

Public Safety

CHAPTER 299A

DEPARTMENT OF PUBLIC SAFETY

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**299A.01 DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.**

Subdivision 1. **Creation; commissioner and deputy commissioner.** The department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor under the provisions of section 15.06. The commissioner may appoint a deputy commissioner.

Subd. 1a. **Mission; efficiency.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

- (1) prevent the waste or unnecessary spending of public money;
- (2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;
- (3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;
- (4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;
- (5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;
- (6) include specific objectives in the performance report required under section 15.91 to increase the efficiency of agency operations, when appropriate; and
- (7) recommend to the legislature, in the performance report of the department required under section 15.91, appropriate changes in law necessary to carry out the mission of the department.

Subd. 2. **Duties of commissioner.** The duties of the commissioner shall include the following:

- (a) the coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) the development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) the establishment of a planning bureau within the department.

**Subd. 3. Delegation; classified employees.** (a) No delegation or assignment of a power or duty by the commissioner to an employee of the department shall be made in respect to, or in a manner resulting in a reenactment of, the powers, duties or responsibilities contained in section 299C.03, and acts amendatory thereof, except to the division of the bureau of criminal apprehension.

(b) Employees of the department of public safety are in the classified civil service except where otherwise specifically provided for by law.

**Subd. 4.** [Repealed, 1976 c 5 s 12]

**Subd. 5. Review by commissioner of administration.** The commissioner of administration shall review on a regular basis the duties and responsibilities of the various state departments, agencies and boards which have an operational effect upon the safety of the public, and recommend to the governor and the legislature such organizational and statutory policies as will best serve the purposes of Laws 1969, Chapter 1129.

**Subd. 6. Rules; film rental fees.** (a) The commissioner of public safety shall have the power to promulgate such rules pursuant to chapter 14, as are necessary to carry out the purposes of Laws 1969, chapter 1129.

(b) In addition, the commissioner may prescribe by rule fees for the rental of films from the department.

**History:** 1969 c 1129 art 1 s 1; 1976 c 5 s 1; 1977 c 305 s 35,36; 1981 c 356 s 248; 1982 c 424 s 130; 1983 c 289 s 115 subd 1; 1985 c 248 s 70; 1Sp1985 c 10 s 87; 1987 c 312 art 1 s 26 subd 2; 1993 c 163 art 1 s 29; 1995 c 248 art 11 s 21

## LIQUOR CONTROL

### 299A.02 COMMISSIONERS OF PUBLIC SAFETY AND REVENUE; LIQUOR CONTROL FUNCTIONS.

**Subdivision 1. Director of division of liquor control.** No employee of the department of public safety or the department of revenue having any responsibility for the administration or enforcement of Laws 1985, chapter 305, articles 2 to 11 shall have a direct or indirect interest, except through ownership or investment in pension or mutual funds, in the manufacture, transportation or sale of intoxicating liquor or any malt or vinous beverages, intoxicating, nonintoxicating, or commercial or industrial alcohol. The commissioner of public safety or the commissioner of revenue may remove an employee in the unclassified civil service for any intentional violation of any provision in Laws 1985, chapter 305, articles 2 to 11. Intentional violation of the preceding sections by a classified employee of one of the departments may be grounds for removal of that employee pursuant to section 43A.33.

**Subd. 2. General powers.** The commissioner shall administer and enforce the provisions of Laws 1985, chapter 305, articles 2 to 11 except for those provisions thereof for which administration and enforcement are reserved to the commissioner of revenue.

**Subd. 3. Reports; rules.** The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of Laws 1985, chapter 305, articles 2 to 11. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of 2-1/2 percent by weight of sugar or dextrose or both.

**Subd. 4. Subpoenas.** In all matters relating to official duties, the commissioner shall have the powers possessed by courts of law to issue subpoenas and cause them to be served

and enforced. All public officials, and their respective deputies and employees, and all individuals, partnerships, firms, corporations, incorporated and unincorporated associations, and others who manufacture, transport, or sell intoxicating liquor, or are connected therewith in any manner, shall at all times attend and answer under oath the commissioner's lawful inquiries, produce and exhibit such books, accounts, documents and property as the commissioner may desire to inspect, and in all things aid the commissioner in the performance of the commissioner's duties.

