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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 63

06/26/2021 Authored by Mariani
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

1.1 A bill for an act
1.2 relating to public safety; amending provisions relating to public defender county
1.3 program aid; amending Minnesota Statutes 2020, sections 477A.03, subdivision
1.4 2b; 611.27, subdivisions 9, 10, 11, 13, 15.

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

1.6 Section 1. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

1.7 Subd. 2b. Counties. (a) For aids payable in 2018 and 2019, the total aid payable under
1.8 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
1.9 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
1.10 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
1.11 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
1.12 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
1.13 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
1.14 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
1.15 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. Each calendar
1.16 year, On or before the first installment date provided in section 477A.015, paragraph (a),
1.17 \$500,000 of this appropriation shall be retained transferred each year by the commissioner
1.18 of revenue to make reimbursements to the commissioner of management and budget the
1.19 Board of Public Defense for payments made the payment of service under section 611.27.
1.20 The reimbursements shall be to defray the additional costs associated with court-ordered
1.21 counsel under section 611.27. Any retained transferred amounts not used for reimbursement
1.22 expended or encumbered in a fiscal year shall be certified by the Board of Public Defense
1.23 to the commissioner of revenue on or before October 1 and shall be included in the next

2.1 ~~distribution certification~~ of county need aid ~~that is certified to the county auditors for the~~
 2.2 ~~purpose of property tax reduction for the next taxes payable year.~~

2.3 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
 2.4 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
 2.5 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
 2.6 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
 2.7 transfer to the commissioner of management and budget \$207,000 annually for the cost of
 2.8 preparation of local impact notes as required by section 3.987, and other local government
 2.9 activities. The commissioner of revenue shall transfer to the commissioner of education
 2.10 \$7,000 annually for the cost of preparation of local impact notes for school districts as
 2.11 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
 2.12 under this paragraph from the appropriation under this paragraph. The amounts transferred
 2.13 are appropriated to the commissioner of management and budget and the commissioner of
 2.14 education respectively.

2.15 Sec. 2. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

2.16 Subd. 9. **Request for other appointment of counsel.** The chief district public defender
 2.17 ~~with the approval of~~ may request that the state public defender ~~may request that the chief~~
 2.18 ~~judge of the district court, or a district court judge designated by the chief judge,~~ authorize
 2.19 appointment of counsel other than the district public defender in such cases.

2.20 Sec. 3. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

2.21 Subd. 10. **Addition of permanent staff.** The chief public defender may not request ~~the~~
 2.22 ~~court~~ nor may the ~~court order~~ state public defender approve the addition of permanent staff
 2.23 under subdivision 7.

2.24 Sec. 4. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

2.25 Subd. 11. **Appointment of counsel.** If the ~~court~~ state public defender finds that the
 2.26 provision of adequate legal representation, including associated services, is beyond the
 2.27 ability of the district public defender to provide, the ~~court shall order~~ state public defender
 2.28 may approve counsel to be appointed, with compensation and expenses to be paid under
 2.29 the provisions of this subdivision and subdivision 7. Counsel in such cases shall be appointed
 2.30 by the chief district public defender. ~~If the court issues an order denying the request, the~~
 2.31 ~~court shall make written findings of fact and conclusions of law. Upon denial, the chief~~

3.1 ~~district public defender may immediately appeal the order denying the request to the court~~
3.2 ~~of appeals and may request an expedited hearing.~~

3.3 Sec. 5. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

3.4 Subd. 13. **Correctional facility inmates.** All billings for services rendered and ordered
3.5 under subdivision 7 shall require the approval of the chief district public defender before
3.6 being forwarded ~~on a monthly basis~~ to the state public defender. In cases where adequate
3.7 representation cannot be provided by the district public defender and where counsel has
3.8 been ~~appointed under a court order~~ approved by the state public defender, the ~~state public~~
3.9 ~~defender~~ Board of Public Defense shall ~~forward to the commissioner of management and~~
3.10 ~~budget~~ pay all billings for services rendered under the court order. ~~The commissioner shall~~
3.11 ~~pay for services~~ from county program aid ~~retained~~ transferred by the commissioner of
3.12 revenue for that purpose under section 477A.03, subdivision 2b, paragraph (a).

3.13 The costs of appointed counsel and associated services in cases arising from new criminal
3.14 charges brought against indigent inmates who are incarcerated in a Minnesota state
3.15 correctional facility are the responsibility of the state Board of Public Defense. In such cases
3.16 the state public defender may follow the procedures outlined in this section for obtaining
3.17 court-ordered counsel.

3.18 Sec. 6. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

3.19 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the
3.20 appellate public defender's office does not have sufficient funds to pay for transcripts and
3.21 other necessary expenses because it has spent or committed all of the transcript funds in its
3.22 annual budget, the ~~state public defender may forward to the commissioner of management~~
3.23 ~~and budget all billings for transcripts and other necessary expenses. The commissioner shall~~
3.24 Board of Public Defense may pay for these transcripts and other necessary expenses from
3.25 county program aid ~~retained~~ transferred by the commissioner of revenue for that purpose
3.26 under section 477A.03, subdivision 2b, paragraph (a).