

1.1 ..... moves to amend H.F. No. 853 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 APPROPRIATIONS

1.5 Section 1. SUMMARY OF APPROPRIATIONS.

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

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
1.9 <u>General</u>	\$ <u>1,226,000</u>	\$ <u>527,250,000</u>	\$ <u>513,492,000</u>	\$ <u>1,041,968,000</u>
1.10 <u>State</u>				
1.11 <u>Government</u>				
1.12 <u>Special</u>				
1.13 <u>Revenue</u>		<u>72,651,000</u>	<u>70,036,000</u>	<u>142,687,000</u>
1.14 <u>Environmental</u>		<u>69,000</u>	<u>69,000</u>	<u>138,000</u>
1.15 <u>Special</u>				
1.16 <u>Revenue</u>		<u>18,292,000</u>	<u>18,292,000</u>	<u>36,584,000</u>
1.17 <u>Trunk</u>				
1.18 <u>Highway</u>		<u>1,941,000</u>	<u>1,941,000</u>	<u>3,882,000</u>
1.19 <u>Total</u>	\$ <u>1,226,000</u>	\$ <u>620,203,000</u>	\$ <u>603,830,000</u>	\$ <u>1,225,259,000</u>

1.20 Sec. 2. PUBLIC SAFETY APPROPRIATIONS.

1.21 The sums shown in the columns marked "Appropriations" are appropriated to the  
1.22 agencies and for the purposes specified in this article. The appropriations are from the  
1.23 general fund, or another named fund, and are available for the fiscal years indicated  
1.24 for each purpose. The figures "2012" and "2013" used in this article mean that the  
1.25 appropriations listed under them are available for the fiscal year ending June 30, 2012, or  
1.26 June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal

1.27 year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal  
 1.28 year ending June 30, 2011, are effective the day following final enactment.

2.1		<b><u>APPROPRIATIONS</u></b>		
2.2		<b><u>Available for the Year</u></b>		
2.3		<b><u>Ending June 30</u></b>		
2.4	<b><u>2011</u></b>	<b><u>2012</u></b>	<b><u>2013</u></b>	

2.5 **Sec. 3. PUBLIC SAFETY**

2.6 **Subdivision 1. Total**

2.7	<b><u>Appropriation</u></b>	<b><u>\$</u></b>	<b><u>1,226,000</u></b>	<b><u>\$</u></b>	<b><u>159,958,000</u></b>	<b><u>\$</u></b>	<b><u>157,343,000</u></b>
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2.8 **Appropriations by Fund**

2.9		<b><u>2011</u></b>	<b><u>2012</u></b>	<b><u>2013</u></b>
2.10	<b><u>General</u></b>	<b><u>1,226,000</u></b>	<b><u>71,665,000</u></b>	<b><u>71,665,000</u></b>
2.11	<b><u>Special Revenue</u></b>		<b><u>13,632,000</u></b>	<b><u>13,632,000</u></b>
2.12	<b><u>State Government</u></b>			
2.13	<b><u>Special Revenue</u></b>		<b><u>72,651,000</u></b>	<b><u>70,036,000</u></b>
2.14	<b><u>Environmental</u></b>		<b><u>69,000</u></b>	<b><u>69,000</u></b>
2.15	<b><u>Trunk Highway</u></b>		<b><u>1,941,000</u></b>	<b><u>1,941,000</u></b>

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

2.19 **Subd. 2. Emergency**

2.20	<b><u>Management</u></b>	<b><u>1,226,000</u></b>	<b><u>2,525,000</u></b>	<b><u>2,525,000</u></b>
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2.21 **Appropriations by Fund**

2.22	<b><u>General</u></b>	<b><u>1,226,000</u></b>	<b><u>1,852,000</u></b>	<b><u>1,852,000</u></b>
2.23	<b><u>Special Revenue</u></b>		<b><u>604,000</u></b>	<b><u>604,000</u></b>
2.24	<b><u>Environmental</u></b>		<b><u>69,000</u></b>	<b><u>69,000</u></b>

2.25 (a) **Disaster Match.** \$1,226,000 in fiscal year  
 2.26 2011 is appropriated from the general fund to  
 2.27 provide a state match for Federal Emergency  
 2.28 Management Agency (FEMA) disaster  
 2.29 assistance to state agencies and political  
 2.30 subdivisions under Minnesota Statutes,  
 2.31 section 12.221, in the area designated  
 2.32 under Presidential Declaration of Major  
 2.33 Disaster, FEMA-1830-DR, for the flooding  
 2.34 in Minnesota in the spring of 2009, whether

2.35 included in the original declaration or added  
 2.36 later by federal government action. This is a  
 3.1 onetime appropriation. This appropriation is  
 3.2 available until expended.