**History:** 1976 c 5 s 2; 1977 c 407 s 1; 1981 c 210 s 54; 1985 c 305 art 12 s 2; 1986 c 444; 1987 c 381 s 1; 1987 c 383 s 15

**299A.03** [Repealed, 1981 c 356 s 247]

**299A.04** [Renumbered 116J.405]

## WHEELCHAIR SECUREMENT

### **299A.11 VEHICLES TRANSPORTING WHEELCHAIR USERS; DEFINITIONS.**

The following terms have the definitions given them for the purposes of sections 299A.11 to 299A.18:

(a) "Wheelchair securement device" or "securement device" means an apparatus installed in a transit vehicle or other motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion.

(b) "Operator" means any person, firm, partnership, corporation, service club, public or private agency, city, town or county. Section 299A.15 does not apply to any school bus as defined in section 169.01, subdivision 6.

(c) "Transportation service" means the transportation by motor vehicle, other than a school bus manufactured before January 1, 1988, of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

(d) "Transit vehicle" means a bus that is not a school bus as defined in section 169.01, subdivision 6, with a gross vehicle weight rating greater than 15,000 pounds.

**History:** 1978 c 752 s 1; 1987 c 383 s 16; 1991 c 163 s 1

### **299A.12 WHEELCHAIR SECUREMENT DEVICES.**

Subdivision 1. **General requirements.** Except as provided in subdivision 4, any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2. A wheelchair securement device shall prevent any forward, backward, or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order.

Subd. 2. **Strength requirements.** The strength requirements for securing the part of a wheelchair that is forward in the vehicle shall be one-half of those required for the rear. Where the wheelchair securement device and the seat belt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety.

Subd. 3. **Maximum number of persons transported.** A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion.

Subd. 4. **Transit vehicles; rules.** A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

**History:** 1978 c 752 s 2; 1989 c 204 s 5; 1991 c 163 s 2,3

### 299A.13 ADDITIONAL SAFETY REQUIREMENTS.

Subdivision 1. **Seat belts.** Any vehicle used to provide transportation service shall be equipped with seat belts which are approved by the commissioner of public safety. The seat belts required by this subdivision shall be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. These seat belts shall be used only to secure the person and shall not be used to secure the wheelchair unless the wheelchair securement force is not cumulative to the seat belt. The seat belts shall meet all other applicable state and federal requirements for safety.

Subd. 2. **Electric wheelchairs.** When transportation service is provided to an individual in an electrically powered wheelchair, the main power switch of the wheelchair shall be placed in the "off" position at all times while the vehicle is in motion.

**History:** 1978 c 752 s 3; 1989 c 204 s 6

### 299A.14 INSPECTION.

Subdivision 1. **Inspection certificate required.** No person shall drive and no operator shall knowingly permit or cause a vehicle to be used for transportation service unless there is displayed thereon a certificate issued upon inspection by the commissioner of public safety as provided in this section.

Subd. 2. **Wheelchair securement device.** Inspection shall be made by personnel in the department of public safety assigned to the state patrol. An operator of transportation services shall submit a vehicle for inspection after the installation of a wheelchair securement device in the vehicle and before using the vehicle for transportation service, but not later than one month after the date of installation. Evidence of the date of installation shall be provided by the operator at the inspection.

Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, subdivisions 1 and 4, and 299A.13, subdivision 1; that the securement device is in working order; and that the securement device is not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Subd. 4. **Certificate display and contents.** A certificate furnished by the commissioner shall be issued upon completion of inspection if the vehicle complies with the requirements set forth in subdivision 3. The certificate shall be affixed to the lower left corner of the windshield. It shall note compliance with this section, record the number of wheelchairs which may be simultaneously carried in the vehicle, and note the month and year in which the next inspection is required.

Subd. 5. **When inspections required.** Subsequent inspections shall be made annually. If additional securement devices are installed in a vehicle already equipped with a securement device, inspection is required as specified in subdivision 2.

