad litem, if necessary. In no event may the court order that guardian ad litem expenses or compensation for an attorney serving as counsel for a guardian ad litem be charged to a county.

Sec. 4. Minnesota Statutes 2010, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of management and budget.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the court administrator or other entity collecting the surcharge imposed by the court.

(f) A person who ~~successfully completes a diversion or similar program~~ enters a diversion program, continuance without prosecution, continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay the surcharge described in this subdivision. A surcharge imposed under this paragraph shall be imposed only once per case.

(g) The surcharge does not apply to administrative citations issued pursuant to section 169.999.

Sec. 5. Minnesota Statutes 2010, section 563.01, subdivision 3, is amended to read:

Subd. 3. **Authorization of forma pauperis.** (a) Any court of the state of Minnesota or any political subdivision thereof may authorize the commencement or defense of any civil action, or appeal therein, without prepayment of fees, costs and security for costs by a natural person who makes affidavit stating (a) the nature of the action, defense or appeal, (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to pay the fees, costs and security for costs.

(b) Upon a finding by the court that the action is not of a frivolous nature, the court shall allow the person to proceed in forma pauperis if the affidavit is substantially in the language required by this subdivision and is not found by the court to be untrue. Persons meeting the requirements of this subdivision include, but are not limited to, a person who is receiving public assistance, who is represented by an attorney on behalf of a civil legal services program or a volunteer attorney program based on indigency, or who has an annual income not greater than 125 percent of the poverty line established under United States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

(c) If, at or following commencement of the action, the party is or becomes able to pay a portion of the fees, costs, and security for costs, the court may order any of the following:

(1) payment of a fee of not less than \$75;

(2) partial payment of fees, costs, and security for costs; or

(3) reimbursement of all or a portion of fees, costs, and security for costs paid in monthly payments as directed by the court.

The court administrator shall transmit any fees or payments to the commissioner of management and budget for deposit in the state treasury and credit them to the general fund.

EFFECTIVE DATE. This section is effective July 1, 2011.

ARTICLE 4 PUBLIC DEFENDERS

Section 1. Minnesota Statutes 2010, section 609.131, subdivision 1, is amended to read:

Subdivision 1. **General rule.** Except as provided in subdivision 2, an alleged misdemeanor violation must be treated as a petty misdemeanor if the prosecuting attorney believes that it is in the interest of justice that the defendant not be imprisoned if convicted and certifies that belief to the court at or before the time of arraignment or pretrial hearing, and the court approves of the certification motion. Prior to the appointment of a public defender to represent a defendant charged with a misdemeanor, the court shall inquire of the prosecutor whether the prosecutor intends to certify the case as a petty misdemeanor. The defendant's consent to the certification is not required. When an offense is certified as a petty misdemeanor under this section, the ~~defendant's eligibility for court-appointed counsel must be evaluated as though the offense were a misdemeanor~~ defendant is not eligible for the appointment of a public defender.

Sec. 2. Minnesota Statutes 2010, section 611.16, is amended to read:

611.16 REQUEST FOR APPOINTMENT OF PUBLIC DEFENDER.

Any person described in section 611.14 ~~or any other person entitled by law to representation by counsel~~, may at any time request the court in which the matter is pending, or the court in which the conviction occurred, to appoint a public defender to represent the person. In a proceeding defined by ~~clause (2) of~~ section 611.14, clause (2), application for the appointment of a public defender may also be made to a judge of the Supreme Court.

Sec. 3. Minnesota Statutes 2010, section 611.17, is amended to read:

611.17 FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT; STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.

(a) Each judicial district must screen requests for representation by the district public defender. A defendant is financially unable to obtain counsel if:

~~(1) the defendant, or any dependent of the defendant who resides in the same household as the defendant, receives means tested governmental benefits; or is charged with a misdemeanor and has an annual household income not greater than 125 percent of the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of United States Code, title 42, section 9902(2);~~

(2) the defendant is charged with a gross misdemeanor and has an annual household income not greater than 150 percent of the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of United States Code, title 42, section 9902(2);

(3) the defendant is charged with a felony and has an annual household income not greater than 175 percent of the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of United States Code, title 42, section 9902(2); or

~~(2) (4) the court determines that~~ the defendant, through any combination of liquid assets and current income, would be unable to pay the reasonable costs charged by private counsel in that judicial district for a defense of the same matter.

