

person other than a residential building contractor, remodeler, or material supplier in the business of contracting or offering to contract to make part of an improvement to residential real estate; ~~including roofing.~~

Sec. 5. **[326.842] ROOFERS.**

Roofers are subject to all of the requirements of sections 326.83 to 326.98.

Sec. 6. **TEMPORARY LICENSES AND FEES.**

Until March 31, 1994, the licensee fee for roofers is \$60 per year. Licensees will not be required to satisfy the examination requirement of Minnesota Statutes, section 326.89, subdivision 3, until April 4, 1994. Licenses will not be issued or renewed after that date if the examination requirement is not satisfied.

Any person issued a building contractor's or remodeler's license prior to the effective date of sections 1 to 6 may apply to the commissioner for a roofer's license in lieu of that license. The application must include the appropriate bond in the amount specified in Minnesota Statutes, section 326.94, as amended by section 5. The commissioner shall issue that applicant a roofer's license on the same basis as any of the amended licenses. The applicant must complete the examination as specified in Minnesota Statutes, section 326.89, by April 1, 1994.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective the day after final enactment.

Presented to the governor May 11, 1993

Signed by the governor May 14, 1993, 1:25 p.m.

CHAPTER 146—S.F.No. 1503

An act relating to the organization and operation of state government; appropriating money for public defense, criminal justice, corrections, and related purposes; appropriating money for youth community service and work-based learning programs; providing for the transfer of certain money in the state treasury; amending Minnesota Statutes 1992, sections 3.732, subdivision 1; 15A.081, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 121.88, subdivision 5; 124.2713, subdivision 5; 124C.46, subdivision 1; 169.1265, subdivision 1; 241.01, subdivision 5; 241.43, subdivision 2; 242.195, subdivision 1; 242.51; 245.98, by adding a subdivision; 270B.14, by adding a subdivision; 349A.02, subdivision 1; 349A.03, subdivision 2; 357.24; 401.13; 611.17; 611.20; 611.216, by adding a subdivision; 611.25, subdivision 3; 611.26, subdivision 3; 611.27, subdivision 4; 611.271; and 626.861, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 121; and 611; repealing Minnesota Statutes 1992, section 349A.03, subdivision 3.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

Section 1. APPROPRIATION SUMMARY - ALL ARTICLES

	1994	1995	TOTAL
General	\$ 231,294,000	\$ 240,608,000	\$ 471,902,000
Special Revenue	4,136,000	4,136,000	8,272,000
Workers' Compensation	1,284,000	1,294,000	2,578,000
TOTAL	\$ 236,714,000	\$ 246,038,000	\$ 482,752,000

ARTICLE 2

Section 1. CRIMINAL JUSTICE; APPROPRIATIONS

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "1994" and "1995," where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1994 or June 30, 1995, respectively.

SUMMARY BY FUND

	1994	1995	TOTAL
General	\$ 224,477,000	\$ 234,012,000	\$ 458,489,000
Special Revenue	4,136,000	4,136,000	8,272,000
TOTAL	\$ 228,613,000	\$ 238,148,000	\$ 466,761,000
		APPROPRIATIONS	
		Available for the Year	
		Ending June 30	
		1994	1995
Sec. 2. BOARD OF PEACE OFFICER			
STANDARDS AND TRAINING		\$ 4,136,000	\$ 4,136,000

This appropriation is from the peace

officers training account in the special revenue fund. Any funds deposited into the peace officer training account in the special revenue fund in fiscal year 1994 or fiscal year 1995 in excess of \$4,136,000 must be transferred and credited to the general fund.

By February 1, 1994, the peace officer standards and training board shall report and make recommendations regarding reimbursements to local units of government for continuing education. This report shall include state and local goals for peace officer education, curriculum requirements for reimbursement, and an analysis of the current availability and quality of programs. The board shall develop a recommendation regarding a methodology for reimbursement that allocates resources equitably across the state and within a local unit of government; that reimburses for actual expenses incurred; and that ensures accountability for the use of reimbursement funds.

The board also shall make recommendations regarding the use of appropriations from penalty assessments for the improvement of law enforcement education, such as development of graduate programs, scholarships, research programs, and degree incentive programs.

Sec. 3. BOARD OF PUBLIC DEFENSE

Subdivision 1. Total Appropriation

	25,885,000	25,885,000
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None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

The amounts that may be spent from this appropriation for each program are specified in this subdivision and the following subdivisions.

Subd. 2. State Public Defender
2,415,000 2,415,000

During the biennium, legal assistance to Minnesota prisoners shall serve the civil legal needs of persons confined to state institutions.

Subd. 3. District Public Defense
21,943,000 21,943,000

Of this appropriation, \$551,000 the first year and \$619,000 the second year are for provision of group insurance coverage to district public defenders who meet the eligibility standards set by the board of public defense in consultation with the commissioner of employee relations.

Subd. 4. Board of Public Defense
1,527,000 1,527,000

\$904,000 each year is for grants to the five existing public defense corporations under Minnesota Statutes, section 611.216.

\$50,000 the first year is for Indian child welfare defense corporation grants under Minnesota Statutes, section 611.216, subdivision 1a, as added by this act, to be available until June 30, 1995. The funds must be matched dollar for dollar by nonstate funds. This is a one-time appropriation.

Subd. 5. Transfers

The board of public defense may transfer unencumbered balances among the programs specified in this section after notifying the commissioner of finance. The transfer must be reported immediately to the committee on finance of the senate and the house of representatives ways and means committee.

Sec. 4. CORRECTIONS 197,796,000 207,352,000

The amounts that may be spent from

the appropriation for each program and activity are more specifically described in the following subdivisions.

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium.

Positions and administrative money may be transferred within the department of corrections as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

For the biennium ending June 30, 1995, the commissioner of corrections may, with the approval of the commissioner of finance, transfer funds to or from salaries.

For the biennium ending June 30, 1995, and notwithstanding Minnesota Statutes, section 243.51, the commissioner of corrections may enter into agreements with the appropriate officials of any state, political subdivision, or the United States, for housing prisoners in Minnesota correctional facilities. Money received under the agreements is appropriated to the commissioner for correctional purposes.

During the biennium ending June 30, 1995, whenever offenders are assigned for the purpose of work under agreement with a state department or agency, local unit of government, or other government subdivision, the state department or agency, local unit of government, or other government subdivision must certify to the appropriate bargaining agent that the work performed by inmates will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent

position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits.

The commissioner of corrections shall discuss with the office of tourism the feasibility of using prison inmates in the office's tourism promotion program to respond to telephone inquiries concerning Minnesota's tourism and recreational opportunities.

The commissioner of corrections shall meet with the chairs of the house judiciary committee and judiciary finance division and the senate crime prevention committee and crime prevention finance division or their designees, and with representatives of community corrections agencies in order to: (1) develop a long-range plan for adequately incarcerating convicted offenders who have failed to abide by their conditions of probation; and (2) consider whether per diem fees should be assessed to counties for the costs of confining juveniles at the Minnesota correctional facilities at Sauk Centre and Red Wing.

The representatives of community corrections agencies shall be selected as follows: two persons selected by the Minnesota association of community corrections act counties, one from a metropolitan county and one from a nonmetropolitan county; and two persons selected by the Minnesota association of county probation officers, one from a metropolitan county and one from a nonmetropolitan county.

The commissioner shall report the findings and recommendations of this group to the legislature by February 1, 1994.

Subdivision 1. Correctional Institutions
135,574,000 141,592,000

The commissioner of corrections shall develop criteria and prepare guidelines to be used by the department of corrections in future planning for (1) the capacities, needs, location, and security level of correctional facilities; (2) the proximity of correctional facilities to the origin of the inmate population; and (3) the recruitment and retention of a qualified workforce. The criteria and guidelines shall include the potential and projected availability of state-owned facilities, the potential use of vacant governmental facilities for use as state-owned or managed correctional facilities, the cost effectiveness of converting these facilities compared with new construction, and the availability of state employees from other state agencies as a potential workforce pool. The commissioner may consult with staff from the department of administration, building construction division, in the development of the guidelines. The guidelines shall be presented to the house judiciary committee, the senate crime prevention committee, and their finance divisions by February 1, 1994.