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

3.9 **Subd. 3. Criminal**  
 3.10 **Apprehension** 41,887,000 41,887,000

3.11	<u>Appropriations by Fund</u>		
3.12	<u>General</u>	<u>39,939,000</u>	<u>39,939,000</u>
3.13	<u>State Government</u>		
3.14	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
3.15	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>

3.16 **DWI Lab Analysis; Trunk Highway Fund.**  
 3.17 Notwithstanding Minnesota Statutes, section  
 3.18 161.20, subdivision 3, \$1,941,000 each year  
 3.19 is appropriated from the trunk highway fund  
 3.20 for laboratory analysis related to driving  
 3.21 while impaired cases.

3.22 **Subd. 4. Fire Marshal** 5,757,000 5,757,000

3.23 This appropriation is from the fire safety  
 3.24 account in the special revenue fund and is for  
 3.25 activities under Minnesota Statutes, section  
 3.26 299F.012.

3.27 **Subd. 5. Alcohol and**  
 3.28 **Gambling Enforcement** 2,236,000 2,236,000

3.29	<u>Appropriations by Fund</u>		
3.30	<u>General</u>	<u>1,583,000</u>	<u>1,583,000</u>
3.31	<u>Special Revenue</u>	<u>653,000</u>	<u>653,000</u>

3.32 This appropriation is from the alcohol  
 3.33 enforcement account in the special revenue

3.34 fund. Of this appropriation, \$500,000 each  
 3.35 year shall be transferred to the general fund.

4.1 The transfer amount for fiscal year 2014 and  
 4.2 fiscal year 2015 shall be \$500,000 per year.

4.3 Subd. 6. Office of Justice  
 4.4 Programs

28,387,000                      28,387,000

4.5                                      Appropriations by Fund

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

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

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

4.17 Subd. 7. Emergency  
 4.18 Communication Networks

72,548,000                      69,933,000

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

4.22 (a) Public Safety Answering Points.  
 4.23 \$13,664,000 each year is to be distributed  
 4.24 as provided in Minnesota Statutes, section  
 4.25 403.113, subdivision 2.

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

- 4.33 (c) ARMER Debt Service. \$23,261,000  
4.34 each year are to the commissioner of finance  
5.1 to pay debt service on revenue bonds issued  
5.2 under Minnesota Statutes, section 403.275.
- 5.3 Any portion of this appropriation not needed  
5.4 to pay debt service in a fiscal year may be  
5.5 used by the commissioner of public safety to  
5.6 pay cash for any of the capital improvements  
5.7 for which bond proceeds were appropriated  
5.8 by Laws 2005, chapter 136, article 1, section  
5.9 9, subdivision 8, or Laws 2007, chapter 54,  
5.10 article 1, section 10, subdivision 8.
- 5.11 (d) Metropolitan Council Debt Service.  
5.12 \$1,410,000 each year is to the commissioner  
5.13 of finance for payment to the Metropolitan  
5.14 Council for debt service on bonds issued  
5.15 under Minnesota Statutes, section 403.27.
- 5.16 (e) ARMER State Backbone Operating  
5.17 Costs. \$8,300,000 the first year and  
5.18 \$8,650,000 the second year is to the  
5.19 commissioner of transportation for costs  
5.20 of maintaining and operating the statewide  
5.21 radio system backbone.
- 5.22 (f) ARMER Improvements. \$1,000,000  
5.23 each year is for the Statewide Radio Board  
5.24 for costs of design, construction, maintenance  
5.25 of, and improvements to those elements  
5.26 of the statewide public safety radio and  
5.27 communication system that support mutual  
5.28 aid communications and emergency medical  
5.29 services or provide enhancement of public  
5.30 safety communication interoperability.
- 5.31 (g) Transfer. \$2,600,000 each year is  
5.32 transferred to the general fund. This is a  
5.33 onetime transfer.

6.1 **Sec. 4. PEACE OFFICER STANDARDS AND**  
 6.2 **TRAINING BOARD (POST)** \$ 3,770,000 \$ 3,770,000

6.3 (a) Excess Amounts Transferred. This  
 6.4 appropriation is from the peace officer  
 6.5 training account in the special revenue fund.  
 6.6 Any new receipts credited to that account in  
 6.7 the first year in excess of \$3,770,000 must be  
 6.8 transferred and credited to the general fund.  
 6.9 Any new receipts credited to that account in  
 6.10 the second year in excess of \$3,770,000 must  
 6.11 be transferred and credited to the general  
 6.12 fund.