(b) Upon a request for the appointment of counsel, the court shall make an appropriate inquiry into the determination of financial circumstances eligibility under paragraph (a) of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The applicant shall be under a continuing duty while represented by a public defender to disclose any changes in the applicant's financial circumstances ~~that might be relevant to the applicant's eligibility for a public defender~~. The state public defender shall furnish appropriate forms for the financial statements, which must be used by the district courts throughout the state. The forms must contain conspicuous notice of the applicant's continuing duty to disclose to the court changes in the applicant's financial circumstances. The forms must also contain conspicuous notice of the applicant's obligation to make a co-payment for the services of the district public defender, as specified under paragraph (c). The information contained in the statement (c) shall be confidential and for the exclusive use of the court and the public defender ~~appointed by the court to represent the applicant~~ except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender. The court shall not appoint a district public defender to a defendant who is financially able to retain private counsel but refuses to do so.

An inquiry to determine financial eligibility of a defendant for the appointment of the district public defender shall be made whenever possible prior to the court appearance and by such persons as the court may direct. This inquiry may be combined with the prerelease investigation provided for in Minnesota Rule of Criminal Procedure 6.02, subdivision 3. ~~In no case shall the district public defender be required to perform this inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to conduct a financial inquiry.~~ The inquiry must include the following:

- (1) the liquidity of real estate assets, including the defendant's homestead;
- (2) any assets that can be readily converted to cash or used to secure a debt;
- (3) the determination of whether the transfer of an asset is voidable as a fraudulent conveyance; and

(4) the value of all property transfers occurring on or after the date of the alleged offense. The burden is on the accused to show that the accused is financially unable to afford counsel. Defendants who fail to provide information necessary to determine eligibility shall be deemed ineligible. The court must not appoint the district public defender as advisory counsel.

(c) Upon disposition of the case, an individual who has received public defender services shall pay to the court a \$75 co-payment for representation provided by a public defender, unless the co-payment is, or has been, reduced in part or waived by the court.

The co-payment must be credited to the general fund. If a term of probation is imposed as a part of an offender's sentence, the co-payment required by this section must not be made a condition of probation. The co-payment required by this section is a civil obligation and must not be made a condition of a criminal sentence.

(d) The court shall not appoint a public defender to a defendant who is financially able to retain counsel but refuses to do so, refuses to execute the financial statement or refuses to provide information necessary to determine financial eligibility under this section, or waives appointment of a public defender under section 611.19.

Sec. 4. Minnesota Statutes 2010, section 611.18, is amended to read:

611.18 APPOINTMENT OF PUBLIC DEFENDER.

If it appears to a court that a person requesting the appointment of counsel satisfies the requirements of this chapter, the court shall order the ~~appropriate~~ public defender to represent the person ~~at all further stages of the proceeding through appeal, if any.~~ For a person appealing from a conviction, or a person pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, according to the standards of sections 611.14, clause (2), and 611.25, subdivision 1, paragraph (a), clause (2), the state chief appellate public defender shall be appointed. For a person covered by section 611.14, clause (1), ~~a (3), or (4), the chief~~ district public defender shall be appointed to represent that person. ~~If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the appropriate public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel. The representation may be made available at the discretion of the public defender, upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.~~

Sec. 5. Minnesota Statutes 2010, section 611.20, subdivision 3, is amended to read:

Subd. 3. **Reimbursement.** In each fiscal year, the commissioner of management and budget shall deposit the payments in the special revenue fund and credit them to a separate account with the Board of Public Defense. The amount credited to this account is appropriated to the Board of Public Defense.