The advisory task force on the juvenile justice system is requested to assess the state's need for juvenile correctional facilities. The task force shall make recommendations regarding the need for secure juvenile detention centers to house both preadjudicated and postadjudicated juveniles. These recommendations shall address whether the centers should be regionally based or state controlled and whether they should provide long-term or short-term detention programs. The task force is requested to include its recommendations on this issue in the report it submits to the legislature on December 1, 1993.

Subd. 2. Community Services

47,538,000

49,489,000

Of this amount, \$500,000 is for grants to counties under Minnesota Statutes, section 169.1265, to pay the costs of developing and operating intensive probation programs for repeat DWI offenders.

\$594,000 shall be transferred in fiscal year 1995 from this appropriation to the community corrections act for base level funding for Stearns county.

A working group is created to study the funding and delivery of correctional services at the community level. The working group will consist of representatives from and appointed by the following agencies and organizations: the governor's office, four members of the legislature (one senator and one state representative appointed by the majority caucuses in each body; and one senator and one state representative appointed by the minority caucus in each body); the department of corrections, the Minnesota association of county probation officers, the Minnesota association of community corrections act counties, the association of Minnesota counties, the metropolitan inter-county association, and the conference of chief judges.

The working group shall study whether:

- (1) community corrections service delivery systems should be based at the county or state level;
- (2) a single funding system should be instituted for county operations;
- (3) the community corrections act funding formula should be changed; and
- (4) whether small counties under a new funding system should be required to regionalize their service delivery systems. The group shall report its findings

and recommendations to the appropriate committees of the legislature by February 1, 1994.

Subd. 3. Management Services
14,684,000 16,271,000

Of this amount, \$400,000 is for new battered women's shelters.

When awarding grants for victim's programs and services, the commissioner shall give priority to geographic areas that are unserved or underserved by programs or services.

Of this amount, \$500,000 is appropriated to the commissioner of corrections for mini-computer upgrades. Before the department may purchase the upgrades, the department must demonstrate to the information policy office that the upgrades will meet processing needs.

Subd. 4. Transfers

The commissioner of corrections may transfer unencumbered balances among the programs specified in this section after getting the approval of the commissioner of finance. The commissioner of finance shall not approve a transfer unless the commissioner believes that it will carry out the intent of the legislature. The transfer must be reported immediately to the committee on finance of the senate and the house of representatives ways and means committee.

Sec. 5. CORRECTIONS OMBUDSMAN	459,000	459,000
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Sec. 6. SENTENCING GUIDELINES COMMISSION	337,000	316,000
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Sec. 7. UNCODIFIED LANGUAGE

All uncodified language contained in this article expires on June 30, 1995, unless a different expiration is explicit.

Sec. 8. Minnesota Statutes 1992, section 3.732, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the housing finance agency, the higher education coordinating board, the higher education facilities authority, the armory building commission, the zoological board, the iron range resources and rehabilitation board, the state agricultural society, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors, or employees of the state, members of the Minnesota national guard, members of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01 when engaged in the disposal or neutralization of bombs outside the jurisdiction of the municipality but within the state, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. It does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee of the state" includes a district public defender appointed by the state board of public defense or assistant district public defender in the second or fourth judicial district.

(3) "Scope of office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

(4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

Sec. 9. Minnesota Statutes 1992, section 43A.02, subdivision 25, is amended to read:

Subd. 25. **JUDICIAL BRANCH.** "Judicial branch" means all judges of the appellate courts, all employees of the appellate courts, including commissions, boards, and committees established by the supreme court, the board of law examiners, the law library, the office of the state public defender, district public defenders and their employees, all judges of all courts of law, district court referees, judicial officers, court reporters, law clerks, district administration employees under section 484.68, court administrator or employee of the court and guardian ad litem program employees in the eighth judicial district, and other

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agencies placed in the judicial branch by law. Judicial branch does not include district administration or public defenders or their employees in the second and fourth judicial districts, court administrators or their staff under chapter 485, guardians ad litem, or other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 480.181, subdivision 2.

Sec. 10. Minnesota Statutes 1992, section 43A.24, subdivision 2, is amended to read:

Subd. 2. **OTHER ELIGIBLE PERSONS.** The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the board of regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2.

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) a permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, a judge of county municipal court, or a judge of probate court; a district court referee, judicial officer, court reporter, or law clerk; a district administrator; an employee of the office of the district administrator that is not in the second or fourth judicial district; a court administrator or employee of the court administrator in the eighth judicial district, and a guardian ad litem program administrator in the eighth judicial district;

(d) a salaried employee of the public employees retirement association;

(e) a full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

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(f) a salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

(h) notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program; ~~and~~

(i) an employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose positions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they

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retired, provided that the retired employees shall not be eligible for state-paid life insurance; and

(i) employees of the state public defender's office, and district public defenders and their employees other than in the second and fourth judicial districts, with eligibility determined by the state board of public defense in consultation with the commissioner of employee relations.

Sec. 11. Minnesota Statutes 1992, section 169.1265, subdivision 1, is amended to read:

Subdivision 1. **GRANT APPLICATION.** ~~The commissioner~~ commissioners of public safety corrections and public safety, in cooperation with the ~~commissioners~~ commissioner of human services and corrections, shall jointly administer a program to provide grants to counties to establish and operate programs of intensive probation for repeat violators of the driving while intoxicated laws. The ~~commissioner~~ commissioners shall adopt an application form on which a county or a group of counties may apply for a grant to establish and operate a DWI repeat offender program.

Sec. 12. Minnesota Statutes 1992, section 241.01, subdivision 5, is amended to read:

Subd. 5. **TRAINING PROGRAM.** For the maintenance of adequate standards of operation in discharging the functions of the department, obtaining suitable candidates for positions for which there is a scarcity of qualified applicants, and the development of more effective treatment programs directed toward the correction and rehabilitation of persons found delinquent or guilty of crimes, and of more effective delinquency prevention the commissioner of corrections shall establish a training program including but not limited to in-service, preservice, internship and scholarship programs, and an operational research program. Within the limits of appropriations available, the commissioner may provide educational stipends or tuition reimbursement in such amounts and upon such terms and conditions as may be determined jointly by the commissioner of employee relations. Within the limits of appropriations therefor the commissioner shall establish and provide personnel, facilities and equipment for research and study to evaluate the effectiveness of correctional treatment in camps, facilities, probation and parole investigation and supervision and delinquency prevention.

The commissioner may provide training to public or private agencies or organizations and may require the participating agencies or organizations to pay all or part of the costs of the training. All sums of money received pursuant to the agreements shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner during that period and are appropriated annually to the commissioner of corrections for the purposes of this subdivision. Beginning July 1, 1994, the commissioner shall report annually to the chairs of the house ways and means committee and the senate finance committee on the amount and use of funds received under this subdivision.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 13. Minnesota Statutes 1992, section 241.43, subdivision 2, is amended to read:

Subd. 2. The ombudsman ~~shall designate a deputy~~ may appoint an assistant ombudsman in the unclassified service.

Sec. 14. Minnesota Statutes 1992, section 242.195, subdivision 1, is amended to read:

Subdivision 1. **SEX OFFENDER PROGRAMS.** (a) The commissioner of corrections shall provide for a range of sex offender programs, including intensive sex offender programs, for juveniles within state juvenile correctional facilities and through purchase of service from county and private residential and outpatient juvenile sex offender programs.

(b) The commissioner shall establish and operate a juvenile residential sex offender program at one of the state juvenile correctional facilities. The program must be structured to address both the therapeutic and disciplinary needs of juvenile sex offenders. The program must afford long-term residential treatment for a range of juveniles who have committed sex offenses and have failed other treatment programs or are not likely to benefit from an outpatient or a community-based residential treatment program.

Sec. 15. Minnesota Statutes 1992, section 242.51, is amended to read:

242.51 THE MINNESOTA CORRECTIONAL FACILITY-SAUK CENTRE.

There is established the Minnesota correctional facility-Sauk Centre at Sauk Centre, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

The commissioner shall charge counties or other appropriate jurisdictions for the actual per diem cost of confinement of juveniles at the Minnesota correctional facility-Sauk Centre.