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

6.17 **Sec. 5. PRIVATE DETECTIVE BOARD** \$ 120,000 \$ 120,000

6.18 **Sec. 6. HUMAN RIGHTS** \$ 1,170,000 \$ 1,170,000

6.19 Mission Priority. The commissioner shall  
 6.20 dedicate the department's resources to  
 6.21 enforcement measures.

6.22 **Sec. 7. DEPARTMENT OF CORRECTIONS**

6.23 Subdivision 1. Total

6.24 Appropriation \$ 455,185,000 \$ 441,427,000

6.25 Appropriations by Fund

6.26 General 454,295,000 440,537,000

6.27 Special Revenue 890,000 890,000

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

6.31 Subd. 2. Correctional  
 6.32 Institutions 325,759,000 312,001,000

7.1	<u>Appropriations by Fund</u>		
7.2	<u>General</u>	<u>325,179,000</u>	<u>311,421,000</u>
7.3	<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>

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

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

7.26 (c) Juvenile Facilities; Report. By  
 7.27 December 1, 2011, the commissioner of  
 7.28 corrections shall report to the chairs and  
 7.29 ranking minority members of the house  
 7.30 and senate committees with jurisdiction  
 7.31 over public safety finance on the continued  
 7.32 operation of the department's two juvenile  
 7.33 facilities. In the report, the commissioner  
 7.34 shall evaluate the cost savings to the  
 7.35 department and state of closing one or

8.1 both of the facilities. If the commissioner  
8.2 determines one or both of the facilities  
8.3 should remain open, the commissioner shall  
8.4 make recommendations on how to operate  
8.5 the facilities in the most cost-effective  
8.6 manner possible. If the commissioner  
8.7 recommends the closing of one or both of the  
8.8 juvenile facilities, the report shall contain  
8.9 recommendations for alternative placements  
8.10 for juvenile offenders and alternative uses  
8.11 for the facilities.

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

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

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

8.22 (ii) expanding the use of medical and other  
8.23 forms of early release; and

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

8.27 (2) The working group shall consist of  
8.28 corrections personnel, the state public  
8.29 defender, an individual representing victim  
8.30 services, a representative from the county  
8.31 attorneys association, a majority and  
8.32 minority member of the house Public Safety  
8.33 Committee and a majority and minority  
8.34 member of the of the senate Judiciary and



9.1 Public Safety Committee, and any other  
 9.2 members that the commissioner deems  
 9.3 necessary.

9.4 (3) The working group shall issue a report  
 9.5 to the chair and ranking minority member  
 9.6 of the house Public Safety Finance and  
 9.7 Policy Committee and the chair and ranking  
 9.8 minority member of the of the senate  
 9.9 Judiciary and Public Safety Committee  
 9.10 by January 15, 2012. The report must  
 9.11 contain recommendations for each of the  
 9.12 areas of study listed above and specific  
 9.13 recommendations concerning the use of  
 9.14 earned credits for inmates that address:

- 9.15 (i) the feasibility of an earned credit policy;
- 9.16 (ii) the type and amount of earned credit that  
 9.17 could be offered;
- 9.18 (iii) the type of inmates to include and  
 9.19 exclude from an earned credit program; and
- 9.20 (iv) any potential cost savings that would  
 9.21 result from the issuing earned credit.

9.22 **Subd. 3. Community**  
 9.23 **Services**

	<u>109,082,000</u>	<u>109,082,000</u>
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9.24 Appropriations by Fund

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

9.27 **Probation Revocation Reform; Report.**

9.28 The commissioner of corrections, in  
 9.29 consultation with staff of the Sentencing  
 9.30 Guidelines Commission and representatives  
 9.31 from community corrections agencies,  
 9.32 shall develop performance incentives for  
 9.33 counties to reduce the number of probation  
 9.34 revocations by at least ten percent. The

10.1 commissioner is encouraged to review  
 10.2 policies in states that have implemented  
 10.3 performance incentive programs. The  
 10.4 commissioner shall also examine and  
 10.5 consider:

10.6 (1) the revocation rate differences between  
 10.7 counties;

10.8 (2) granting earned compliance credits for  
 10.9 offenders on probation;

10.10 (3) recent innovations in probation services,  
 10.11 such as the HOPE program and the  
 10.12 Georgia model, to determine the feasibility  
 10.13 of implementing similar programs in  
 10.14 Minnesota;

10.15 (4) limiting prison time for first time  
 10.16 probation revocations; and

10.17 (5) the impact of adopting one, unified  
 10.18 probation and supervised release delivery  
 10.19 system in the state.