**History:** 1978 c 752 s 4; 1981 c 37 s 2; 1991 c 163 s 4

### 299A.15 AID AND LICENSES WITHHELD.

No agency of the state, political subdivision or other public agency shall grant or approve any financial assistance to any operator for the purchase or operation of any vehicle used for transportation service or grant any permit or license otherwise required by law for operation of that service unless the operator of the transportation service complies with the provisions of sections 299A.11 to 299A.14.

**History:** 1978 c 752 s 5

**299A.16 EVIDENCE.**

Proof of the installation or failure to install wheelchair securement devices, or proof of faulty installation of wheelchair securement devices, or proof of the maintenance or failure to properly maintain wheelchair securement devices, or proof of the use or failure to use wheelchair securement devices is admissible in evidence in any litigation involving personal injuries or property damage arising out of the use or operation of a vehicle providing transportation service. For the purposes of this section "wheelchair securement device" means such a device approved by the commissioner of public safety.

**History:** 1978 c 752 s 6

**299A.17 PENALTY.**

For each failure to comply with any requirement of sections 299A.12, 299A.13 or 299A.14 an operator is guilty of a misdemeanor.

**History:** 1978 c 752 s 7

**299A.18 RULES; APPROVAL OF DEVICES.**

The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and 299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.

**History:** 1978 c 752 s 8

**299A.20** [Renumbered 257.80]

**299A.21** [Renumbered 257.801]

**299A.22** [Renumbered 257.802]

**299A.23** [Renumbered 257.803]

**299A.24** [Renumbered 257.804]

**299A.25** [Renumbered 257.805]

**299A.26** [Renumbered 257.806]

**299A.27** [Renumbered 257.807]

**MCGRUFF SAFE HOUSE PROGRAM****299A.28 MCGRUFF SAFE HOUSE PROGRAM.**

Subdivision 1. **Symbol.** The symbol of "McGruff" with the phrase "McGruff House" is the symbol to designate a house in this state where a child may seek help when threatened.

Subd. 2. **Duties of commissioner.** The commissioner of public safety shall:

(1) design or adopt a standard symbol to designate a safe house that is the "McGruff" symbol used in other states;

(2) make available written information about the safe house program and "McGruff" symbols to school districts and law enforcement agencies;

(3) publicize the safe house program in as many ways as is reasonably practical;

(4) require the appropriate local law enforcement agency to maintain a register of safe houses;

(5) either directly or through cooperation with the appropriate law enforcement agencies conduct background checks on persons who apply to have their house be a safe house.

Subd. 3. **Display of symbol.** A person displaying the "McGruff" symbol so that it is visible from the outside of their house must be approved as a safe house by the appropriate local law enforcement agency. The appropriate law enforcement agency must supply the

symbol to the person. The symbol is the property of the law enforcement agency, and a person must return the symbol to the law enforcement agency if the agency determines that the house no longer qualifies as a "McGruff" house. Violation of this subdivision is a misdemeanor.

**Subd. 4. Safe houses; requirements.** The appropriate law enforcement agency must provide "McGruff" symbols to persons who apply for symbols if they agree in writing to follow the terms of the safe house program and pass a background check by the appropriate local law enforcement agency.

**Subd. 5. Exclusive symbol.** The safe house symbol provided by this section is the exclusive symbol for safe houses in this state.

**Subd. 6. Rules.** The commissioner of public safety may adopt rules necessary to implement this section.

**History:** 1987 c 208 s 1

### DRUG POLICY AND VIOLENCE PREVENTION PROGRAMS

**299A.29** Subdivision 1. [Renumbered 119A.25 subdivision 1]

Subd. 1a. [Renumbered 119A.25 subd 2]

Subd. 2. [Repealed, 1991 c 279 s 41]

Subd. 3. [Renumbered 119A.25 subd 3]

Subd. 4. [Repealed, 1991 c 279 s 41]

Subd. 4a. [Renumbered 119A.25 subd 4]

Subd. 5. [Renumbered 119A.25 subd 5]

**299A.30** [Renumbered 119A.26]

**299A.31** [Renumbered 119A.27]

**299A.32** [Renumbered 119A.28]

**299A.325** [Repealed, 1993 c 326 art 12 s 19]

**299A.326** [Renumbered 119A.29]

#### **299A.33 DRUG ABUSE RESISTANCE EDUCATION (DARE) PROGRAM.**

**Subdivision 1. Program.** The drug abuse resistance education program assists law enforcement agencies or school districts by providing grants to enable peace officers to undergo the training described in subdivision 3. Grants may be used to cover the cost of the training as well as reimbursement for actual, reasonable travel and living expenses incurred in connection with the training. The commissioner shall administer the program, shall promote it throughout the state, and is authorized to receive money from public and private sources for use in carrying it out. For purposes of this section, "law enforcement agency" means a police department or sheriff's office.