The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. All money received under this section must be deposited to the general fund.

Sec. 16. Minnesota Statutes 1992, section 270B.14, is amended by adding a subdivision to read:

Subd. 12. DISCLOSURE TO DISTRICT COURT. (a) The commissioner may disclose return information to the district court concerning returns filed under chapter 290, as limited by paragraph (b), as necessary to verify income information in order to determine public defender eligibility.

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(b) The commissioner may disclose to the district court only the name and any relevant information from the most recently filed tax returns of persons seeking representation by a public defender.

(c) Data received under this subdivision may be used for the purposes of determining public defender eligibility under section 611.17 and shall be private and for the exclusive use of the court except for any prosecution under section 609.48.

Sec. 17. Minnesota Statutes 1992, section 357.24, is amended to read:

357.24 CRIMINAL CASES.

Witnesses for the state in criminal cases and witnesses attending on behalf of any defendant represented by a public defender or an attorney performing public defense work for a public defense corporation under section 611.216, shall receive the same fees for travel and attendance as provided in section 357.22; ~~and, Judges also may, in their discretion,~~ allow like fees to witnesses attending in behalf of any other defendant. In addition these witnesses shall receive reasonable expenses actually incurred for meals, loss of wages and child care, not to exceed \$40 per day. When a defendant is represented by a public defender or an attorney performing public defense work for a public defense corporation under section 611.216, neither the defendant nor the public defender shall be charged for any subpoena fees or for service of subpoenas by a public official. The compensation and reimbursement shall be paid out of the county treasury.

Sec. 18. Minnesota Statutes 1992, section 401.13, is amended to read:

401.13 CHARGES MADE TO COUNTIES.

Each participating county will be charged a sum equal to the actual per diem cost of confinement of those juveniles committed to the commissioner after August 1, 1973, and confined in a state correctional facility. ~~Provided, however, that the amount charged a participating county for the costs of confinement shall not exceed the amount of subsidy to which the county is eligible.~~ The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. ~~However, in no case shall the percentage increase in the amount charged to the counties exceed the percentage by which the appropriation for the purposes of sections 401.01 to 401.16 was increased over the preceding biennium.~~ The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.

Sec. 19. Minnesota Statutes 1992, section 611.17, is amended to read:

611.17 FINANCIAL INQUIRY; STATEMENTS.

(a) Each judicial district must screen requests under paragraph (b).

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(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances 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 state public defender shall furnish appropriate forms for the financial statements. The information contained in the statement shall be confidential and for the exclusive use of the court 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.

Sec. 20. Minnesota Statutes 1992, section 611.20, is amended to read:

611.20 SUBSEQUENT ABILITY TO PAY COUNSEL.

Subdivision 1. COURT DETERMINATION. If at any time after the state public defender or a district public defender has been directed to act, the court having jurisdiction in the matter is satisfied that the defendant or other person is financially able to obtain counsel ~~or to make partial payment for the representation,~~ the court ~~may shall~~ terminate the appointment of the public defender; ~~unless the person so represented is willing to pay therefor. If a public defender continues the representation, the court shall direct payment for such representation as the interests of justice may dictate. Any payments directed by the court shall be recorded by the court administrator, who shall transfer the payments to the governmental unit responsible for the costs of the public defender.~~ The judicial district may investigate the financial status of a defendant or other person for whom a public defender has been appointed and may act to collect payments directed by the court.

If at any time after appointment a public defender should have reason to believe that a defendant is financially able to obtain counsel or to make partial payment for counsel, it shall be the public defender's duty to so advise the court so that appropriate action may be taken.

Subd. 2. PARTIAL PAYMENT. If the court determines that the defendant is able to make partial payment, the court shall direct the partial payments to the governmental unit responsible for the costs of the public defender. Payments directed by the court to the state shall be recorded by the court administrator who shall transfer the payments to the state treasurer.

Subd. 3. REIMBURSEMENT. In each fiscal year, the state treasurer shall deposit the first \$180,000 in the general fund. Payments in excess of \$180,000 shall be deposited in the general fund and credited to a separate account with the board of public defense. The amount credited to this account is appropriated to the board of public defense to reimburse the costs of attorneys providing part-time public defense services.

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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.

Sec. 21. Minnesota Statutes 1992, section 611.216, is amended by adding a subdivision to read:

Subd. 1a. INDIAN CHILD WELFARE DEFENSE CORPORATION GRANTS. (a) The board of public defense shall establish procedures for accepting applications for funding from an Indian child welfare defense corporation located in the American Indian community. The board must consult with the Minnesota Indian affairs council before making a grant under this subdivision.

(b) An "Indian child welfare defense corporation" refers to an American Indian nonprofit law corporation, having an American Indian majority on its board of directors, specializing primarily in providing culturally appropriate legal services to indigent clients or tribal representatives involved in a case governed by the Indian Child Welfare Act, United States Code, title 25, section 1901 et seq., or the Minnesota Indian family preservation act, sections 257.35 to 257.3579.

(c) An Indian child welfare defense corporation is a "public defense corporation" for the purposes of sections 611.14 to 611.271.

Sec. 22. Minnesota Statutes 1992, section 611.25, subdivision 3, is amended to read:

Subd. 3. **DUTIES.** The state public defender shall prepare ~~an annual~~ a biennial report to the board and a report to the governor, the legislature, and the supreme court on the operation of the state public defender's office, district defender systems, and public defense corporations. The biennial report is due on or before the beginning of the legislative session following the end of the biennium. The state public defender may require the reporting of statistical data, budget information, and other cost factors by the chief district public defenders and appointed counsel systems. The state public defender shall design and conduct programs for the training of all state and district public defenders, appointed counsel, and attorneys for public defense corporations funded under section 611.26. The state public defender shall establish policies and procedures to administer the district public defender system, consistent with standards adopted by the state board of public defense.

Sec. 23. Minnesota Statutes 1992, section 611.26, subdivision 3, is amended to read:

Subd. 3. **COMPENSATION.** (a) The compensation of the chief district public defender shall be set by the board of public defense. The compensation of each assistant district public defender shall be set by the chief district public defender with the approval of the board of public defense. ~~The compensation for chief district public defenders may not exceed the prevailing compensation for~~

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county attorneys within the district, and the compensation for assistant district public defenders may not exceed the prevailing compensation for assistant county attorneys within the district. To assist the board of public defense in determining prevailing compensation under this subdivision, counties shall provide to the board information on the compensation of county attorneys, including salaries and benefits, rent, secretarial staff, and other pertinent budget data. For purposes of this subdivision, compensation means salaries, cash payments, and employee benefits including paid time off and group insurance benefits, and other direct and indirect items of compensation including the value of office space provided by the employer.

(b) This subdivision does not limit the rights of public defenders to collectively bargain with their employers.

Sec. 24. [611.265] TRANSITION.

(a) District public defenders and their employees, other than in the second and fourth judicial districts, are state employees in the judicial branch, and are governed by the personnel rules adopted by the state board of public defense.

(b) A district public defender or district public defender employee who becomes a state employee under this section, and who participated in a county insurance program on the day before the effective date of this section, may elect to continue to participate in the county program according to procedures established by the board of public defense. An affected county shall bill the board of public defense for employer contributions, in a manner prescribed by the board. The county shall not charge the board any administrative fee. Notwithstanding any law to the contrary, a person who is first employed as a district public defender after the effective date of this section, shall participate in the state employee insurance program, as determined by the state board of public defense, in consultation with the commissioner of employee relations.

(c) A district public defender or district public defender employee who becomes a state employee under this section, and who participated in the public employee retirement association on the day before the effective date of this section, may elect to continue to participate in the public employee retirement association according to procedures established by the board of public defense and the association. Notwithstanding any law to the contrary, a person who is first employed as a state employee or by a district public defender after the effective date of this section must participate in the Minnesota state retirement system.

(d) A person performing district public defender work as an independent contractor is not eligible to be covered under the state group insurance plan or the public employee retirement association.