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

10.25 **Subd. 4. Operations**  
 10.26 **Support**

20,344,000

20,344,000

10.27 Appropriations by Fund

10.28 General 20,134,000 20,134,000

10.29 Special Revenue 210,000 210,000

10.30 **Position Reductions.** At least 50 percent  
 10.31 of the reductions in operations support must  
 10.32 come from the elimination of, or reduction  
 10.33 in benefits for, management positions. The  
 10.34 commissioner shall focus the reductions

11.1 in areas such as information technology,  
 11.2 finance, and other areas that will not  
 11.3 compromise line officer or public safety. The  
 11.4 commissioner shall also work to eliminate  
 11.5 positions that duplicate the duties of other  
 11.6 department employees.

11.7 **Subd. 5. Transfers**

11.8 **(a) MINNCOR.** Notwithstanding Minnesota  
 11.9 Statutes, section 241.27, the commissioner  
 11.10 of management and budget shall transfer  
 11.11 \$600,000 the first year and \$600,000 the  
 11.12 second year from the Minnesota correctional  
 11.13 industries revolving fund to the general fund.  
 11.14 These are onetime transfers.

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

11.25 **ARTICLE 2**

11.26 **POLICY**

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

11.28 **243.212 CO-PAYMENTS FOR HEALTH SERVICES.**

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

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

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

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

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

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

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

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

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

12.20 ~~(4)~~ (3) employ attorneys, clerks, and other employees and agents as the  
 12.21 commissioner may deem necessary and prescribe their duties;

12.22 ~~(5)~~ (4) to the extent permitted by federal law and regulation, utilize the records of  
 12.23 the Department of Employment and Economic Development of the state when necessary  
 12.24 to effectuate the purposes of this chapter;

12.25 ~~(6)~~ (5) obtain upon request and utilize the services of all state governmental  
 12.26 departments and agencies;

12.27 ~~(7)~~ (6) adopt suitable rules for effectuating the purposes of this chapter;

12.28 ~~(8)~~ (7) issue complaints, receive and investigate charges alleging unfair  
 12.29 discriminatory practices, and determine whether or not probable cause exists for hearing;

12.30 ~~(9)~~ (8) subpoena witnesses, administer oaths, take testimony, and require the  
 12.31 production for examination of any books or papers relative to any matter under  
 12.32 investigation or in question as the commissioner deems appropriate to carry out the  
 12.33 purposes of this chapter;

13.1 ~~(10)~~ (9) attempt, by means of ~~education~~, conference, conciliation, and persuasion to  
 13.2 eliminate unfair discriminatory practices as being contrary to the public policy of the state;

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

13.6 ~~(12)~~ (10) make a written report of the activities of the commissioner to the governor  
 13.7 each year;

13.8 ~~(13)~~ (11) accept gifts, bequests, grants, or other payments public and private to help  
 13.9 finance the activities of the department;

13.10 ~~(14)~~ (12) create such local and statewide advisory committees as will in the  
 13.11 commissioner's judgment aid in effectuating the purposes of the Department of Human  
 13.12 Rights;

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

13.20 ~~(16)~~ (13) develop and disseminate technical assistance to persons subject to the  
 13.21 provisions of this chapter, and to agencies and officers of governmental and private  
 13.22 agencies;

13.23 ~~(17)~~ (14) provide staff services to such advisory committees as may be created in  
 13.24 aid of the functions of the Department of Human Rights;

13.25 ~~(18)~~ (15) make grants in aid to the extent that appropriations are made available for  
 13.26 that purpose in aid of carrying out duties and responsibilities; and

13.27 ~~(19)~~ (16) cooperate and consult with the commissioner of labor and industry  
 13.28 regarding the investigation of violations of, and resolution of complaints regarding section  
 13.29 363A.08, subdivision 7.