The balance of this account does not cancel but is available until expended. Expenditures by the board from this account for each judicial district public defense office must be based on the amount of the payments received by the state from the courts in each judicial district. ~~A district public defender's office that receives money under this subdivision shall use the money to supplement office overhead payments to part time attorneys providing public defense services in the district.~~ By January 15 of each year, the Board of Public Defense shall report to the chairs and ranking minority members of the senate and house of representatives divisions having jurisdiction over criminal justice funding on the amount appropriated under this subdivision, the number of cases handled by each district public defender's office, the number of cases in which reimbursements were ordered, and the average amount of reimbursement ordered, ~~and the average amount of money received by part time attorneys under this subdivision.~~

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 6. Minnesota Statutes 2010, section 611.20, subdivision 4, is amended to read:

Subd. 4. **Employed defendants; ability to pay.** (a) A court shall order a defendant who is employed when a public defender is appointed, or who becomes employed while represented by a public defender, or who is or becomes able to make partial payments for counsel, to reimburse the state for the cost of the public defender. If reimbursement is required under this subdivision, the court shall order the reimbursement when a public defender is first appointed or as soon as possible after the court determines that reimbursement is required. The court may accept partial reimbursement from the defendant if the defendant's financial circumstances warrant a reduced reimbursement schedule. The court may consider the guidelines in subdivision 6 in determining a defendant's reimbursement schedule. If a defendant does not agree to make payments, the court may order the defendant's employer to withhold a percentage of the defendant's income to be turned over to the court. The percentage to be withheld may be determined under subdivision 6. In determining the percentage to be withheld, the court shall consider the income and assets of the defendant based on the financial statement provided by the defendant when applying for the public defender under section 611.17.

(b) If a court determines under section 611.17 that a defendant is financially unable to pay the reasonable costs charged by private counsel due to the cost of a private retainer fee, the court shall evaluate the defendant's ability to make partial payments or reimbursement.

Sec. 7. Minnesota Statutes 2010, section 611.27, subdivision 1, is amended to read:

Subdivision 1. ~~County payment responsibility~~ **District public defender budget.** (a) A chief district public defender shall annually submit a comprehensive budget to the state Board of Public Defense. The budget shall be in compliance with standards and forms required by the board. The chief district public defender shall, at times and in the form required by the board, submit reports to the board concerning its operations, including the number of cases handled and funds expended for these services.

(b) Money appropriated to the state Board of Public Defense for the board's administration, for the state public defender, for the judicial district public defenders, and for the public defense corporations shall be expended as determined by the board. In distributing funds to district public defenders, the board shall consider the geographic distribution of public defenders, the equity of compensation among the judicial districts, public defender case loads, and the results of the weighted case load study.

Sec. 8. Minnesota Statutes 2010, section 611.27, subdivision 5, is amended to read:

Subd. 5. **District public defender budgets and county payment responsibility.** The board of public defense ~~may only shall~~ fund all those items and services ~~in necessary for the~~ district public defender budgets ~~which were included in the original budgets of district public defender offices as of January 1, 1990. All other public defense related costs remain the responsibility of the counties unless the state specifically appropriates for these. The cost of additional state funding of these items and services must be offset by reductions in local aids in the same manner as the original state takeover.~~ to satisfy its obligations under this chapter. Except as provided in section 611.26, subdivision 3a, counties shall not pay and no court shall order any county to pay for representation of individuals charged with a crime.

Sec. 9. **REPEALER.**

Minnesota Statutes 2010, section 611.20, subdivision 6, is repealed.

ARTICLE 5 SEXUALLY EXPLOITED YOUTH

Section 1. Minnesota Statutes 2010, section 260B.007, subdivision 6, is amended to read:

Subd. 6. **Delinquent child.** (a) Except as otherwise provided in ~~paragraph~~ paragraphs (b) and (c), "delinquent child" means a child:

(1) who has violated any state or local law, except as provided in section 260B.225, subdivision 1, and except for juvenile offenders as described in subdivisions 16 to 18;

(2) who has violated a federal law or a law of another state and whose case has been referred to the juvenile court if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult;

(3) who has escaped from confinement to a state juvenile correctional facility after being committed to the custody of the commissioner of corrections; or

(4) who has escaped from confinement to a local juvenile correctional facility after being committed to the facility by the court.