Sec. 25. Minnesota Statutes 1992, section 611.27, subdivision 4, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 4. **COUNTY PORTION OF COSTS.** That portion of subdivision 1 directing counties to pay the costs of public defense service shall not be in effect between July 1, ~~1991~~ 1993, and July 1, ~~1993~~ 1995. This subdivision only relates to costs associated with felony and gross misdemeanor public defense services in all judicial districts and to juvenile and misdemeanor public defense services in the second, third, fourth, sixth, and eighth judicial districts.

Sec. 26. Minnesota Statutes 1992, section 611.271, is amended to read:

611.271 COPIES OF DOCUMENTS; FEES.

The court administrators of courts, the prosecuting attorneys of counties and municipalities, and the law enforcement agencies of the state and its political subdivisions shall furnish, upon the request of the district public defender ~~or~~, the state public defender, or an attorney working for a public defense corporation under section 611.216, copies of any documents, including police reports, in their possession at no charge to the public defender.

Sec. 27. Minnesota Statutes 1992, section 626.861, subdivision 4, is amended to read:

Subd. 4. **PEACE OFFICERS TRAINING ACCOUNT.** Receipts from penalty assessments must be credited to a peace officer training account in the special revenue fund. ~~For fiscal years 1993 and 1994, The peace officers standards and training board shall; and after fiscal year 1994 may, allocate~~ make the following allocations from appropriated funds, net of operating expenses; ~~as follows:~~

(1) for fiscal year 1994:

(i) at least 25 percent for reimbursement to board approved board-approved skills courses; and

(2) (ii) at least 13.5 percent for the school of law enforcement;

(2) for fiscal year 1995:

(i) at least 17 percent to the community college system for one-time start-up costs associated with the transition to an integrated academic program;

(ii) at least eight percent for reimbursement to board-approved skills courses in the technical college system; and

(iii) at least 13.5 percent for the school of law enforcement.

The balance in each year may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

Sec. 28. **AUTOMATED PROBATION REPORTING SYSTEM PILOT PROGRAM; ST. LOUIS COUNTY.**

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. GRANT AWARD. The commissioner of corrections shall award a grant of \$100,000 to St. Louis county for the purpose of demonstrating the feasibility of a pilot automated probation reporting system.

Subd. 2. APPLICATION STUDIES. In developing and implementing the pilot automated probation reporting system, St. Louis county shall:

(1) measure the effectiveness and potential cost of applying the reporting system technology to the county's adult probation population;

(2) study the potential for establishing a centralized state data bank which would more rapidly and accurately measure and determine criminal histories and fingerprint data of all felony, gross misdemeanor, and misdemeanor offenders; and

(3) study the application of the reporting system technology towards the elimination of fraud and abuse in other human resource areas including the electronic benefit transfer program.

Subd. 3. PARTICIPATION REQUIREMENTS. St. Louis county shall provide a minimum of 1.5 full-time equivalent positions and other in-kind services necessary to operate this program.

Subd. 4. SALE OF PROGRAM. If St. Louis county or an individual acting on behalf of the county sells the automated probation reporting system to any person or entity, the county must forward to the commissioner of corrections the profits realized from the sale, in an amount not to exceed the grant awarded under subdivision 1. The commissioner shall forward any profits received under this subdivision to the commissioner of finance, to be credited to the general fund in the state treasury.

Subd. 5. REPORT. St. Louis county shall report the results of its studies and the pilot program to the commissioner of corrections and the chairs of the house judiciary finance division and the senate crime prevention finance division by July 1, 1994.

Sec. 29. SENTENCING GUIDELINES MODIFICATION; JAIL CREDIT FOR TIME SERVED UNDER HUBER LAW.

Subdivision 1. JAIL CREDIT FOR TIME SERVED UNDER HUBER LAW. The sentencing guidelines commission shall consider modifying sentencing guideline III.C to provide that, upon revocation of a stayed felony sentence, time previously spent in confinement under Minnesota Statutes, section 631.425, the Huber law, as a condition of the stayed sentence shall be deducted from the executed sentence at the rate of one day for each day served.

Subd. 2. APPLICABILITY. If the commission adopts the modification described in subdivision 1, it shall apply to persons who commit crimes on or after August 1, 1994.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 30. TRANSFERS.

Subdivision 1. GENERAL PROCEDURE. If the appropriation in this article to an agency in the executive branch is specified by program, the agency may transfer unencumbered balances among the programs specified in that section after getting the approval of the commissioner of finance. The commissioner shall not approve a transfer unless the commissioner believes that it will carry out the intent of the legislature. The transfer must be reported immediately to the committee on finance of the senate and the committee on ways and means of the house of representatives. If the appropriation in this article to an agency in the executive branch is specified by activity, the agency may transfer unencumbered balances among the activities specified in that section using the same procedure as for transfers among programs.

Subd. 2. TRANSFER PROHIBITED. If an amount is specified in this article for an item within an activity, that amount must not be transferred or used for any other purpose.

Sec. 31. REPEALER.

Section 20, subdivision 3, is repealed June 30, 1997. Minnesota Statutes 1992, section 270B.14, subdivision 12, is repealed June 30, 1995.

Sec. 32. EFFECTIVE DATE.

Section 12 is effective the day following final enactment. Sections 15 and 18 are effective July 1, 1994.

ARTICLE 3

Section 1. APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "1994," and "1995," where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1994, or June 30, 1995, respectively.

SUMMARY BY FUND

	1994	1995	TOTAL
General	\$ 2,535,000	\$ 2,374,000	\$ 4,909,000

New language is indicated by underline, deletions by ~~strikeout~~.

APPROPRIATIONS
Available for the Year
Ending June 30
1994 1995

Sec. 2. GAMBLING CONTROL BOARD

1,934,000 1,934,000

Of the total amount spent each year for compliance review activities, at least 25 percent must be spent for education and outreach. For purposes of this item "education and outreach" means compliance review activities that are not of a type intended to result in the imposition by the board of a penalty against the organization being reviewed.

Sec. 3. RACING COMMISSION

366,000 200,000

Sec. 4. STATE LOTTERY BOARD

(a) The director of the state lottery shall reimburse the general fund \$150,000 the first year and \$150,000 the second year for lottery-related costs incurred by the department of public safety, and reimburse the general fund \$300,000 the first year and \$300,000 the second year for costs incurred by the department of human services.

(b) In addition, the director of the state lottery shall reimburse the general fund \$235,000 in fiscal year 1994 and \$240,000 in fiscal year 1995 from the lottery operations account from amounts currently budgeted for operating costs for additional costs incurred by the department of human services.

Sec. 5. HUMAN SERVICES

235,000 240,000

The transfer authorized in section 4, paragraph (b), is appropriated for compulsive gambling hotline services, outpatient treatment services, felony screening, and compulsive gambling youth education.

Sec. 6. Minnesota Statutes 1992, section 15A.081, subdivision 1, is amended to read:

15A.081 SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.

Subdivision 1. **SALARY RANGES.** The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;
Commissioner of education;
Commissioner of transportation;
Commissioner of human services;
Commissioner of revenue;
Commissioner of public safety;
Executive director, state board of investment;
~~Director of the state lottery;~~

\$50,000-\$67,500

Commissioner of administration;
Commissioner of agriculture;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of jobs and training;
Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of trade and economic development;

Chief administrative law judge; office of administrative hearings;

Commissioner, pollution control agency;

Director, office of waste management;

Commissioner, housing finance agency;

Executive director, public employees retirement association;

Executive director, teacher's retirement association;

Executive director, state retirement system;

Chair, metropolitan council;

Chair, regional transit board;

\$42,500-\$60,000

Commissioner of human rights;

Commissioner, department of public service;

Commissioner of veterans affairs;

Commissioner, bureau of mediation services;

Commissioner, public utilities commission;

Member, transportation regulation board;

Ombudsman for corrections;

Ombudsman for mental health and retardation.

Sec. 7. Minnesota Statutes 1992, section 245.98, is amended by adding a subdivision to read:

Subd. 4. CONTRIBUTION BY TRIBAL GAMING. The commissioner of human services is authorized to enter into an agreement with the governing body of any Indian tribe located within the boundaries of the state of Minnesota that conducts either class II or class III gambling, as defined in section 4 of the Indian Gaming Regulatory Act, Public Law Number 100-497, and future amendments to it, for the purpose of obtaining funding for compulsive gambling programs from the Indian tribe. Prior to entering into any agreement with an Indian tribe under this section, the commissioner shall consult with and obtain the approval of the governor or governor's designated representatives authorized to negotiate a tribal-state compact regulating the conduct of class III gambling

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on Indian lands of a tribe requesting negotiations. Contributions collected under this subdivision are appropriated to the commissioner of human services for the compulsive gambling treatment program under this section.