**Subd. 2. Grants.** A law enforcement agency or a school district may apply to the commissioner for a grant under subdivision 1.

**Subd. 3. Training program.** The bureau of criminal apprehension shall develop a program to train peace officers to teach a curriculum on drug abuse resistance in schools. The training program must be approved by the commissioner.

**Subd. 4. Availability of peace officer training.** The training described in subdivision 3 is available on a voluntary basis to local law enforcement agencies and school districts.

**Subd. 5. Coordination of activities.** If the commissioner receives grant requests from more than one applicant for programs to be conducted in a single school district, the commissioner shall require the applicants to submit a plan for coordination of their training and programs.

**Subd. 6. Reports.** The commissioner may require grant recipients to account to the director at reasonable time intervals regarding the use of the grants and the training and programs provided.

**History:** 1989 c 290 art 9 s 5

**299A.331 DARE ADVISORY COUNCIL.**

Subdivision 1. **Membership.** The advisory council on drug abuse resistance education consists of:

- (1) the attorney general who shall serve as chair;
- (2) the commissioner of public safety;
- (3) the commissioner of children, families, and learning;
- (4) three representatives of law enforcement appointed by the commissioner of public safety;
- (5) three representatives of education appointed by the commissioner of children, families, and learning;
- (6) a representative of the DARE officers association appointed by the peace officer standards and training board from among recommendations of the association; and
- (7) seven citizens appointed by the attorney general.

Subd. 2. **Duties.** The council shall:

- (1) advise the bureau of criminal apprehension in establishing a drug abuse resistance education training program for peace officers;
- (2) promote the drug abuse resistance education program throughout the state;
- (3) monitor the drug abuse resistance education officer training program in conjunction with the bureau of criminal apprehension;
- (4) provide coordination and assistance to local communities who wish to implement drug abuse resistance education programs in their local school systems;
- (5) encourage parental and community involvement in drug abuse resistance education programs;
- (6) develop a private and public partnership to provide for continuation and funding for the drug abuse resistance education program; and
- (7) receive money from public and private sources for use in the drug abuse resistance education program.

**History:** 1990 c 565 s 31; 1Sp1995 c 3 art 16 s 13

**299A.34** [Renumbered 119A.30]

**299A.35** [Renumbered 119A.31]

**299A.36** [Renumbered 119A.32]

**299A.37** [Renumbered 119A.33]

**SOFT BODY ARMOR REIMBURSEMENT****299A.38 SOFT BODY ARMOR REIMBURSEMENT.**

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

- (a) "Commissioner" means the commissioner of public safety.
- (b) "Peace officer" means a person who is licensed under section 626.84, subdivision 1, paragraph (c).

(c) "Vest" means bullet-resistant soft body armor that is flexible, concealable, and custom fitted to the peace officer to provide ballistic and trauma protection.

Subd. 2. **State and local reimbursement.** Peace officers and heads of local law enforcement agencies who buy vests for the use of peace officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-half of the vest's purchase price or \$300. The political subdivision that employs the peace officer shall pay at least the lesser of one-half of the vest's purchase price or \$300. The political subdivision may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the peace officer by the law enforcement agency.

**Subd. 3. Eligibility requirements.** (a) Only vests that either meet or exceed the requirements of standard 0101.03 of the National Institute of Justice or that meet or exceed the requirements of that standard, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least six years old.