(b) The term delinquent child does not include a child alleged to have committed murder in the first degree after becoming 16 years of age, but the term delinquent child does include a child alleged to have committed attempted murder in the first degree.

(c) The term delinquent child does not include a child who is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2010, section 260B.007, subdivision 16, is amended to read:

Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty offense" includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of section 609.685, or a violation of a local ordinance, which by its terms prohibits conduct by a child under the age of 18 years which would be lawful conduct if committed by an adult.

(b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also includes an offense that would be a misdemeanor if committed by an adult.

(c) "Juvenile petty offense" does not include any of the following:

(1) a misdemeanor-level violation of section 518B.01₂; 588.20₂; 609.224₂; 609.2242₂; 609.324, subdivision 2 or 3; 609.5632₂; 609.576₂; 609.66₂; 609.746₂; 609.748₂; 609.79₂; or 617.23;

(2) a major traffic offense or an adult court traffic offense, as described in section 260B.225;

(3) a misdemeanor-level offense committed by a child whom the juvenile court previously has found to have committed a misdemeanor, gross misdemeanor, or felony offense; or

(4) a misdemeanor-level offense committed by a child whom the juvenile court has found to have committed a misdemeanor-level juvenile petty offense on two or more prior occasions, unless the county attorney designates the child on the petition as a juvenile petty offender notwithstanding this prior record. As used in this clause, "misdemeanor-level juvenile petty offense" includes a misdemeanor-level offense that would have been a juvenile petty offense if it had been committed on or after July 1, 1995.

(d) A child who commits a juvenile petty offense is a "juvenile petty offender." The term juvenile petty offender does not include a child alleged to have violated any law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct which, if committed by an adult, would be a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2010, section 260C.007, subdivision 6, is amended to read:

Subd. 6. **Child in need of protection or services.** "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse as defined in section 626.556, subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as defined in subdivision 15;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

- (i) the infant is chronically and irreversibly comatose;
 - (ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or
 - (iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;
- (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child who entered foster care under a voluntary placement agreement between the parent and the responsible social services agency under section 260C.212, subdivision 8;
- (7) has been placed for adoption or care in violation of law;
- (8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;
- (9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;
- (10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;
- (11) ~~has engaged in prostitution as defined in section 609.321, subdivision 9~~ is a sexually exploited youth as defined in subdivision 31;
- (12) has committed a delinquent act or a juvenile petty offense before becoming ten years old;
- (13) is a runaway;
- (14) is a habitual truant;
- (15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or
- (16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under section 260C.301, subdivision 3, is not in the best interests of the child.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 4. Minnesota Statutes 2010, section 260C.007, subdivision 11, is amended to read:

Subd. 11. **Delinquent child.** "Delinquent child" ~~means a child-~~

~~(1) who has violated any state or local law, except as provided in section 260B.225, subdivision 1, and except for juvenile offenders as described in subdivisions 19 and 28; or~~

~~(2) who has violated a federal law or a law of another state and whose case has been referred to the juvenile court if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult has the meaning given in section 260B.007, subdivision 6.~~

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 5. Minnesota Statutes 2010, section 260C.007, is amended by adding a subdivision to read:

Subd. 31. **Sexually exploited youth.** "Sexually exploited youth" means an individual who:

(1) is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct;

(2) is a victim of a crime described in section 609.342, 609.343, 609.345, 609.3451, 609.3453, 609.352, 617.246, or 617.247;

(3) is a victim of a crime described in United States Code, title 18, section 2260; 2421; 2422; 2423; 2425; 2425A; or 2256; or

(4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 6. Minnesota Statutes 2010, section 609.321, subdivision 8, is amended to read:

Subd. 8. **Prostitute.** "Prostitute" means an individual 18 years of age or older who engages in prostitution.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2010, section 609.3241, is amended to read:

609.3241 PENALTY ASSESSMENT AUTHORIZED.

~~(a) When a court sentences an adult convicted of violating section 609.322 or 609.324, while acting other than as a prostitute, the court shall impose an assessment of not less than \$250 \$500 and not more than \$500 \$750 for a violation of section 609.324, subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall impose an assessment of not less than \$500 \$750 and not more than \$1,000. The ~~mandatory minimum portion of the~~ assessment ~~is to be used for the purposes described in section 626.558, subdivision 2a,~~ shall be distributed as provided in paragraph (c) and is in addition to the surcharge required by section 357.021, subdivision 6. ~~Any portion of the assessment imposed in excess of the mandatory minimum amount shall be deposited in an account in the special revenue fund and is appropriated annually to the commissioner of public safety. The commissioner, with the assistance of the General Crime Victims Advisory Council, shall use money received under this section for grants to agencies that provide assistance to individuals who have stopped or wish to stop engaging in prostitution. Grant money may be used to provide these individuals with medical care, child care, temporary housing, and educational expenses.~~~~

(b) The court may not waive payment of the minimum assessment required by this section. If the defendant qualifies for the services of a public defender or the court finds on the record that the convicted person is indigent or that immediate payment of the assessment would create undue hardship for the convicted person or that person's immediate family, the court may reduce the amount of the minimum assessment to not less than \$100. The court also may authorize payment of the assessment in installments.

(c) The assessment collected under paragraph (a) must be distributed as follows:

(1) 40 percent of the assessment shall be forwarded to the political subdivision that employs the arresting officer for use in enforcement, training, and education activities related to combating sexual exploitation of youth, or if the arresting officer is an employee of the state, this portion shall be forwarded to the commissioner of public safety for those purposes identified in clause (3);

(2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled the case for use in training and education activities relating to combating sexual exploitation activities of youth; and

(3) 40 percent of the assessment must be forwarded to the commissioner of public safety to be deposited in the safe harbor for youth account in the special revenue fund and are appropriated to the commissioner for distribution to crime victims services organizations that provide services to sexually exploited youth, as defined in section 260C.007, subdivision 31.

(d) A safe harbor for youth account is established as a special account in the state treasury.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 8. Minnesota Statutes 2010, section 626.558, subdivision 2a, is amended to read:

Subd. 2a. ~~Juvenile prostitution~~ **Sexually exploited youth outreach program.** A multidisciplinary child protection team may assist the local welfare agency, local law enforcement agency, or an appropriate private organization in developing a program of outreach services for ~~juveniles who are engaging in prostitution~~ **sexually exploited youth, including homeless, runaway, and truant youth who are at risk of sexual exploitation.** For the purposes of this subdivision, at least one representative of a youth intervention program or, where this type of program is unavailable, one representative of a nonprofit agency serving youth in crisis, shall be appointed to and serve on the multidisciplinary child protection team in addition to the standing members of the team. These services may include counseling, medical care, short-term shelter, alternative living arrangements, and drop-in centers. ~~The county may finance these services by means of the penalty assessment authorized by section 609.3241.~~ A juvenile's receipt of intervention services under this subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 9. **SAFE HARBOR FOR SEX TRAFFICKED YOUTH; SEXUALLY EXPLOITED YOUTH; STATEWIDE VICTIM SERVICES MODEL.**

(a) If sufficient funding from outside sources is donated, the commissioner of public safety shall develop a statewide model as provided in this section. By June 30, 2012, the commissioner of public safety, in consultation with the commissioners of health and human services, shall develop a victim services model to address the needs of sexually exploited youth and youth at risk of sexual exploitation. The commissioner shall take into consideration the findings and recommendations as reported to the legislature on the results of the safe harbor for sexually exploited youth pilot project authorized by Laws 2006, chapter 282, article 13, section 4, paragraph (b). In addition, the commissioner shall seek recommendations from prosecutors, public safety officials, public health professionals, child protection workers, and service providers.

(b) By January 15, 2013, the commissioner of public safety shall report to the chairs and ranking minority members of the senate and house of representatives divisions having jurisdiction over health and human services and criminal justice funding and policy on the development of the statewide model, including recommendations for additional legislation or funding for services for sexually exploited youth or youth at risk of sexual exploitation.

(c) As used in this section, "sexually exploited youth" has the meaning given in section 260C.007, subdivision 31.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 10. **REPEALER.**

Minnesota Statutes 2010, sections 260B.141, subdivision 5; and 260C.141, subdivision 6, are repealed.

