

(3) intentional failure to pay the health care provider tax required under section 295.52; and

(4) entering into a contract or arrangement that is prohibited under sections 62J.70 to 62J.73.

Sec. 19. CONSOLIDATION AND COORDINATION OF CONSUMER ASSISTANCE AND ADVOCACY OFFICES.

The commissioners of health and commerce, in consultation with the commissioners of human services and employee relations, shall study the feasibility and desirability of consolidating and improving coordination of some or all existing state consumer assistance, ombudsperson, and advocacy activities. The commissioners shall submit a report with recommendations, and draft legislation to the legislature by January 15, 1998.

Sec. 20. COMPLAINT PROCESS STUDY.

The commissioners of health and commerce, in consultation with the consumer advisory board and other affected parties, shall make recommendations to the legislature by January 15, 1998, on developing a complaint resolution process for health plan companies to make available for enrollees.

Sec. 21. CONSIDERATION.

The consumer advisory board shall consider the use of physicians by utilization review organizations, including whether only Minnesota licensed physicians should be used for utilization review, whether appropriate types of medical practitioners are being used for utilization review, and whether Minnesota's utilization review statutes afford adequate consumer protection. The consumer advisory board may report findings to the legislature prior to the 1998 legislative session.

Sec. 22. REPEALER; ANTITRUST EXEMPTION PROCESS.

Minnesota Statutes 1996, sections 62J.2911, 62J.2912, 62J.2913, 62J.2914, 62J.2915, 62J.2916, 62J.2917, 62J.2918, 62J.2919, 62J.2920, and 62J.2921 are repealed.

Sec. 23. EFFECTIVE DATE.

Sections 3, 17, and 18 are effective January 1, 1998, and apply to contracts entered into or renewed on or after the effective date. Sections 1, 7 to 10, 16, 20, and 22 are effective the day following final enactment. Sections 4, 11, 12, and 13 are effective January 1, 1998, and apply to contracts or coverage issued or renewed on or after the effective date.

Presented to the governor May 29, 1997

Signed by the governor June 2, 1997, 2:22 p.m.

CHAPTER 238—H.F.No. 268

An act relating to corrections; amending the appropriation to build a close-custody correctional facility of at least 800 beds; providing that the new facility shall be at custody level four; deleting certain construction bid requirements; authorizing construction of an access road; forbidding

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inmates from being housed at the facility until its opening is specifically authorized by law; requiring trunk highway improvements; designating county state-aid highway; prohibiting certain designations; changing occupancy requirements applicable to state prisons; amending Minnesota Statutes 1996, sections 162.02, by adding a subdivision; and 243.53, subdivision 1; Laws 1996, chapter 463, section 16, subdivision 3; repealing Minnesota Statutes 1996, section 243.53, subdivision 2.

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

Section 1. Minnesota Statutes 1996, section 162.02, is amended by adding a subdivision to read:

Subd. 7a. **PROHIBITION AGAINST CERTAIN DESIGNATIONS.** Notwithstanding section 3, a county must follow the procedures established in chapter 162 for the establishment and designation of a county state-aid highway.

Sec. 2. Minnesota Statutes 1996, section 243.53, subdivision 1, is amended to read:

Subdivision 1. **SEPARATE CELLS.** (a) When there are sufficient cells sufficient available, each convict inmate shall be confined in a separate cell. Each inmate shall be confined in a separate cell in close, maximum, and high security facilities, including St. Cloud, Stillwater, and Oak Park Heights, but not including geriatric or honor dormitory-type facilities, institutions classified by the commissioner as custody level five and six institutions. This requirement does not apply to the following:

(1) geriatric dormitory-type facilities;

(2) honor dormitory-type facilities; and

(3) any other multiple occupancy facility at a custody level five or six institution that confines inmates who could be confined in an institution at custody level four or lower.

(b) Correctional institutions classified by the commissioner as custody level one, two, three, or four institutions must permit multiple occupancy, except segregation units, to the greatest extent possible. The commissioner shall annually publish a list of the custody levels of all correctional institutions.

Sec. 3. Laws 1996, chapter 463, section 16, subdivision 3, is amended to read:

Subd. 3. New Facility

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To complete design and to construct, furnish, and equip a new close-custody correctional facility at custody level four to provide at least 800 beds.

The commissioner of administration shall develop a design alternative to bid and construct one of the six residential pods at the new facility to accommodate two inmates per cell. This would result in a total of 680 single occupancy close-custody cells, and 136 medium-custody double occupancy cells.

The commissioner of administration may use construction delivery methods as may be

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appropriate to minimize the cost of the facility and maximize the construction time savings.

Before final contract documents for this project are advertised for construction bids, the commissioners of administration and corrections shall certify to the chairs of the senate finance committee, the senate crime prevention finance division, the house ways and means committee, the house judiciary finance committee, and the house capital investment committee that the program scope of the project has not increased since the project budget was reviewed in accordance with Minnesota Statutes, section 16B.335.

Upon receipt and evaluation of construction bids and before awarding contracts for the construction phase of the project, the commissioner of administration shall provide the bids and evaluation to the chairs of the senate finance committee and the house ways and means committee and the chairs of the policy committees and finance divisions having jurisdiction over criminal justice policy. Within 14 days after receiving them, the chairs shall advise the commissioner on which design should be constructed.

If the chairs advise the 952-bed option, but the legislature does not appropriate by April 15, 1997, any additional money that may be needed to complete the project with that option, the commissioner shall award the bids for the 800-bed single-cell close-custody facility in order to avoid delays that would further escalate the cost of the project.

Upon receipt and evaluation of construction bids and before awarding contracts for the construction phase of the project, the commissioners of administration and finance shall inform the ~~same committee~~ chairs of the house ways and means committee and the senate human resources finance committee and the chairs of the house and senate policy and finance committees and divisions having jurisdiction over criminal justice issues of the project budget necessary to com-

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plete that portion of the project. Any portion of this appropriation that exceeds the project budget shall be unallotted by the commissioner of finance.

By February 1 of each year, the commissioner shall report to the chairs of the house judiciary committee and senate crime prevention committee on efforts to recruit a workforce for the correctional facility that is proportional to the protected groups in the inmate population, the results of the efforts, and recommendations for achieving the goal of proportional representation of protected class employees in relation to the inmate population.

The commissioner of corrections shall construct an access road from state trunk highway 361 to the parking lot of the correctional facility. The commissioner of transportation shall construct any necessary improvements at the intersection of trunk highway 361 and the access road in order to facilitate ingress to and egress from the correctional facility.

Sec. 4. OPERATION OF NEW CORRECTIONAL FACILITY.

The custody level four correctional facility authorized in Laws 1996, chapter 463, section 16, subdivision 3, as amended by section 3, may not begin to house inmates until its opening is specifically authorized by law.

Sec. 5. COUNTY STATE-AID HIGHWAY.

A county state-aid highway is established in Chisago county beginning at the intersection of trunk highway 361 with the access road to be constructed pursuant to section 3, and continuing in an easterly direction to the parking lot of the Rush City correctional facility.

Sec. 6. REPEALER.

Minnesota Statutes 1996, section 243.53, subdivision 2, is repealed.

Sec. 7. EFFECTIVE DATE AND LOCAL APPROVAL.

Sections 2, 3, 4, and 6 are effective the day following final enactment. Section 5 is effective the day after the commissioner of corrections completes construction of the access road or the governing body of the county of Chisago complies with Minnesota Statutes, section 645.021, subdivision 3, whichever occurs later.

Presented to the governor May 29, 1997

Signed by the governor June 2, 1997, 2:14 p.m.

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