Sec. 8. Minnesota Statutes 1992, section 349A.02, subdivision 1, is amended to read:

Subdivision 1. **DIRECTOR.** A state lottery is established under the supervision and control of the director of the state lottery appointed by the governor with the advice and consent of the senate. The governor shall appoint the first director from a list of at least three persons recommended to the governor by the ~~governor's commission on the lottery which was appointed by the governor on December 8, 1988~~ board. The director must be qualified by experience and training to supervise the lottery. The director serves in the unclassified service. The annual salary rate authorized for the director is equal to 80 percent of the salary rate prescribed for the governor as of the effective date of this act.

Sec. 9. Minnesota Statutes 1992, section 349A.03, subdivision 2, is amended to read:

Subd. 2. **BOARD DUTIES.** The board has the following duties:

- (1) to advise the director on all aspects of the lottery;
- (2) to review and comment on rules and game procedures adopted by the director;
- (3) review and comment on lottery procurement contracts;
- (4) review and comment on agreements between the director and one or more other lotteries relating to a joint lottery; and
- (5) to review and comment on advertising promulgated by the director at least quarterly to ensure that all advertising is consistent with the dignity of the state and with section 349A.09; ~~and~~
- ~~(6) to approve additional compensation for the director under subdivision 3.~~

Sec. 10. UNCODIFIED LANGUAGE

All uncodified language contained in this article expires on June 30, 1995, unless a different expiration is explicit.

Sec. 11. **CARRYFORWARD.**

Unless otherwise restricted, unencumbered operating balances from fiscal year 1994 appropriations in this act are available for fiscal year 1995.

Sec. 12. **SEVERABILITY.**

New language is indicated by underline, deletions by ~~strikeout~~.

The provisions of this article are severable. If any provision is found to be unconstitutional, the remaining provisions shall remain valid, unless a court determines that the remaining valid provisions, standing alone, are incapable of being executed in accordance with legislative intent.

Sec. 13. **REPEALER.**

Minnesota Statutes 1992, section 349A.03, subdivision 3, is repealed.

Sec. 14. **EFFECTIVE DATE.**

Sections 9 and 13 are effective the day following final enactment.

ARTICLE 4

Section 1. **APPROPRIATIONS**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "1994" and "1995," where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1994 or June 30, 1995, respectively.

SUMMARY BY FUND

	1994	1995	TOTAL
General	\$ 1,782,000	\$ 1,722,000	\$ 3,504,000
Workers' Compensation	1,284,000	1,294,000	2,578,000
TOTAL	\$ 3,066,000	\$ 3,016,000	\$ 6,082,000
		APPROPRIATIONS	
		Available for the Year	
		Ending June 30	
		1994	1995

Sec. 2. **WORKERS' COMPENSATION COURT OF APPEALS**

\$ 1,284,000 \$ 1,294,000

This appropriation is from the workers' compensation special compensation fund.

Sec. 3. **MEDIATION SERVICES**

1,782,000 1,722,000

(a) \$222,000 in each year is for grants to

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area labor-management committees. The unencumbered balance remaining in the first year does not cancel but is available for the second year.

(b) \$60,000 is appropriated from the general fund to the commissioner of mediation services for the fiscal year ending June 30, 1994, for the purposes of total quality management grants under Minnesota Statutes, section 179.02.

Sec. 4. TOTAL QUALITY MANAGEMENT.

The commissioner of mediation services shall contract with a specialist in total quality management education to provide classes on total quality management to small business and government employers. Four of the classes must be provided in the metropolitan area and four of the classes must be provided outside the metropolitan area. The classes shall provide at least 18 hours of training over a six-week period with attendance limited to 30 participants per class. The cost per participant shall not exceed \$500, with one-half of the cost paid by the employer. In at least four of the classes, participation is limited to:

(1) labor and management employees of a small business where a union represents employees; or

(2) public employees from a bargaining unit representing not more than 100 employees, and the supervisory employees and management of the public employer.

For purposes of this section, "small business" means a business with 100 or fewer employees.

Sec. 5. TRANSFER.

The responsibilities of the commissioner of administration for the office of dispute resolution are transferred under Minnesota Statutes, section 15.039, to the commissioner of mediation services.

Sec. 6. TRANSFERS.

Subdivision 1. GENERAL PROCEDURE. If the appropriation in this article to an agency in the executive branch is specified by program, the agency may transfer unencumbered balances among the programs specified in that section after getting the approval of the commissioner of finance. The commissioner shall not approve a transfer unless the commissioner believes that it will carry out the intent of the legislature. The transfer must be reported immediately to the committee on finance of the senate and the committee on ways and means of the house of representatives. If the appropriation in this article to an agency in

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the executive branch is specified by activity, the agency may transfer unencumbered balances among the activities specified in that section using the same procedure as for transfers among programs.

Subd. 2. TRANSFER PROHIBITED. If an amount is specified in this article for an item within an activity, that amount must not be transferred or used for any other purpose.

ARTICLE 5

YOUTH WORKS

APPROPRIATIONS Available for the Year Ending June 30 1994 1995

Section 1. YOUTH WORKS	\$2,500,000	\$2,500,000
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The continuation of base level funding in the next fiscal biennium for the youth works program shall be determined following an evaluation by the department of finance as to whether the program is achieving its intent.

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium.

Subdivision 1. Department of Education

2,345,000	2,345,000
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Of the appropriation, \$100,000 shall be used to establish one full-time position for capacity building, evaluation, design, and developing service learning and work-based learning. \$50,000 shall be used to establish a public private matching grant program for local organizations to provide a youth service entrepreneurship initiative contingent upon local match requirements. \$3,898,000 is for grants for the youth works program under this article.

\$110,000 is for the education and

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employment transitions council, which shall oversee youth service and youth apprenticeship programs, and to provide staff for youth works task force and youth apprenticeship activities.

Of the appropriation, \$532,000 is for community education aid in fiscal year 1995 according to Minnesota Statutes, section 124.2713, subdivision 5. This aid is in addition to an appropriation for community education aid in any other law.

Subd. 2. Higher Education Coordinating Board

115,000

115,000

To the higher education coordinating board for fiscal years 1994 and 1995. The appropriation shall be used to develop and implement service learning programs in the following order of priority:

(1) programs allowing higher education institutions to create or expand community service or work-based learning activities for students attending the institutions;

(2) programs allowing higher education institutions to modify existing and create new courses, curricula, and extra-curricular activities that effectively use service learning and work-based learning methods; and

(3) programs allowing higher education institutions to train K-12 teachers in the skills necessary to develop, supervise, and organize community service activities, consistent with the principles of service learning.

Subd. 3. Minnesota Technology, Inc.

40,000

40,000

To establish health care youth apprenticeship programs in urban and rural areas.

Sec. 2. **[121.70] SHORT TITLE.**

Sections 121.701 to 121.710 shall be cited as the "Minnesota youth works act."

Sec. 3. **[121.701] PURPOSE.**

The purposes of sections 121.701 to 121.710 are to:

- (1) renew the ethic of civic responsibility in Minnesota;
- (2) empower youth to improve their life opportunities through literacy, job placement, and other essential skills;
- (3) empower government to meet its responsibility to prepare young people to be contributing members of society;
- (4) help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty;
- (5) prepare a citizenry that is academically competent, ready for work, and socially responsible;
- (6) demonstrate the connection between youth and community service, community service and education, and education and meaningful opportunities in the business community;
- (7) demonstrate the connection between providing opportunities for at-risk youth and reducing crime rates and the social costs of troubled youth;
- (8) create linkages for a comprehensive youth service and learning program in Minnesota including school age programs, higher education programs, youth work programs, and service corps programs; and
- (9) coordinate federal and state activities that advance the purposes in this section.

Sec. 4. **[121.702] DEFINITIONS.**

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 121.701 to 121.710.