EFFECTIVE DATE. This section is effective August 1, 2014.

ARTICLE 6 PROSTITUTION CRIMES

Section 1. Minnesota Statutes 2010, section 609.321, subdivision 4, is amended to read:

Subd. 4. **Patron.** "Patron" means an individual who ~~hires or offers or agrees~~ engages in prostitution by hiring, offering to hire, or agreeing to hire another individual to engage in sexual penetration or sexual contact.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2010, section 609.321, subdivision 8, is amended to read:

Subd. 8. **Prostitute.** "Prostitute" means an individual who engages in prostitution by being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual contact.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2010, section 609.321, subdivision 9, is amended to read:

Subd. 9. **Prostitution.** "Prostitution" means ~~engaging or offering or agreeing to engage for hire~~ hiring, offering to hire, or agreeing to hire another individual to engage in sexual penetration or sexual contact, or being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual contact.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2010, section 609.324, subdivision 2, is amended to read:

Subd. 2. **Prostitution in public place; penalty for patrons.** Whoever, while acting as a patron, intentionally does any of the following while in a public place is guilty of a gross misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) ~~hires or~~ offers to hire, or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact.

Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision ~~while acting as a patron~~ must, at a minimum, be sentenced to pay a fine of at least \$1,500.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2010, section 609.324, subdivision 3, is amended to read:

Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

(1) engages in prostitution with an individual 18 years of age or ~~above~~ older; or

(2) hires ~~or~~, offers to hire, or agrees to hire an individual 18 years of age or ~~above~~ older to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph ~~while acting as a patron~~ must, at a minimum, be sentenced to pay a fine of at least \$500.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of violating this paragraph ~~while acting as a patron~~ must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2010, section 609.324, is amended by adding a subdivision to read:

Subd. 6. **Prostitution in public place; penalty for prostitutes.** Whoever, while acting as a prostitute, intentionally does any of the following while in a public place is guilty of a gross misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age or older to engage in sexual penetration or sexual contact.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2010, section 609.324, is amended by adding a subdivision to read:

Subd. 7. **General prostitution crimes; penalties for prostitutes.** (a) Whoever, while acting as a prostitute, intentionally does any of the following is guilty of a misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age or older to engage in sexual penetration or sexual contact.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; requiring inmates to co-pay a set minimum amount for health care provider visits; reauthorizing certain short-term commitments to commissioner of corrections be served in county jails; amending human rights education and program development requirements and certificates of compliance provisions; providing for indeterminate sentencing for certain convicted sex offenders; modifying frequency of in-service training in police pursuits; limiting medical aid payments in county jails; requiring a corrections reform working group; establishing the Juvenile Justice Reform Advisory Task Force; establishing the Sex Offender Policy Task Force; acquiring an easement for the correctional facility in Faribault; modifying certain provisions relating to courts and sentencing, public defenders, sexually exploited youth, and prostitution crimes; providing for a statewide victim services model for sexually exploited youth or youth at risk of sexual exploitation; requiring a study; requiring reports; providing for penalties; appropriating money for public safety, corrections, human rights, courts, civil legal services, Guardian Ad Litem Board, Uniform Laws Commission, Board On Judicial Standards, Board of Public Defense, and sentencing guidelines; amending Minnesota Statutes 2010, sections 169.79, subdivision 6; 169.797, subdivision 4; 243.212; 260B.007, subdivisions 6, 16; 260C.007, subdivisions 6, 11, by adding a subdivision; 260C.331, subdivision 3; 297I.06, subdivision 3; 357.021, subdivision 6; 363A.06, subdivision 1; 363A.36, subdivision 1; 563.01, subdivision 3; 609.105, subdivision 1, by adding subdivisions; 609.131, subdivision 1; 609.321, subdivisions 4, 8, 9; 609.324, subdivisions 2, 3, by adding subdivisions; 609.3241; 611.16; 611.17; 611.18; 611.20, subdivisions 3, 4; 611.27, subdivisions 1, 5; 626.558, subdivision 2a; 626.8458, subdivision 5; 641.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2010, sections 260B.141, subdivision 5; 260C.141, subdivision 6; 363A.36, subdivision 5; 611.20, subdivision 6."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 958 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hansen, Beard and Lanning introduced:

H. F. No. 1332, A bill for an act relating to state government; modifying provisions governing the legislative auditor; amending Minnesota Statutes 2010, section 37.06; Laws 2010, chapter 361, article 3, section 8.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Nelson introduced:

H. F. No. 1333, A bill for an act relating to transportation; providing for construction manager/general contractor contracts; amending Minnesota Statutes 2010, section 13.72, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 161.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Mack; Davids; Gruenhagen; Fritz; Peterson, S.; Slawik; Abeler; Lillie; Hilstrom and Smith introduced:

H. F. No. 1334, A bill for an act relating to health professions; modifying the scope of practice for chiropractors; amending Minnesota Statutes 2010, sections 148.01, subdivision 1, by adding a subdivision; 148.105, subdivision 1; repealing Minnesota Statutes 2010, section 148.01, subdivisions 2, 3; Minnesota Rules, parts 2500.0100, subparts 3, 4b, 9b; 2500.4000.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Quam introduced:

H. F. No. 1335, A bill for an act relating to debt service; amending the use of bond sale premiums; amending Minnesota Statutes 2010, sections 16A.641, subdivision 7; 16A.642, subdivision 2.

The bill was read for the first time and referred to the Committee on Capital Investment.

Swedzinski and Torkelson introduced:

H. F. No. 1336, A bill for an act relating to natural resources; appropriating money for Ramsey Park.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Banaian, Gottwalt, Howes, Hosch and Hausman introduced:

H. F. No. 1337, A bill for an act relating to capital investment; authorizing the sale and issuance of state bonds; appropriating money for expansion of the St. Cloud Civic Center.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

McFarlane introduced:

H. F. No. 1338, A bill for an act relating to retirement; city of White Bear Lake and White Bear Lake Volunteer Fire Department Relief Association; authorizing the use of special actuarial work in determining the 2009 and 2010 special fund financial requirements and minimum municipal obligations.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Abeler; Hosch; Anderson, D.; Gottwalt; Lohmer; Gruenhagen; Loeffler; Mack; Hamilton and Moran introduced:

H. F. No. 1339, A bill for an act relating to human services; establishing the My Life, My Choices Task Force.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

Hilty introduced:

H. F. No. 1340, A bill for an act relating to state lands; authorizing public and private sales of certain tax-forfeited lands bordering public waters.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

McDonald; Gottwalt; Mack; Huntley; Murphy, E., and Hayden introduced:

H. F. No. 1341, A bill for an act relating to human services; requiring reporting of fiscal information on health care services to children under Minnesota public health care programs; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services Reform.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 12, A bill for an act relating to taxation; property; making changes to the green acres and rural preserve programs; amending Minnesota Statutes 2010, sections 273.111, subdivision 9, by adding a subdivision; 273.114, subdivisions 2, 5, 6; repealing Minnesota Statutes 2010, section 273.114, subdivision 1.

CAL R. LUDEMAN, Secretary of the Senate

LeMieur moved that the House refuse to concur in the Senate amendments to H. F. No. 12, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1047.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1047, A bill for an act relating to state government financing; establishing the Sunset Advisory Commission; prohibiting legislative liaison positions in state agencies and departments; eliminating assistant commissioner positions and reducing deputy commissioner positions; changing provisions of performance data required in the budget proposal; requiring specific funding information for forecasted programs; implementing zero-based budgeting principles; implementing federal offset program for collection of debts owed to state agencies; providing a state employee salary freeze; providing an HSA-eligible high-deductible health plan for state employees; requiring a 15 percent reduction in the state workforce; requiring a verification audit for dependent eligibility for state employee health insurance; requiring a request for proposals for recommendations on state building efficiency, state vehicle management, tax fraud prevention, and strategic sourcing; requiring reports; appropriating money; amending Minnesota Statutes 2010, sections 15.057; 15.06, subdivision 8; 16A.10, subdivisions 1a, 1b, 1c; 16A.103, subdivision 1a; 16A.11, subdivision 3; 16B.03; 43A.08, subdivision 1; 43A.23, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2; 241.01, subdivision 2; 270C.41; Laws 2010, chapter 215, article 6, section 4; proposing coding for new law in Minnesota Statutes, chapters 16A; 16D; 43A; proposing coding for new law as Minnesota Statutes, chapter 3D; repealing Minnesota Statutes 2010, section 197.585, subdivision 5.

