

163.1 **ARTICLE 4**163.2 **DIRECT CARE AND TREATMENT**

163.3 Section 1. Minnesota Statutes 2014, section 43A.241, is amended to read:

163.4 ~~43A.241 INSURANCE CONTRIBUTIONS; FORMER CORRECTIONS~~
163.5 ~~EMPLOYEES.~~

163.6 (a) This section applies to a person who:

163.7 (1) was employed by the commissioner of the Department of Corrections ~~at a state~~
163.8 ~~institution under control of the commissioner, and in that employment was a member~~
163.9 ~~of the general plan of the Minnesota State Retirement System; or by the Department~~
163.10 ~~of Human Services;~~

163.11 (2) was covered by the correctional employee retirement plan under section 352.91
163.12 ~~or the general state employees retirement plan of the Minnesota State Retirement System~~
163.13 ~~as defined in section 352.021;~~

163.14 (3) while employed under clause (1), was assaulted by:

163.15 ~~an inmate at a state institution under control of the commissioner of the Department~~
163.16 ~~of Corrections (i) a person under correctional supervision for a criminal offense; or~~

163.17 ~~(ii) a client or patient at the Minnesota sex offender program, or at a state-operated~~
163.18 ~~forensic services program as defined in section 352.91, subdivision 3j, under the control of~~
163.19 ~~the commissioner of the Department of Human Services; and~~

163.20 ~~(3) (4) as a direct result of the assault under clause (3), was determined to be~~
163.21 ~~totally and permanently physically disabled under laws governing the Minnesota State~~
163.22 ~~Retirement System.~~

163.23 (b) For a person to whom this section applies, the commissioner of the Department
163.24 of Corrections or the commissioner of the Department of Human Services must continue
163.25 to make the employer contribution for hospital, medical, and dental benefits under the
163.26 State Employee Group Insurance Program after the person terminates state service. If
163.27 the person had dependent coverage at the time of terminating state service, employer
163.28 contributions for dependent coverage also must continue under this section. The employer
163.29 contributions must be in the amount of the employer contribution for active state
163.30 employees at the time each payment is made. The employer contributions must continue
163.31 until the person reaches age 65, provided the person makes the required employee
163.32 contributions, in the amount required of an active state employee, at the time and in
163.33 the manner specified by the commissioner.

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

164.2 ~~and applies to a person assaulted by an inmate, client, or patient on or after that date.~~

307.1 **ARTICLE 9**307.2 **DIRECT CARE AND TREATMENT**

307.3 Section 1. Minnesota Statutes 2014, section 43A.241, is amended to read:

307.4 ~~43A.241 INSURANCE CONTRIBUTIONS; FORMER CORRECTIONS~~
307.5 ~~EMPLOYEES.~~

307.6 (a) This section applies to a person who:

307.7 (1) was employed by the commissioner of the Department of Corrections ~~at a state~~
307.8 ~~institution under control of the commissioner, and in that employment was a member~~
307.9 ~~of the general plan of the Minnesota State Retirement System; or by the Department~~
307.10 ~~of Human Services;~~

307.11 (2) was covered by the correctional employee retirement plan under section 352.91
307.12 ~~or the general state employees retirement plan of the Minnesota State Retirement System~~
307.13 ~~as defined in section 352.021;~~

307.14 (3) while employed under clause (1), was assaulted by ~~an inmate at a state institution~~
307.15 ~~under control of the commissioner of the Department of Corrections; and;~~

307.16 ~~(i) a person under correctional supervision for a criminal offense; or~~

307.17 ~~(ii) a client or patient at the Minnesota sex offender program or at a state-operated~~
307.18 ~~forensic services program as defined in section 352.91, subdivision 3j, under the control of~~
307.19 ~~the commissioner of the Department of Human Services; and~~

307.20 ~~(3) (4) as a direct result of the assault under clause (3), was determined to be totally~~
307.21 ~~and permanently disabled under laws governing the Minnesota State Retirement System.~~