Subd. 2. ELIGIBLE ORGANIZATION. "Eligible organization" means:

- (1) a local unit of government including a statutory or home rule charter city, township, county, or group of two or more contiguous counties;
- (2) an existing nonprofit organization organized under chapter 317A;
- (3) an educational institution;
- (4) a private industry council; or

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(5) a state agency.

Subd. 3. FEDERAL LAW. "Federal law" means Public Law Number 101-610, as amended, or any other federal law or program assisting youth community service, work-based learning, or youth transition from school to work.

Subd. 4. MENTOR. "Mentor" means a business person, an adult from the community, or a person who has successfully completed the youth works program who volunteers to establish a one-on-one relationship with a participant in the youth works program to encourage and guide the participant to obtain an education, participate in service and work-related activities, and effectively use postservice benefits.

Subd. 5. PARTICIPANT. "Participant" means an individual enrolled in a program that receives assistance under sections 121.701 to 121.710.

Subd. 6. PLACEMENT. "Placement" means the matching of a participant with a specific project.

Subd. 7. PROGRAM. "Program" means an activity carried out with assistance provided under sections 121.701 to 121.710.

Subd. 8. PROJECT. "Project" means an activity that results in a specific identifiable service or product that could not be done from the resources of the eligible organization and that does not duplicate the routine services or functions of the eligible organization.

Subd. 9. YOUTH WORKS TASK FORCE. "Youth works task force" means the task force established in section 121.703.

Sec. 5. [121.703] YOUTH WORKS TASK FORCE.

Subdivision 1. CREATION. The youth works task force is established to assist the governor and the legislature in implementing sections 121.701 to 121.710 and federal law. The terms, compensation, filling of vacancies, and removal of members are governed by section 15.059. The youth works task force may accept gifts and contributions from public and private organizations.

Subd. 2. MEMBERSHIP. The youth works task force consists of 16 voting members. The membership includes the commissioner or designee of the departments of education, jobs and training, and natural resources and the executive director of the higher education coordinating board, and four persons appointed by the governor from among the following agencies: departments of human services, health, corrections, agriculture, public safety, finance, labor and industry, office of strategic and long-range planning, Minnesota office of volunteer services, Minnesota high technology council, Minnesota housing finance agency, association of service delivery areas, and Minnesota Technology, Inc. The governor shall appoint four members, one each representing a public or private sector labor union, business, students, and parents, and the remaining four members from among representatives of the following groups: educators, senior citizen

New language is indicated by underline, deletions by ~~strikeout~~.

organizations, local agencies working with youth service corps programs, school-based community service programs, higher education institutions, local educational agencies, volunteer public safety organizations, education partnership programs, public or nonprofit organizations experienced in youth employment and training, and volunteer administrators, or other organizations working with volunteers. The governor shall ensure that, to the extent possible, the membership of the task force is balanced according to geography, race, ethnicity, age, and gender. The speaker of the house and the majority leader of the senate shall each appoint two legislators to be nonvoting members of the task force.

Subd. 3. DUTIES. (a) The youth works task force shall:

(1) develop, with the assistance of the governor and affected state agencies, a comprehensive state plan to provide services under sections 121.701 to 121.710 and federal law;

(2) actively pursue public and private funding sources for services, including funding available under federal law;

(3) coordinate volunteer service learning programs within the state;

(4) develop, in cooperation with the education and employment transitions council, volunteer service learning programs, including curriculum, materials, and methods of instruction;

(5) work collaboratively with the education and employment transitions council, schools, public and private agencies, for-profit and nonprofit employers, and labor unions to identify mentoring and service learning opportunities, solicit and recruit participants for these programs, and disseminate information on the programs;

(6) administer the youth works grant program under sections 121.704 to 121.709, including soliciting and approving grant applications from eligible organizations, and administering individual postservice benefits;

(7) establish an evaluation plan for programs developed and services provided under sections 121.701 to 121.710;

(8) report to the governor and legislature; and

(9) provide oversight and support for school, campus and community-based service programs.

(b) Nothing in sections 121.701 to 121.710 precludes an organization from independently seeking public or private funding to accomplish purposes similar to those described in paragraph (a).

Sec. 6. [121.704] YOUTH WORKS PROGRAM.

The youth works program is established to fulfill the purposes of section

New language is indicated by underline, deletions by ~~strikeout~~.

121.701. The youth works program shall supplement existing programs and services. The program shall not displace existing programs and services, existing funding of programs or services, or existing employment and employment opportunities. No eligible organization may terminate, layoff, or reduce the hours of work of an employee to place or hire a program participant. No eligible organization may place or hire an individual for a project if an employee is on lay-off from the same or a substantially equivalent position.

Sec. 7. [121.705] YOUTH WORKS GRANTS.

Subdivision 1. APPLICATION. An eligible organization interested in receiving a grant under sections 121.704 to 121.709 may prepare and submit to the youth works task force an application that complies with section 121.706.

Subd. 2. GRANT AUTHORITY. The youth works task force shall use any state appropriation and any available federal funds, including any grant received under federal law, to award grants to establish programs for youth works meeting the requirements of section 121.706. At least one grant each must be available for a metropolitan proposal, a rural proposal, and a statewide proposal. If a portion of the suburban metropolitan area is not included in the metropolitan grant proposal, the statewide grant proposal must incorporate at least one suburban metropolitan area. In awarding grants, the youth works task force may select at least one residential proposal and one nonresidential proposal, provided the proposals meet or exceed the criteria in section 121.706.

Sec. 8. [121.706] GRANT APPLICATIONS.

Subdivision 1. APPLICATIONS REQUIRED. An organization seeking federal or state grant money under sections 121.704 to 121.709 shall prepare and submit to the youth works task force an application that meets the requirements of this section. The youth works task force shall develop, and the applying organizations shall comply with, the form and manner of the application.

Subd. 2. APPLICATION CONTENT. An applicant on its application shall:

(1) propose a program to provide participants the opportunity to perform community service to meet specific unmet community needs, and participate in classroom, work-based, and service learning;

(2) assess the community's unmet educational, human, environmental, and public safety needs, the resources and programs available for meeting those needs, and how young people participated in assessing community needs;

(3) describe the classroom component of the program, including classroom hours per week, classroom time for participants to reflect on the program experience, and anticipated academic outcomes related to the service experience;

(4) describe the work to be performed, the ratio of youth participants to crew leaders and mentors, and the expectations and qualifications for crew leaders and mentors;

New language is indicated by underline, deletions by ~~strikeout~~.

(5) describe local funds or resources available to meet the match requirements of section 121.709;

(6) describe any funds available for the program from sources other than the requested grant;

(7) describe any agreements with local businesses to provide participants with work-learning opportunities and mentors;

(8) describe any agreement with local post-secondary educational institutions to offer participants course credits for their community service learning experience;

(9) describe any agreement with a local high school or an alternative learning center to provide remedial education, credit for community service work and work-based learning, or graduate equivalency degrees;

(10) describe any pay for service or other program delivery mechanism that will provide reimbursement for benefits conferred or recover costs of services participants perform;

(11) describe how local resources will be used to provide support and assistance for participants to encourage them to continue with the program, fulfill the terms of the contract, and remain eligible for any postservice benefit;

(12) describe the arbitration mechanism for dispute resolution required under section 121.707, subdivision 2;

(13) describe involvement of community leaders in developing broad-based support for the program;

(14) describe the consultation and sign off process to be used with any local labor organization representing employees in the area engaged in work similar to that proposed for the program to ensure that no current employees or available employment positions will be displaced by program participants;

(15) certify to the youth works task force and to any certified bargaining representatives representing employees of the applying organization that the project will not decrease employment opportunities that would be available without the project; will not displace current employees including any partial displacement in the form of reduced hours of work other than overtime, wages, employment benefits, or regular seasonal work; will not impair existing labor agreements; and will not result in the substitution of project funding for preexisting funds or sources of funds for ongoing work;

(16) describe the length of the required service period, which may not be less than six months or more than two years, a method to incorporate a participant's readiness to advance or need for postservice financial assistance into individual service requirements, and any opportunity for participating part time or in another program;

New language is indicated by underline, deletions by ~~strikeout~~.