The bill was read for the first time and referred to the Committee on Ways and Means.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Holberg announced her intention to place S. F. No. 958 on the Fiscal Calendar for Thursday, March 31, 2011.

FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 1016.

S. F. No. 1016, A bill for an act relating to state government; appropriating money for agriculture, the Board of Animal Health, and the Agricultural Utilization Research Institute; modifying certain fees; modifying certain restrictions on farm disposal; clarifying the authority of certain entities; amending Minnesota Statutes 2010, sections 17.135; 18B.03, subdivision 1; 18C.005, by adding a subdivision; 18C.111, by adding a subdivision; 18C.131; 18C.425, by adding a subdivision; 18D.201, subdivision 5, by adding a subdivision; 18E.03, subdivision 4; 27.041, by adding a subdivision; 38.01; 373.01, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 104 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, P.	Banaian	Benson, M.	Buesgens	Cornish
Anderson, B.	Anderson, S.	Barrett	Bills	Carlson	Crawford
Anderson, D.	Anzelc	Beard	Brynaert	Clark	Daudt

Davids	Gottwalt	Kahn	Mahoney	Pelowski	Stensrud
Dean	Greene	Kath	Marquart	Peppin	Swedzinski
Dettmer	Gruenhagen	Kelly	Mazorol	Persell	Thissen
Dill	Gunther	Kieffer	McDonald	Petersen, B.	Torkelson
Doepke	Hackbarth	Kiel	McElpatrick	Poppe	Urdahl
Downey	Hamilton	Kiffmeyer	McFarlane	Quam	Vogel
Draskowski	Hancock	Koenen	McNamara	Rukavina	Wardlow
Eken	Hilstrom	Kriesel	Melin	Runbeck	Westrom
Erickson	Hilty	Lanning	Murphy, E.	Sanders	Winkler
Fabian	Holberg	Leidiger	Murphy, M.	Schomacker	Woodard
Falk	Hoppe	LeMieur	Murray	Scott	Spk. Zellers
Franson	Hortman	Lillie	Myhra	Shimanski	
Fritz	Hosch	Lohmer	Nelson	Simon	
Garofalo	Howes	Loon	Nornes	Slawik	
Gauthier	Huntley	Mack	O'Driscoll	Smith	

Those who voted in the negative were:

Benson, J.	Hansen	Knuth	Loeffler	Peterson, S.
Davnie	Hausman	Lenczewski	Mariani	Scalze
Dittrich	Hornstein	Lesch	Norton	Tillberry
Greiling	Johnson	Liebling	Paymar	Wagenius

The bill was passed and its title agreed to.

CALENDAR FOR THE DAY

Dean moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Hornstein moved that the name of Champion be added as an author on H. F. No. 665. The motion prevailed.

Gunther moved that the name of Champion be added as an author on H. F. No. 675. The motion prevailed.

Clark moved that the name of Champion be added as an author on H. F. No. 714. The motion prevailed.

Huntley moved that the name of Champion be added as an author on H. F. No. 1304. The motion prevailed.

Morrow moved that the name of Champion be added as an author on H. F. No. 1306. The motion prevailed.

Mullery moved that the name of Champion be added as an author on H. F. No. 1307. The motion prevailed.

MOTION FOR RECONSIDERATION

LeMieur moved that the vote whereby the motion that the House refuse to concur in the Senate amendments to H. F. No. 12 and requested that the Speaker appoint a Conference Committee of 3 members prevailed earlier today, be now reconsidered. The motion prevailed.

LeMieur moved that the House refuse to concur in the Senate amendments to H. F. No. 12, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, March 31, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, March 31, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