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

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

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

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

14.2 Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in  
14.3 excess of ~~\$100,000~~ \$250,000, no department or agency of the state shall accept any bid or  
14.4 proposal for a contract or agreement from any business having more than ~~40~~ 50 full-time  
14.5 employees within this state on a single working day during the previous 12 months, unless  
14.6 the commissioner is in receipt of the business' affirmative action plan for the employment  
14.7 of minority persons, women, and qualified disabled individuals. No department or agency  
14.8 of the state shall execute any such contract or agreement until the affirmative action plan  
14.9 has been approved by the commissioner. Receipt of a certificate of compliance issued by  
14.10 the commissioner shall signify that a firm or business has an affirmative action plan that  
14.11 has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~  
14.12 five years. A municipality as defined in section 466.01, subdivision 1, that receives state  
14.13 money for any reason is encouraged to prepare and implement an affirmative action plan  
14.14 for the employment of minority persons, women, and the qualified disabled and submit the  
14.15 plan to the commissioner.

14.16 (b) This paragraph applies to a contract for goods or services in excess of ~~\$100,000~~  
14.17 \$250,000 to be entered into between a department or agency of the state and a business  
14.18 that is not subject to paragraph (a), but that has more than ~~40~~ 50 full-time employees on  
14.19 a single working day during the previous 12 months in the state where the business has  
14.20 its primary place of business. A department or agency of the state may not execute a  
14.21 contract or agreement with a business covered by this paragraph unless the business has a  
14.22 certificate of compliance issued by the commissioner under paragraph (a) or the business  
14.23 certifies that it is in compliance with federal affirmative action requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.25 (ii) is dangerous to other persons; and

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

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

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

15.31 (1) committed a sex offense; and

15.32 (2) is a predatory sex offender.

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

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

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

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

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

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

16.27 Subd. 6. Release authority. The commissioner of corrections, under rules  
16.28 promulgated by the commissioner, may grant supervised release to offenders sentenced  
16.29 under this section.

16.30 Subd. 7. Petition for release, hearing. (a) A person who has served the minimum  
16.31 period of incarceration to which the person was sentenced may petition the commissioner  
16.32 of corrections for release. The commissioner shall hold a hearing on each petition  
16.33 for release prior to making any determination. Within 45 days of the hearing, the  
16.34 commissioner shall give written notice of the time and place of the hearing to all interested  
16.35 parties, including the petitioner, the sentencing court, the county attorney's office that  
16.36 prosecuted the case, and any victims of the crime who requested notification. The hearing



17.1 must be held on the record. Upon the approval of the commissioner, the petitioner may  
17.2 subpoena witnesses to appear at the hearing.

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

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

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

17.13 (1) no longer poses a threat to the public;

17.14 (2) is no longer in need of programming in a secure facility; and

17.15 (3) is capable of reintegration with the general public.

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

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

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

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

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

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

17.34 Subd. 5. **In-service training in police pursuits required.** The chief law  
17.35 enforcement officer of every state and local law enforcement agency shall provide

18.1 in-service training in emergency vehicle operations and in the conduct of police pursuits  
18.2 to every peace officer and part-time peace officer employed by the agency who the  
18.3 chief law enforcement officer determines may be involved in a police pursuit given the  
18.4 officer's responsibilities. The training shall comply with learning objectives developed  
18.5 and approved by the board and shall consist of at least eight hours of classroom and  
18.6 skills-based training every ~~four~~ five years.

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

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

19.1 health plan. The county may maintain an action to enforce this subrogation right. The  
19.2 county does not have a right of subrogation against the medical assistance program or the  
19.3 general assistance medical care program.

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

19.5 Sec. 11. SEX OFFENDER POLICY TASK FORCE.

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

19.9 (1) sex offender sentencing, including expanded use of indeterminate sentencing and  
19.10 implementation of House File 6;

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

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

19.13 (4) the effectiveness in cost and outcomes of the Minnesota Sex Offender Program;

19.14 (5) best practices for supervising sex offenders such as intensive supervised release,

19.15 specialized caseloads, and other innovative methods, ideal caseload sizes for supervising

19.16 agents, and methods to implement this in a manner that does not negatively impact the

19.17 supervision of other types of offenders;

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

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

19.22 In its evaluation and analysis, the task force shall consider approaches taken by  
19.23 other states in these areas.

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

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

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

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

19.28 (4) the chairs and ranking minority members of the house and senate committees

19.29 having jurisdiction over public safety finance and human services finance, or their  
19.30 designees;

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

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

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

19.34 (8) a representative of the Minnesota Sheriffs Association;

20.1 (9) a probation officers, selected by the commissioner of corrections; and  
 20.2 (10) a sex offender treatment provider who is privately employed, selected by the  
 20.3 commissioner of human services.