307.22 (b) For a person to whom this section applies, the commissioner of the Department
307.23 of Corrections or the commissioner of the Department of Human Services must continue
307.24 to make the employer contribution for hospital, medical, and dental benefits under the
307.25 State Employee Group Insurance Program after the person terminates state service. If
307.26 the person had dependent coverage at the time of terminating state service, employer
307.27 contributions for dependent coverage also must continue under this section. The employer
307.28 contributions must be in the amount of the employer contribution for active state
307.29 employees at the time each payment is made. The employer contributions must continue
307.30 until the person reaches age 65, provided the person makes the required employee
307.31 contributions, in the amount required of an active state employee, at the time and in
307.32 the manner specified by the commissioner.

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

307.34 ~~and applies to a person assaulted by an inmate, client, or patient on or after that date.~~

164.3 Sec. 2. Minnesota Statutes 2014, section 246.54, subdivision 1, is amended to read:

164.4 Subdivision 1. **County portion for cost of care.** (a) Except for chemical

164.5 dependency services provided under sections 254B.01 to 254B.09, the client's county

164.6 shall pay to the state of Minnesota a portion of the cost of care provided in a regional

164.7 treatment center or a state nursing facility to a client legally settled in that county. A

164.8 county's payment shall be made from the county's own sources of revenue and payments

164.9 shall equal a percentage of the cost of care, as determined by the commissioner, for each

164.10 day, or the portion thereof, that the client spends at a regional treatment center or a state

164.11 nursing facility according to the following schedule:

164.12 (1) zero percent for the first 30 days;

164.13 (2) 20 percent for days 31 ~~to 60~~ and over if the stay is determined to be clinically

164.14 appropriate for the client; and

164.15 (3) ~~75 percent for any days over 60~~ 100 percent for each day during the stay,

164.16 including the day of admission, when the facility determines that it is clinically appropriate

164.17 for the client to be discharged.

164.18 ~~(b) The increase in the county portion for cost of care under paragraph (a), clause~~

164.19 ~~(3), shall be imposed when the treatment facility has determined that it is clinically~~

164.20 ~~appropriate for the client to be discharged.~~

164.21 ~~(e) (b) If payments received by the state under sections 246.50 to 246.53 exceed~~

164.22 ~~80 percent of the cost of care for days over 31 to 60, or 25 percent for days over 60 for~~

164.23 ~~clients who meet the criteria in paragraph (a), clause (2), the county shall be responsible~~

164.24 ~~for paying the state only the remaining amount. The county shall not be entitled to~~

164.25 ~~reimbursement from the client, the client's estate, or from the client's relatives, except as~~

164.26 ~~provided in section 246.53.~~

164.27 Sec. 3. Minnesota Statutes 2014, section 246B.01, subdivision 2b, is amended to read:

164.28 Subd. 2b. **Cost of care.** "Cost of care" means the commissioner's charge for housing

164.29 ~~and~~ treatment, ~~aftercare services,~~ and supervision, provided to any person admitted to the

164.30 Minnesota sex offender program.

164.31 For purposes of this subdivision, "charge for housing ~~and~~ treatment, aftercare

164.32 ~~services, and supervision~~" means the cost of services, treatment, maintenance, bonds issued

164.33 for capital improvements, depreciation of buildings and equipment, and indirect costs

165.1 related to the operation of state facilities. The commissioner may determine the charge for

165.2 services on an anticipated average per diem basis as an all-inclusive charge per facility.

165.3 Sec. 4. [246B.033] BIENNIAL EVALUATIONS OF CIVILLY COMMITTED

165.4 SEX OFFENDERS.

165.5 Subdivision 1. **Duty of executive director.** The executive director shall ensure that
165.6 each civilly committed sex offender, including those on provisional discharge status, is
165.7 evaluated in the form of a forensic risk assessment and treatment progress report not less
165.8 than once every two years. The purpose of these evaluations is to identify the current
165.9 treatment needs, risk of reoffense, and potential for reduction in custody. The executive
165.10 director shall ensure that those performing such evaluations are qualified to do so and are
165.11 trained on current research and legal standards relating to risk assessment, sex offender
165.12 treatment, and reductions in custody.