(17) describe a program evaluation plan that contains cost effectiveness measures, measures of participant success including educational accomplishments, job placements, community contributions, and ongoing volunteer activities, outcome measures based on a preprogram and postprogram survey of community rates of arrest, incarceration, teenage pregnancy, and other indicators of youth in trouble, and a list of local resources dedicated to reducing these rates;

(18) describe a three-year financial plan for maintaining the program;

(19) describe the role of local youth in developing all aspects of the grant proposal; and

(20) describe the process by which the local private industry council participated in, and reviewed the grant application.

Sec. 9. [121.707] PROGRAM PROVISIONS.

Subdivision 1. PARTICIPANT ELIGIBILITY. (a) An individual is eligible to participate in full-time youth community service if the individual:

(1) is 17 to 24 years old;

(2) is a citizen of the United States or lawfully admitted for permanent residency;

(3) is a permanent Minnesota resident as that term is used in section 256.936, subdivision 4c, paragraph (d), clause (2);

(4) is applying for service and has received a high school diploma or its equivalent, or agrees to attain a high school diploma or its equivalent while participating in the program; and

(5) agrees to act as an alumni volunteer or an alumni mentor upon successfully completing the program and postprogram education.

(b) An individual is eligible to participate in part-time youth community service if the individual is 15 to 24 years old and meets the requirements under paragraph (a), clauses (2) to (5).

Subd. 2. TERMS OF SERVICE. (a) A participant shall agree to perform community service for the period required unless the participant is unable to complete the terms of service for the reason provided in paragraph (b).

An agreement to perform community service must be in the form of a written contract between the participant and the grantee organization. Terms of the contract must include a length of service between six months and two years, the participant's education goals and commitment, the anticipated date of completion, dismissal for cause, including failure to fully participate in the education component, and the exclusive right to challenge a dismissal for cause through

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binding arbitration. The arbitrator must be chosen jointly by the grantee organization and the participant from the community or, if agreement cannot be reached, an arbitrator must be determined from a list of arbitrators provided by the American Arbitration Association. The sole remedy available to the participant through arbitration is reinstatement to the program and eligibility for postservice benefits. The parent or guardian of a minor shall consent in writing to the contract between the participant and the grantee organization.

(b) If the grantee organization releases a participant from completing a term of service in a program receiving assistance under sections 121.704 to 121.709 for compelling personal circumstances as demonstrated by the participant, or if the program in which the participant serves does not receive continued funding for any reason, the grantee organization may provide the participant with that portion of the financial assistance described in subdivision 3 that corresponds to the quantity of the service obligation completed by the individual.

If the grantee organization terminates a participant for cause or a participant resigns without demonstrating compelling personal circumstances under this section, no postservice benefit under subdivision 3 may be paid.

(c) A participant performing part-time service under sections 121.701 to 121.710 shall serve at least two weekends each month and two weeks during the year, or at least an average of nine hours per week each year. A participant performing full-time service under sections 121.701 to 121.710 shall serve for not less than 40 hours per week.

(d) Notwithstanding any other law to the contrary, for purposes of tort liability under sections 3.732 and 3.736, while participating in a program a participant is an employee of the state.

(e) Participants performing community service in a program are not public employees for purposes of chapter 43A, 179A, 197, 353, or any other law governing hiring or discharging of public employees.

Subd. 3. POSTSERVICE BENEFIT. (a) Each participant shall receive a nontransferable postservice benefit upon successfully completing the program. The benefit must be \$2,000 per year of part-time service or \$5,000 per year of full-time service.

(b) In the event that a program does not receive a federal grant that provides a postservice benefit, the participants in the program shall receive a postservice benefit equal in value to one-half the amount provided under paragraph (a).

(c) Nothing in this subdivision prevents a grantee organization from using funds from nonfederal or nonstate sources to increase the value of postservice benefits above the value described in paragraph (a).

(d) The state shall provide an additional postservice benefit to any participant who successfully completes the program. The benefit must be a credit of five points to be added to the competitive open rating of a participant who obtains a passing grade on a civil service examination under chapter 43A. The benefit is available for five years after completing the community service.

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Subd. 4. USES OF POSTSERVICE BENEFITS. (a) A postservice benefit for a participant provided under subdivision 3, paragraph (a), (b), or (c), must be available for five years after completing the program and may only be used for:

(1) paying a student loan;

(2) costs of attending an institution of higher education; or

(3) expenses incurred in an apprenticeship program approved by the department of labor and industry.

Financial assistance provided under this subdivision must be in the form of vendor payments whenever possible. Any postservice benefits provided by federal funds or vouchers may be used as a downpayment on, or closing costs for, purchasing a first home.

(b) Postservice benefits are to be used to develop skills required in occupations where numbers of jobs are likely to increase. The youth works task force, in consultation with the education and employment transitions council, shall determine how the benefits may be used in order to best prepare participants with skills that build on their service learning and equip them for meaningful employment.

Subd. 5. LIVING ALLOWANCE. (a) A participant in a full-time community service program shall receive a monthly stipend of \$500. An eligible organization may provide participants with additional amounts from nonfederal or nonstate sources.

(b) Nothing in this subdivision requires an existing program to decrease any stipend, salary, or living allowance provided to a participant under the program.

(c) In addition to the living allowance provided under paragraph (a), a grantee organization shall provide health and dental coverage to each participant in a full-time youth works program who does not otherwise have access to health or dental coverage. The state shall include the cost of group health and dental coverage in the grant to the eligible organization.

Subd. 6. PROGRAM TRAINING. (a) The youth works task force shall, within available resources, ensure an opportunity for each participant to have three weeks of training in a residential setting. If offered, each training session must:

(1) orient each participant in the nature, philosophy, and purpose of the program;

(2) build an ethic of community service through general community service training; and

(3) provide additional training as it determines necessary.

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(b) Each grantee organization shall also train participants in skills relevant to the community service opportunity.

Subd. 7. TRAINING AND EDUCATION REQUIREMENTS. Each grantee organization shall assess the educational level of each entering participant. Each grantee shall work to enhance the educational skills of each participant. The youth works task force may coordinate or contract with educational institutions or other providers for educational services and evaluation. All grantees shall give priority to educating and training participants who do not have a high school diploma or its equivalent, or who cannot afford post-secondary training and education.

Sec. 10. [121.708] PRIORITY.

The youth works task force shall give priority to an eligible organization proposing a program that meets the goals of sections 121.704 to 121.707, and that:

(1) involves youth in a meaningful way in all stages of the program, including assessing community needs, preparing the application, and assuming post-service leadership and mentoring responsibilities;

(2) serves a community with significant unmet needs;

(3) provides an approach that is most likely to reduce arrest rates, incarceration rates, teenage pregnancy, and other indicators of troubled youth;

(4) builds linkages with existing, successful programs; and

(5) can be operational quickly.

Sec. 11. [121.709] MATCH REQUIREMENTS.

A grant awarded through the youth works program must be matched at \$2 of grant funds for at least \$1 of applicant funds. Grant funds must be used for the living allowance, cost of workers compensation coverage, and health and dental benefits for each program participant. Applicant funds, from sources and in a form determined by the youth works task force, must be used to pay for crew leaders, administration, supplies, materials, and transportation. Administrative expenses must not exceed seven percent of total program costs. To the extent that administrative costs are less than seven percent, an amount equal to the difference between the percent expended and seven percent shall be applied to the local match requirement in this section.

Sec. 12. [121.710] EVALUATION AND REPORTING REQUIREMENTS.

Subdivision 1. GRANTEE ORGANIZATIONS. Each grantee organization shall report to the youth works task force at the time and on the matters requested by the youth works task force.

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Subd. 2. INTERIM REPORT. The youth works task force shall report semiannually to the legislature with interim recommendations to change the program.

Subd. 3. FINAL REPORT. The youth works task force shall present a final report to the legislature by January 1, 1998, summarizing grantee evaluations, reporting on individual participants and participating grantee organizations, and recommending any changes to improve or expand the program.