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

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

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

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

20.16 Sec. 12. REPEALER.

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

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

### 20.19 ARTICLE 3

#### 20.20 CORRECTIONAL STATE EMPLOYEES RETIREMENT PLAN I

20.21 Section 1. Minnesota Statutes 2010, section 352.90, is amended to read:

#### 20.22 352.90 POLICY.

20.23 It is the policy of the legislature to provide special retirement benefits for and special  
 20.24 contributions by certain correctional employees who may be required to retire at an early  
 20.25 age because they lose the mental or physical capacity required to maintain the safety,  
 20.26 security, discipline, and custody of inmates at state correctional facilities ~~or~~, of patients at  
 20.27 the Minnesota Security Hospital, or of patients in the Minnesota sex offender program, ~~or~~  
 20.28 ~~of patients in the Minnesota extended treatment options program.~~

20.29 Sec. 2. Minnesota Statutes 2010, section 352.91, subdivision 1, is amended to read:

20.30 Subdivision 1. **Qualifying jobs.** "Covered correctional service" means service  
 20.31 performed by a state employee, as defined in section 352.01, who is employed at a state

21.1 correctional facility, the Minnesota Security Hospital, or the Minnesota sex offender  
21.2 program as:

- 21.3 (1) a corrections officer 1;  
21.4 (2) a corrections officer 2;  
21.5 (3) a corrections officer 3;  
21.6 ~~(4) a corrections officer supervisor;~~  
21.7 ~~(5)~~ (4) a corrections lieutenant;  
21.8 ~~(6)~~ (5) a corrections captain;  
21.9 ~~(7)~~ (6) a security counselor;  
21.10 ~~(8)~~ (7) a security counselor lead; ~~or~~  
21.11 ~~(9)~~ (8) a corrections canine officer;  
21.12 (9) group supervisor; or  
21.13 (10) group supervisor assistant.

21.14 Sec. 3. Minnesota Statutes 2010, section 352.91, subdivision 3h, is amended to read:

21.15 Subd. 3h. **Employment occupation name changes.** (a) If the occupational title of a  
21.16 state employee covered by the Minnesota correctional employees retirement plan changes  
21.17 from the applicable title listed in subdivision 1, ~~2, 2a, 3c, 3d, 3e, 3f, or 3g~~, qualification for  
21.18 coverage by the correctional state employees retirement plan continues until the July 1  
21.19 next following the title change if the commissioner of management and budget certifies  
21.20 to the executive director of the Minnesota State Retirement System and to the executive  
21.21 director of the Legislative Commission on Pensions and Retirement that the duties,  
21.22 requirements, and responsibilities of the new occupational title are substantially identical  
21.23 to the duties, requirements, and responsibilities of the prior occupational title.

21.24 (b) If the commissioner of management and budget does not certify a new  
21.25 occupational title under paragraph (a), eligibility for future correctional state employees  
21.26 retirement coverage terminates as of the start of the first payroll period next following the  
21.27 effective date of the occupational title change.

21.28 (c) For consideration by the Legislative Commission on Pensions and Retirement  
21.29 during the legislative session next following an occupational title change involving a state  
21.30 employee in covered correctional service, the commissioner of management and budget  
21.31 shall submit the applicable draft proposed legislation reflecting the occupational title  
21.32 change covered by this section.

21.33 Sec. 4. MODIFICATION IN CERTAIN POSTRETIREMENT  
21.34 EMPLOYER-PAID HEALTH INSURANCE COVERAGE.

22.1 Notwithstanding any provision to the contrary of any agreement under Minnesota  
 22.2 Statutes, chapter 179A, for any member of the correctional state employees retirement  
 22.3 plan of the Minnesota State Retirement System to be eligible for employer-paid health  
 22.4 insurance coverage after retirement, the person must have at least ten years of covered  
 22.5 correctional service credit under Minnesota Statutes, section 352.91, prior to the  
 22.6 commencement of the retirement annuity under Minnesota Statutes, section 352.93.

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

22.8 Sec. 5. REPEALER.

22.9 Minnesota Statutes 2010, section 352.91, subdivisions 2, 2a, 3c, 3d, 3e, 3f, 3g, 3i,  
 22.10 4a, and 4b, are repealed.

22.11 Sec. 6. EFFECTIVE DATE.

22.12 Sections 1 to 4 are effective July 1, 2011."

22.13 Amend the title accordingly