**Subd. 4. Rules.** The commissioner may adopt rules under chapter 14 to administer this section.

**Subd 5. Limitation of liability.** A state agency, political subdivision of the state, or state or local government employee that provides reimbursement for purchase of a vest under this section is not liable to a peace officer or the peace officer's heirs for negligence in the death of or injury to the peace officer because the vest was defective or deficient.

**Subd. 6. Right to benefits unaffected.** A peace officer who is reimbursed for the purchase of a vest under this section and who suffers injury or death because the officer failed to wear the vest, or because the officer wore a vest that was defective or deficient, may not lose or be denied a benefit or right, including a benefit under section 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

**History:** 1989 c 290 art 9 s 10; 1991 c 8 s 1; 1991 c 199 art 2 s 1; 1994 c 636 art 4 s 16; 1995 c 226 art 2 s 3; 1995 c 265 art 2 s 25

**299A.40** [Renumbered 119A.34]

## PUBLIC SAFETY OFFICER'S SURVIVOR BENEFITS

### 299A.41 DEFINITIONS.

Subdivision 1. **Scope.** The definitions used in this section apply to sections 299A.41 to 299A.46.

**Subd. 2. Dependent child.** A "dependent child" means a person who is unmarried and who was either living with or was receiving support contributions from the public safety officer at the time of death, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

- (1) under 18 years of age;
- (2) over 18 years of age and incapable of self-support because of physical or mental disability; or
- (3) over 18 years of age and a student as defined by United States Code, title 5, section 8101.

**Subd. 3. Killed in the line of duty.** "Killed in the line of duty" does not include deaths from natural causes. In the case of a peace officer, "killed in the line of duty" includes the death of an officer caused by accidental means while the peace officer is acting in the course and scope of duties as a peace officer.

**Subd. 4. Public safety officer.** "Public safety officer" includes:

- (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (f);
- (2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;
- (3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
  - (i) firefighting;
  - (ii) emergency motor vehicle operation;
  - (iii) investigation into the cause and origin of fires;
  - (iv) the provision of emergency medical services; or



- (v) hazardous material responder;
- (4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- (5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;
- (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;
- (7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care; and
- (8) a first responder who is certified by the commissioner of health to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance.

Subd. 5. **Spouse.** "Spouse" means a person legally married to the decedent at the time of the decedent's death.

**History:** 1990 c 591 art 5 s 1; 1991 c 199 art 1 s 66; 1992 c 523 s 1,2; 1992 c 553 s 1

#### 299A.42 PUBLIC SAFETY OFFICER'S BENEFIT ACCOUNT.

The public safety officer's benefit account is created in the state treasury. Money in the account consists of money transferred and appropriated to that account.

**History:** 1990 c 591 art 5 s 2

#### 299A.43 ELIGIBILITY DETERMINATION; CONTESTED CASE.

A challenge to a determination of eligibility by the commissioner of public safety must be heard as a contested case, except that the decision of the administrative law judge is binding on the parties to the proceeding. The order of the administrative law judge is the final decision of the commissioner. The hearing must be conducted according to sections 14.56 to 14.62 and is subject to appeal according to sections 14.63 to 14.68.

**History:** 1990 c 591 art 5 s 3

#### 299A.44 DEATH BENEFIT.

Subdivision 1. **Payment required.** (a) On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall pay \$100,000 from the public safety officer's benefit account, as follows:

- (1) if there is no dependent child, to the spouse;
- (2) if there is no spouse, to the dependent child or children in equal shares;
- (3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or
- (5) if there is no surviving spouse, dependent child, or dependent parent, then no payment may be made from the public safety officer's benefit fund.

(b) If there are both a spouse and one or more dependent children under age 18, the spouse, at the spouse's discretion, may spend a maximum of one-third of a child's share on medical or dental treatment for the child or the child's education. Expenditures under this paragraph on behalf of a child do not diminish the shares of any other children. In addition, a spouse, at the spouse's discretion, may expend money from a child's share to pay state and federal taxes on any interest accrued on the share.

Subd. 2. **Adjustment of benefit.** On October 1 of each year beginning after July 1, 1995, the commissioner of public safety shall adjust the level of the benefit payable immedi-

ately before October 1 under subdivision 1, to reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on June 1 immediately preceding such October 1.

