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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1313**

March 5, 2009

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to human services, allocating wages paid to patients of the Minnesota
1.3 Sex Offender Program; amending Minnesota Statutes 2008, sections 246B.05,
1.4 subdivisions 1, 3, by adding a subdivision; 246B.06, subdivisions 1, 6.

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

1.6 Section 1. Minnesota Statutes 2008, section 246B.05, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 4. **Wages.** Notwithstanding section 177.24, or any other law to the contrary,
1.9 wages paid to patients working in this program are at the discretion of the commissioner
1.10 of human services.

1.11 Sec. 2. Minnesota Statutes 2008, section 246B.05, subdivision 1, is amended to read:

1.12 Subdivision 1. **Employment option.** The commissioner of human services, in
1.13 consultation with the commissioner of corrections, shall develop an employment option
1.14 for persons committed to a sexual psychopathic personality treatment center in order for
1.15 patients to contribute to their cost of care. The employment may include work maintaining
1.16 the center or work that is brought to the center by an outside source. The earnings
1.17 generated must be deposited into the account created in subdivision 2 and divided ~~between~~
1.18 ~~the participating patient and the center, in an effort to reduce state costs~~ according to
1.19 subdivision 3.

1.20 Sec. 3. Minnesota Statutes 2008, section 246B.05, subdivision 3, is amended to read:

1.21 Subd. 3. **Money.** The commissioner ~~has the authority to~~ shall collect money
1.22 resulting from the productive day program, and retain 50 percent to reimburse the state for

2.1 the cost of administering the work program and for the purpose of reducing state costs
 2.2 associated with the Minnesota sex offender program ~~and return 50 percent of the earnings~~
 2.3 ~~to the patient.~~ The remainder, minus any funds encumbered by court order, shall be paid to
 2.4 the Crime Victims Reparations Board created under section 611A.55.

2.5 Sec. 4. Minnesota Statutes 2008, section 246B.06, subdivision 1, is amended to read:

2.6 Subdivision 1. **Establishment; purpose.** (a) The commissioner of human
 2.7 services may establish, equip, maintain, and operate the Minnesota State Industries at
 2.8 any Minnesota sex offender program facility under this chapter. The commissioner
 2.9 may establish industrial and commercial activities for sex offender treatment patients
 2.10 as the commissioner deems necessary and suitable to the profitable employment,
 2.11 educational training, and development of proper work habits of patients consistent with
 2.12 the requirements in section 246B.05. The industrial and commercial activities authorized
 2.13 by this section are designated Minnesota State Industries and must be for the primary
 2.14 purpose of sustaining and ensuring Minnesota State Industries' self-sufficiency, providing
 2.15 educational training, meaningful employment, and the teaching of proper work habits to
 2.16 the patients of the Minnesota sex offender program under this chapter, and not solely as
 2.17 competitive business ventures.

2.18 (b) ~~The net profits from Minnesota State Industries must be used for the benefit~~
 2.19 ~~of the patients as it relates to building education and self-sufficiency skills.~~ Prior to
 2.20 the establishment of any industrial and commercial activity, the commissioner of
 2.21 human services shall consult with stakeholders including representatives of business,
 2.22 industry, organized labor, the commissioner of education, the state Apprenticeship
 2.23 Council, the commissioner of labor and industry, the commissioner of employment and
 2.24 economic development, the commissioner of administration, and other stakeholders the
 2.25 commissioner deems qualified. The purpose of the stakeholder consultation is to determine
 2.26 the quantity and nature of the goods, wares, merchandise, and services to be made or
 2.27 provided, and the types of processes to be used in their manufacture, processing, repair,
 2.28 and production consistent with the greatest opportunity for the reform and educational
 2.29 training of the patients, and with the best interests of the state, business, industry, and labor.

2.30 (c) The commissioner of human services shall, at all times in the conduct of any
 2.31 industrial or commercial activity authorized by this section, utilize patient labor to the
 2.32 greatest extent feasible, provided that the commissioner may employ all administrative,
 2.33 supervisory, and other skilled workers necessary to the proper instruction of the patients
 2.34 and the profitable and efficient operation of the industrial and commercial activities
 2.35 authorized by this section.

3.1 (d) The commissioner of human services may authorize the director of any
3.2 Minnesota sex offender treatment facility under the commissioner's control to accept
3.3 work projects from outside sources for processing, fabrication, or repair, provided that
3.4 preference is given to the performance of work projects for state departments and agencies.

3.5 Sec. 5. Minnesota Statutes 2008, section 246B.06, subdivision 6, is amended to read:

3.6 Subd. 6. **Wages.** Notwithstanding section 177.24 or any other law to the
3.7 contrary, wages paid to patients working within this program are at the discretion of the
3.8 commissioner of human services and are subject to the following allocation: 50 percent
3.9 of wages shall be retained by the commissioner to reduce the state costs associated with
3.10 the Minnesota sex offender program, and 50 percent of wages that are not encumbered
3.11 by a court order are to be contributed to the Crime Victims Reparations Board created
3.12 under section 611A.55.