Sec. 13. Minnesota Statutes 1992, section 121.88, subdivision 9, is amended to read:

Subd. 9. **YOUTH SERVICE PROGRAMS.** A school board may offer, as part of a community education program with a youth development program, a youth service program ~~for pupils to promote~~ that provides young people with meaningful opportunities to become involved in their community, develop individual capabilities, make career connections, seek support networks and services, become active citizenship citizens, and ~~to~~ address community needs through youth service. The school board may award up to one credit, or the equivalent, toward graduation for a pupil who completes the youth service requirements of the district. The community education advisory council, after considering the results of the commissioner's study under section 121.885, subdivision 1, shall design the program in cooperation with the district planning, evaluating and reporting committee and local organizations that train volunteers or need volunteers' services. Programs must include:

(1) preliminary training for pupil volunteers conducted, when possible, by organizations experienced in such training;

(2) supervision of the pupil volunteers to ensure appropriate placement and adequate learning opportunity;

(3) sufficient opportunity, in a positive setting for human development, for pupil volunteers to develop general skills in preparation for employment, to enhance self-esteem and self-worth, and to give genuine service to their community;

(4) integration of academic learning with the service experience; and

(5) integration of youth community service with elementary and secondary curriculum.

Youth service projects include, but are not limited to, the following:

(1) human services for the elderly, including home care and related services;

(2) tutoring and mentoring;

(3) training for and providing emergency services;

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(4) services at extended day programs; ~~and~~

(5) environmental services; and

(6) service learning programs in which schools, including post-secondary schools, and employers work together with young people to provide them with meaningful opportunities for community service and with the academic and technical skills that employers require.

The commissioner shall maintain a list of acceptable projects with a description of each project. A project that is not on the list must be approved by the commissioner.

A youth service project must have a community sponsor that may be a governmental unit or nonprofit organization. To assure that pupils provide additional services, each sponsor must assure that pupil services do not displace employees or reduce the workload of any employee.

The commissioner must assist districts in planning youth service programs, implementing programs, and developing recommendations for obtaining community sponsors.

Sec. 14. [121.885] SERVICE LEARNING AND WORK-BASED LEARNING CURRICULUM AND PROGRAMS.

Subdivision 1. SERVICE LEARNING AND WORK-BASED LEARNING PROGRAMS STUDY. The youth works task force, established in section 121.703, shall assist the commissioner of education in studying how to combine community service activities and service learning with work-based learning programs.

Subd. 2. SERVICE LEARNING PROGRAMS DEVELOPED. The commissioner, in consultation with the task force, shall develop a service learning program curriculum that includes a policy framework and strategies for youth community service and an infrastructure for mentoring youth. The commissioner shall include in the curriculum at least the following:

(1) youth community service strategies that enable young people to make significant contributions to the welfare of their community through such organizations as schools, colleges, government agencies, and community-based organizations or through individual efforts;

(2) mentoring strategies that enable young people to be matched with caring, responsible individuals who can encourage and guide the young people in their personal growth and development;

(3) guidelines, criteria, and procedures for community service programs that incorporate the results of the study in subdivision 1; and

(4) criteria for community service activities and service learning.

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Subd. 3. STRUCTURING PROGRAMS ACCORDING TO GRADE OR EDUCATION LEVEL. The service learning curriculum must accommodate students' grade level or the last completed grade level of the participants not currently enrolled in school. Schools must provide at least the following:

(1) for students in grades 7 to 9, an opportunity to learn about service learning activities and possible occupations;

(2) for students in grade 10, an opportunity to apply for service learning under section 121.88, subdivision 9, and youth apprenticeship programs; and

(3) for students in grades 11 and 12 and young people not currently enrolled in school, an opportunity to become involved in community service activities, participate in youth apprenticeship programs, and, depending upon the individual's demonstrated abilities, complete high school or pursue post-secondary coursework.

Subd. 4. PROGRAMS FOLLOWING YOUTH COMMUNITY SERVICE. (a) The youth works task force established in section 121.703, in cooperation with the commissioner and the higher education coordinating board, shall provide for those participants who successfully complete youth community service under sections 121.703 to 121.709, the following:

(1) for those who have a high school diploma or its equivalent, an opportunity to participate in a youth apprenticeship program at a community or technical college; and

(2) for those who are post-secondary students, an opportunity to participate in an educational program that supplements post-secondary courses leading to a degree or a statewide credential of academic and occupational proficiency.

(b) Participants who successfully complete a youth community service program under sections 121.704 to 121.710 are eligible to receive an education voucher as provided under section 121.707, subdivision 4. The voucher recipient may apply the voucher toward the cost of the recipient's tuition and other education-related expenses at a public post-secondary school under paragraph (a).

(c) The youth works task force, in cooperation with the state board of technical colleges, shall establish a mechanism to transfer credit earned in a youth apprenticeship program between the technical colleges and other post-secondary institutions offering applied associate degrees.

Sec. 15. Minnesota Statutes 1992, section 124.2713, subdivision 5, is amended to read:

Subd. 5. YOUTH SERVICE REVENUE. Youth service program revenue is available to a district that has implemented a youth development plan and a youth service program. Youth service revenue equals ~~75 cents for fiscal year 1992~~ and 85 cents for fiscal year ~~years~~ 1993 and 1994 and \$1 for fiscal year 1995 and thereafter, times the greater of 1,335 or the population of the district.

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Sec. 16. Minnesota Statutes 1992, section 124C.46, subdivision 1, is amended to read:

Subdivision 1. **PROGRAM FOCUS.** The programs and services of a center must focus on academic and learning skills, trade and vocational skills, work-based learning opportunities, work experience, youth service to the community, and transition services.

Sec. 17. **HECB TO HELP COORDINATE YOUTH COMMUNITY SERVICE.**

Subdivision 1. **HECB DUTIES.** (a) The higher education coordinating board shall coordinate the application process for higher education grants under federal law. The board shall submit to the youth works task force under section 121.703 a proposal described in subdivision 2 for a consortium of higher education institutions to be included in the state's comprehensive service plan under section 121.703, subdivision 3.

(b) The board shall also coordinate the activities of individual Minnesota higher education institutions applying directly for federal community service grants.

Subd. 2. **COMMUNITY SERVICE PROPOSAL.** The proposal submitted by the higher education coordinating board shall develop programs that allow:

(1) higher education institutions to modify existing and create new courses, curricula, and extracurricular activities that effectively use service learning and work-based learning methods;

(2) one or more higher education institutions to conduct research to evaluate the benefits of service learning programs and to make recommendations to improve service learning programs;

(3) higher education institutions to train K-12 teachers in the skills necessary to develop, supervise, and organize community service activities, consistent with the principles of service learning; and

(4) higher education institutions to create or expand community service or work-based learning activities for students attending the institutions.

Sec. 18. **FEDERAL APPLICATION.**

The youth works task force shall prepare timely and complete applications for federal grants. At a minimum, the task force application must describe:

(1) a program designed to meet the unique needs of the state that will provide community service opportunities to youths ages 17 to 24;

(2) the amount of funds requested for the youth works program plan; and

(3) how the task force ranks applications and awards grants to Minnesota applicants under sections 121.704 to 121.709.

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Sec. 19. **SEVERANCE.**

Any provision in this act that makes the state ineligible to receive a grant under Public Law Number 101-610 or other federal laws funding youth works programs is severed and has no effect.

Sec. 20. **REPEALER.**

Sections 6 to 12 are repealed June 30, 1998.

Presented to the governor May 10, 1993

Signed by the governor May 13, 1993, 5:08 p.m.

CHAPTER 147—H.F.No. 185

An act relating to utilities; prohibiting state permits for construction of certain hydro-power facilities on the bluffs of the Mississippi river; proposing coding for new law in Minnesota Statutes, chapter 216B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[216B.245] PUMP AND STORE HYDROPOWER FACILITIES; PROHIBITION.**

A state agency may not issue a permit for the construction of a facility for generating electricity if the facility would be located on top of the bluffs along the Mississippi river and would pump water from any portion of the river, store the water on top of the bluffs, and release the water at a later time to generate the electricity.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 11, 1993

Signed by the governor May 13, 1993, 2:56 p.m.

CHAPTER 148—H.F.No. 951

An act relating to the city of Duluth; authorizing the transfer of money from the gas division account in the public utility fund to the general fund; amending Laws 1951, chapter 507, section 1, as amended.

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