**History:** 1990 c 591 art 5 s 4; 1995 c 133 s 1; 1995 c 226 art 2 s 4; 1995 c 265 art 2 s 26

#### **299A.45 EDUCATION BENEFIT.**

Subdivision 1. **Eligibility.** Following certification under section 299A.44 and compliance with this section and rules of the commissioner of public safety and the higher education services office, dependent children less than 23 years of age and the surviving spouse of a public safety officer killed in the line of duty on or after January 1, 1973, are eligible to receive educational benefits under this section. To qualify for an award, they must be enrolled in undergraduate degree or certificate programs after June 30, 1990, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4. Persons who have received a baccalaureate degree or have been enrolled full time or the equivalent of eight semesters or 12 quarters, whichever occurs first, are no longer eligible.

Subd. 2. **Award amount.** (a) The amount of the award is:

(1) for public institutions, the actual tuition and fees charged by the institution; or  
(2) for private institutions the lesser of (i) the actual tuition and fees charged by the institution or (ii) the highest tuition and fees charged by a public institution in Minnesota.

(b) An award under this subdivision must not affect a recipient's eligibility for a state grant under section 136A.121.

Subd. 3. **Payment.** On proof of eligibility for this program, an eligible institution, on behalf of the student, shall request payment of the award from the higher education services office. An institution must not request payment unless the student is enrolled in or has completed the term for which the payment is intended.

Subd. 4. **Renewals.** Each award must be given for one academic year and is renewable for a maximum of six semesters or nine quarters or their equivalent. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year.

**History:** 1990 c 591 art 5 s 5; 1991 c 356 art 8 s 22; 1995 c 212 art 3 s 59

#### **299A.46 RULES.**

The commissioner of public safety may adopt rules under chapter 14 to implement, coordinate, and administer sections 299A.41 to 299A.44. The higher education services office may adopt rules to implement, coordinate, and administer section 299A.45.

**History:** 1990 c 591 art 5 s 6; 1995 c 212 art 3 s 59; 1995 c 233 art 2 s 56

#### **299A.47 CLAIMS LIMITATION.**

Claims for benefits from the public safety officer's death benefit account made by or on behalf of a survivor of a public safety officer must be filed within two years after the date of death of the officer.

**History:** 1992 c 523 s 3

### **HAZARDOUS MATERIALS INCIDENT RESPONSE**

#### **299A.48 CITATION.**

Sections 299A.48 to 299A.52 and 299K.095 may be cited as the "Minnesota hazardous materials incident response act."

**History:** 1992 c 593 art 2 s 3

#### **299A.49 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 299A.48 to 299A.52 and 299K.095, the following terms have the meanings given them.

Subd. 2. **Chemical assessment team.** "Chemical assessment team" means a team trained and equipped to evaluate a hazardous materials incident and recommend the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of local resources, or other relevant factors.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subd. 4. **Hazardous materials.** "Hazardous materials" means substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. "Hazardous materials" includes any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally released. Hazardous substances so designated may include explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and flammable gases.

Subd. 5. **Local unit of government.** "Local unit of government" means a county, home rule charter or statutory city, or town.

Subd. 6. **Person.** "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

Subd. 7. **Regional hazardous materials response team.** "Regional hazardous materials response team" means a team trained and equipped to respond to and mitigate a hazardous materials release. A regional hazardous materials response team may include strategically located chemical assessment teams.

**History:** 1992 c 593 art 2 s 4

#### 299A.50 RESPONSE PLAN.

Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of natural resources, agriculture, transportation, and the pollution control agency, the state fire marshal, the emergency response commission, appropriate technical emergency response representatives, and representatives of affected parties, the commissioner shall adopt rules to implement a statewide hazardous materials incident response plan. The plan must include:

(1) the locations of up to five regional hazardous materials response teams, based on the location of hazardous materials, response time, proximity to large population centers, and other factors;

(2) the number and qualifications of members on each team;

(3) the responsibilities of regional hazardous materials response teams;

(4) equipment needed for regional hazardous materials response teams;

(5) procedures for selecting and contracting with local governments or nonpublic persons to establish regional hazardous materials response teams;

(6) procedures for dispatching teams at the request of local governments;

(7) a fee schedule for reimbursing local governments or nonpublic persons responding to an incident; and

(8) coordination with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

Subd. 2. **Contracts and agreements.** The commissioner may cooperate with and enter into contracts with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, or nonpublic persons to implement the response plan.