165.13 Subd. 2. **Assessment and report.** A copy of the forensic risk assessment and the
165.14 treatment progress report must be provided to the civilly committed sex offender and
165.15 the civilly committed sex offender's attorney, along with a copy of a blank petition for
165.16 reduction in custody and instructions on completing and filing the petition.

165.17 Subd. 3. **Suspension of duty if individual is in correctional facility.** The executive
165.18 director may suspend or delay a civilly committed sex offender's evaluation during any
165.19 time period that the individual is residing in a correctional facility operated by the state
165.20 or federal government until the individual returns to the custody of the Minnesota sex
165.21 offender program.

165.22 Subd. 4. **Right to petition.** This section must not impair or restrict a civilly
165.23 committed sex offender's right to petition for a reduction in custody as provided in chapter
165.24 253D. The executive director may adjust the scheduling of an individual's evaluation
165.25 under this section to avoid duplication and inefficiency in circumstances where an
165.26 individual has within a two-year period already received a risk assessment and treatment
165.27 progress report as the result of a petition for reduction in custody.

165.28 **EFFECTIVE DATE.** This section is effective July 1, 2015. The executive director
165.29 is not required to begin providing civilly committed sex offenders with evaluations until
165.30 January 4, 2016.

165.31 Sec. 5. Minnesota Statutes 2014, section 246B.10, is amended to read:

165.32 **246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.**

166.1 The civilly committed sex offender's county shall pay to the state a portion of the
 166.2 cost of care provided in the Minnesota sex offender program to a civilly committed sex
 166.3 offender who has legally settled in that county. A county's payment must be made from
 166.4 the county's own sources of revenue and payments must equal 25 percent of the cost of
 166.5 care, as determined by the commissioner, for each day or portion of a day, that the civilly
 166.6 committed sex offender ~~spends at the facility~~ receives services, either within a Minnesota
 166.7 sex offender program facility or while on provisional discharge. If payments received by
 166.8 the state under this chapter exceed 75 percent of the cost of care for civilly committed sex
 166.9 offenders admitted to the program on or after August 1, 2011, the county is responsible
 166.10 for paying the state the remaining amount. If payments received by the state under this
 166.11 chapter exceed 90 percent of the cost of care for civilly committed sex offenders admitted
 166.12 to the program prior to August 1, 2011, the county is responsible for paying the state the
 166.13 remaining amount. The county is not entitled to reimbursement from the civilly committed
 166.14 sex offender, the civilly committed sex offender's estate, or from the civilly committed sex
 166.15 offender's relatives, except as provided in section 246B.07.

166.16 **EFFECTIVE DATE.** The amendment to the provision governing county payments
 166.17 for each day or portion of a day that a civilly committed sex offender receives services
 166.18 is effective for civilly committed sex offenders provisionally discharged on or after the
 166.19 day following final enactment.

**SEE SENATE ARTICLE 2, SECTIONS 17 AND 18 REGARDING
 COMMUNITY ADDICTION RECOVERY ENTERPRISE**

**SECTIONS 2 AND 3 MOVED TO CHEMICAL AND MENTAL HEALTH
 SERVICES, SENATE ARTICLE 2/HOUSE ARTICLE 8**

309.25 Sec. 4. **CLOSURE OF FACILITY PROHIBITED.**

309.26 The commissioner of human services shall not close, or otherwise terminate services
 309.27 at, the Community Addiction Recovery Enterprise program located in Fergus Falls earlier
 309.28 than July 1, 2019.

**SECTION 5 MOVED TO APPROPRIATIONS, SENATE ARTICLE 12/HOUSE
 ARTICLE 14.**