

# House Research Act Summary

**CHAPTER:** 445

**SESSION:** 2000 Regular Session

**TOPIC:** Public Safety Rules; Private Detectives and Protective Agents; Battered Women

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## Overview

Article 1 of this act expands the duties of the commissioner of public safety to include publishing and awarding grant contracts with state agencies, local units of government, and other entities for programs that will benefit public safety. It also clarifies that rules adopted by the commissioner of public safety before the effective date of a repealer continue to remain in effect. Finally, it increases the per diem for members of the board of private detective and protective agent services and makes changes to the training requirements for certain persons.

Article 2 of this act changes certain references from "battered women" to "victims of domestic abuse" and adds references to both. It also creates a process for making per diem payments to shelter facilities housing battered women and their children. Finally, it classifies as private certain data held by shelter facilities.

## Section

### ARTICLE 1

- 1 **Duties of commissioner.** Amends the section of law outlining the duties of the commissioner of public safety. Includes within this list of duties the publication and award of grant contracts with state agencies, local units of government, and other entities for programs that will benefit the safety of the public.
- 2, 5 **Rules remain in effect; effective date.** A 1997 session law repealed an entire subdivision of law in the public safety chapter of law, instead of repealing just paragraph (b), which dealt with the commissioner's authority to prescribe fees for film rentals. Paragraph (a) of the subdivision of law that was repealed contained the commissioner of public safety's rulemaking authority. Because the entire subdivision was repealed, the repealer resulted in the removal of the commissioner's rulemaking authority under this section and called into question the rules that had been adopted under that provision.

This section clarifies that the rules adopted under the statute governing rulemaking authority remain in effect beyond the effective date of the repealer, until further amended or repealed. The effective date provides that this section is effective July 1, 1997, the date the repealer was effective.

3 **Compensation to board members.** Current law provides that members of the board of private detective and protective agent services shall receive \$35 per day in addition to necessary traveling and lodging expenses, for each day actually engaged in board activities. This bill provides that these members instead shall receive the per diem payment specified in the chapter of law dealing with examining and licensing boards. This change increases the per diem \$20 to \$55.

4 **Rules.** Current law specifies that the board shall, by rule, prescribe training requirements and requires training in specific weapons areas. This bill provides that the types of weapons training required includes the types of training listed, but is not limited to these types of training. Also strikes a requirement for training in the use of the carotid neck restraint. These training requirements apply to license holders, qualified representatives, Minnesota managers, partners, and employees, as these terms are defined by the law on private detectives and protective agents.

## ARTICLE 2

1, 3-12, 14-21, 27-29 **Various provisions.** Changes certain references from "battered women" to "victims of domestic abuse" and adds references to both.

2 **Victims of domestic abuse.** Inserts a cross-reference in the data practices law to the classification of data under the per diem provisions in the bill and adds references to "battered women" and "victims of domestic abuse".

13 **Classification of data collected by grantees.** Classifies as private data information from which the location of a domestic abuse victim may be determined. Also amends references to "battered women."

### 22 **Definitions.**

**Subd. 1. Scope.** Provides that the following terms have the meaning given them unless otherwise provided or indicated by the context.

**Subd. 2. Director.** "Director" means the director of the Minnesota center for crime victims or a designee.

**Subd. 3. Center.** "Center" means the Minnesota center for crime victim services.

**Subd. 4. Shelter facility.** "Shelter facility" means a secure crisis shelter, housing network, safe home, or other facility operated by a nonprofit organization and designated by the center for the purpose of providing food, lodging, safety, and 24-hour coverage for battered women and their children.

**Subd. 5. Designated shelter facility.** "Designated shelter facility" means a facility that has applied and been approved by the center to provide shelter and services to battered women and their children.

**Subd. 6. Per diem rate.** "Per diem rate" means a daily charge per person for providing food, lodging, safety, and 24-hour coverage for battered women and their children.

**Subd. 7. Reserve amount.** "Reserve amount" means the amount the center has reserved for each shelter facility.

**Subd. 8. Battered women.** "Battered woman" has the meaning given in the law for emergency shelter and support services.

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**Program operation.**

**Subd. 1. Purpose.** Specifies that the purpose of the per diem program is to provide reimbursement in a timely, efficient manner to local programs for the reasonable costs of providing battered women and their minor children with food, lodging, and safety. Provides that per diem funding may not be used for other purposes.

**Subd. 2. Nondiscrimination.** Prohibits designated shelter facilities from discriminating against a battered woman or her children on the basis of race, color, creed, religion, national origin, marital status, status with regard to public assistance, disability, or sexual orientation.

**Subd. 3. Data.** Classifies as private data personal history information collected, used, or maintained by a designated shelter facility from which the identity or location of any battered woman may be determined.

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**Duties of the director.** Specifies the duties of the director. States that these duties include those imposed by law and the following, with the approval of the commissioner of public safety:

- supervising the administration of per diem payments to shelter facilities;
- collecting data on shelter facilities;
- conducting an annual evaluation of the per diem program;
- reporting to the governor and the legislature on the need for emergency secure shelter; and
- developing an application process for shelter facilities to follow in seeking reimbursement under the per diem program.

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**Payments.**

**Subd. 1. Payment request.** Allows designated shelter facilities to submit requests for payment monthly. Requires payments to be made directly to designated shelter facilities upon approval of the request. Specifies that the payments are made from per diem funds on behalf of the women and children who reside in the facility. Provides that the payments to a facility may not exceed the annual reserve amount for the facility unless approved by the director. Provides that payments to designated shelter facilities must not affect the eligibility of individuals who reside in shelter facilities for public assistance benefits except when required by federal law or regulation.

**Subd. 2. Reserve amount.** Requires the center to calculate annually the reserve amount for each designated shelter facility. Provides that the calculation of reserve amounts may be based upon program type, average occupancy rates, and licensed capacity limits. Specifies that the total of all reserve amounts must not exceed the per diem appropriation.

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**Appeal process.** Provides an appeal process for a facility to require reconsideration of a denial of payment. Requires this request to be made within 30 days of the denial and allows further appeal through a contested case hearing. Specifies that a facility may not appeal a decision by the center to deny payments in excess of the facility's reserve amount.

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**Effective date.** Makes Article 2 effective July 1, 2000.