Subd. 3. **Long-term oversight; transition.** When a regional hazardous materials response team has completed its response to an incident, the commissioner shall notify the commissioner of the pollution control agency, which is responsible for assessing environmental damage caused by the incident and providing oversight of monitoring and remediation of that damage from the time the response team has completed its activities.

**History:** 1992 c 593 art 2 s 5; 1993 c 341 art 2 s 6

**299A.51 LIABILITY AND WORKERS' COMPENSATION.**

Subdivision 1. **Liability.** During operations authorized under section 299A.50, members of a regional hazardous materials response team operating outside their geographic jurisdiction are "employees of the state" as defined in section 3.736.

Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50, members of a regional hazardous materials response team operating outside their geographic jurisdiction are considered employees of the department of public safety for purposes of chapter 176.

Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the scene of a hazardous materials response incident outside the person's geographic jurisdiction or property, at the request of the state or a local unit of government, is not liable for any civil damages resulting from acts or omissions in providing the assistance, unless the person acts in a willful and wanton or reckless manner in providing the assistance.

**History:** 1992 c 593 art 2 s 6; 1995 c 226 art 4 s 5

**299A.52 RESPONSIBLE PERSON.**

Subdivision 1. **Response liability.** A responsible person, as described in section 115B.03, is liable for the reasonable and necessary costs, including legal and administrative costs, of response to a hazardous materials incident incurred by a regional hazardous materials response team or local unit of government. For the purposes of this section, "hazardous substance" as used in section 115B.03 means "hazardous material" as defined in section 299A.49.

Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for the regional hazardous materials response team costs of response. The commissioner may bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional court costs.

Subd. 3. **Attempted avoidance of liability.** For purposes of sections 299A.48 to 299A.52 and 299K.095, a responsible person may not avoid liability by conveying any right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar agreement.

**History:** 1992 c 593 art 2 s 7

**299A.60** [Repealed, 1996 c 408 art 2 s 16]

**ANTICRIME PROGRAMS****299A.61 CRIMINAL ALERT NETWORK.**

Subdivision 1. **Establishment.** The commissioner of public safety, in cooperation with the commissioner of administration, shall develop and maintain an integrated criminal alert network to facilitate the communication of crime prevention information by electronic means among state agencies, law enforcement officials, and the private sector. The network shall disseminate data regarding the commission of crimes, including information on missing and endangered children, and attempt to reduce theft and other crime by the use of electronic transmission of information.

Subd. 2. **Data on members.** Data that identify individuals or businesses as members of the criminal alert network, including names, addresses, telephone and fax numbers, are private data on individuals or nonpublic data, as defined in section 13.02, subdivision 9 or 12.

**History:** 1995 c 226 art 4 s 6; 1995 c 244 s 6; 1996 c 440 art 1 s 48

**299A.62 COMMUNITY-ORIENTED POLICING (COPS) GRANT PROGRAM.**

Subdivision 1. **Program established.** A community-oriented policing grant program is established under the administration of the commissioner of public safety. Grants may be awarded as provided in subdivision 2 for the following purposes:

(1) to enable local law enforcement agencies to hire law enforcement officers. The grants must be used by law enforcement agencies to increase the complement of officers in

the agency by paying the salaries of new officers who replace an existing officer who has been reassigned primarily to investigate and prevent juvenile crime or to perform community-oriented policing duties; and

(2) to enable local law enforcement agencies to assign overtime officers to high crime areas within their jurisdictions.

**Subd. 2. Awarding grants.** Grants under this section shall be awarded by the commissioner of public safety. Before any grants are awarded, a committee consisting of the attorney general, and representatives from the Minnesota chiefs of police association, the Minnesota sheriffs association, and the Minnesota police and peace officers association, shall evaluate the grant applications. Before grants are awarded, the commissioner shall meet and consult with the committee concerning its evaluation of and recommendations on grant proposals. A grant under subdivision 1, clause (1), may be awarded only to a law enforcement agency that demonstrates in its application that it currently has a need for an additional officer to be assigned to: (i) community-oriented policing duties; or (ii) the investigation and prevention of juvenile crime, based on the juvenile crime rate in the area over which the agency has jurisdiction. More than one grant under subdivision 1, clause (1), may be awarded to an agency; however, each grant may fund only one position. At least 50 percent of the grants awarded under subdivision 1, clause (1), must be awarded to the cities of Minneapolis and St. Paul.

**Subd. 3. Amount of grants to hire officers.** A grant awarded under subdivision 1, clause (1), must reimburse up to 150 percent of the entry level salary and benefits of a law enforcement officer, not to exceed \$75,000. However, the money may not be used to pay for equipment or uniforms for the officer. The grant is intended to be used for the salary of the officer over a three-year period.

**Subd. 4. Conditions of grants to hire officers.** Grant recipients who receive grants under subdivision 1, clause (1), shall continue to employ a law enforcement officer hired with money granted under this section for at least a three-year period. If for any reason during the three-year period the employment relationship ends, the agency shall hire an additional officer so that the total number of officers employed by the agency does not change. A law enforcement agency that fails to comply with this subdivision shall reimburse the commissioner as follows:

(1) if the failure occurs during the first year, the agency shall reimburse the full amount of the grant;

(2) if the failure occurs during the second year, the agency shall reimburse two-thirds of the grant; or

(3) if the failure occurs during the third year but prior to the three-year anniversary of the officer's hiring, the agency shall reimburse one-third of the grant.

The commissioner shall deposit the reimbursement in the state treasury and credit it to the general fund.

**History:** 1996 c 408 art 2 s 6

### 299A.63 WEED AND SEED GRANT PROGRAM.

**Subdivision 1. Establishment.** A grant program is established under the administration of the commissioner of public safety to assist local communities in their efforts to eradicate violent crime, illegal drug activity, and illegal gang activity in targeted neighborhoods, and to revitalize these targeted neighborhoods economically and physically.

**Subd. 2. Awarding grants.** The commissioner of public safety shall act as fiscal agent for the grant program and shall be responsible for receiving applications for grants and awarding grants under this section. Before any grants are awarded, a committee consisting of the attorney general, and representatives from the Minnesota chiefs of police association, the Minnesota sheriffs association, and the Minnesota police and peace officers association, shall evaluate the grant applications. Before grants are awarded, the commissioner shall meet and consult with the committee concerning its evaluation of and recommendations on grant proposals. At least 50 percent of the grants awarded under this section must be awarded to the cities of Minneapolis and St. Paul.

**Subd. 3. Grant process.** (a) A city may apply for a grant under this section by submitting an application to the commissioner of public safety on a form prescribed by the commissioner. The application shall:

(1) identify the neighborhood within the city that has been proposed by the city's mayor as a targeted site;

(2) describe the problems to be corrected within the targeted neighborhood and the strengths that make the targeted neighborhood a suitable candidate for funding; and

(3) contain the city's plan for use of the grant funds. This plan must:

(i) be prepared in consultation with residents of the targeted neighborhood;

(ii) describe the specific law enforcement, community policing, prevention, intervention, treatment, and neighborhood revitalization activities that the city intends to undertake; and

(iii) include a reporting and evaluation component.

(b) A city may apply for more than one grant under this section; however, each grant may target only one neighborhood.

**Subd. 4. Attorney general duties.** (a) The attorney general may assist cities and local law enforcement officials in developing and implementing anticrime and neighborhood community revitalization strategies and may assist local prosecutors in prosecuting crimes occurring in the targeted neighborhoods that receive funding under this section. Upon request of the local prosecuting authority, the attorney general may appear in court in those civil and criminal cases arising as a result of this section that the attorney general deems appropriate. For the purposes of this section, the attorney general may appear in court in nuisance actions under chapter 617, and misdemeanor prosecutions under chapter 609.

(b) The attorney general shall develop appropriate applications to the United States Department of Justice for federal weed and seed grants for use in conjunction with grants awarded under this section.

**History:** 1996 c 408 art 2 s 7