

A bill for an act

relating to state government; appropriating money for public safety and corrections initiatives, courts, public defenders, tax court, Uniform Laws Commission and Board on Judicial Standards; providing certain general criminal and sentencing provisions; regulating DWI and driving provisions; modifying or establishing various provisions relating to public safety; regulating corrections, the courts, and emergency communications; regulating scrap metal dealers; modifying certain law enforcement, insurance, and public defense provisions; establishing reduced ignition propensity standards for cigarettes; providing conditional repeals of certain laws; providing penalties; amending Minnesota Statutes 2006, sections 2.722, subdivision 1; 3.732, subdivision 1; 3.736, subdivision 1; 13.87, subdivision 1; 15A.083, subdivision 4; 16A.72; 16B.181, subdivision 2; 16C.23, subdivision 2; 169A.275, by adding a subdivision; 169A.51, subdivision 7; 171.12, by adding a subdivision; 171.55; 241.016, subdivision 1; 241.018; 241.27, subdivisions 1, 2, 3, 4; 241.278; 241.69, subdivisions 3, 4; 243.167, subdivision 1; 244.05, by adding a subdivision; 260C.193, subdivision 6; 270A.03, subdivision 5; 299A.641, subdivision 2;

480.175, subdivision 3; 609.21, subdivisions 2, 2a, 2b, 3, 4; 609.805; 611.20, subdivision 5; Laws 2005, First Special Session chapter 6, article 3, section 91.

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

ARTICLE 1
APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this act.

	<u>2008</u>	<u>2009</u>	<u>Total</u>
<u>General</u>	<u>\$ 926,123,000</u>	<u>\$ 963,963,000</u>	<u>\$ 1,890,086,000</u>
<u>State Government Special Revenue</u>	<u>55,688,000</u>	<u>50,392,000</u>	<u>106,080,000</u>
<u>Environmental Fund</u>	<u>69,000</u>	<u>71,000</u>	<u>140,000</u>
<u>Special Revenue Fund</u>	<u>11,968,000</u>	<u>15,007,000</u>	<u>26,975,000</u>
<u>Trunk Highway</u>	<u>367,000</u>	<u>374,000</u>	<u>741,000</u>
<u>Total</u>	<u>\$ 994,215,000</u>	<u>\$ 1,029,807,000</u>	<u>\$ 2,024,022,000</u>

Sec. 2. PUBLIC SAFETY APPROPRIATIONS.

(a) General

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>

Sec. 3. SUPREME COURT

<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>44,112,000</u>	<u>\$</u>	<u>45</u>
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3.1	Subd. 2. Judicial Salaries		
3.2	<u>Effective July 1, 2007, and July 1, 2008,</u>		
3.3	<u>the salaries of judges of the Supreme Court,</u>		
3.4	<u>Court of Appeals, and district court are</u>		
3.5	<u>increased by two percent.</u>		
3.6	Subd. 3. Supreme Court Operations	<u>31,292,000</u>	<u>32,623,000</u>
3.7	Contingent account. <u>\$5,000 each year is for</u>		
3.8	<u>a contingent account for expenses necessary</u>		
3.9	<u>for the normal operation of the court for</u>		
3.10	<u>which no other reimbursement is provided.</u>		
3.11	Subd. 4. Civil Legal Services	<u>12,820,000</u>	

4.1	Sec. 5. <u>TRIAL COURTS</u>	\$	<u>247,167,000</u>	\$	<u>257,290,000</u>
4.2	<u>New judge units. \$1,536,000 the first year</u>				
4.3	<u>and \$2,778,000 the second year are for an</u>				
4.4	<u>increase in judge units, including three trial</u>				
4.5	<u>court judge units in the First Judicial District,</u>				
4.6	<u>one trial court judge unit in the Third Judicial</u>				
4.7	<u>District, one trial court judge unit in the</u>				
4.8	<u>Ninth Judicial District and one trial court</u>				
4.9	<u>judge unit in the Tenth Judicial District.</u>				
4.10	<u>These new judge units begin on January 1,</u>				
4.11	<u>2008. Each judge unit consists of a judge,</u>				
4.12	<u>law clerk, and court reporter.</u>				
4.13	<u>Maintain and expand drug courts.</u>				
4.14	<u>\$2,242,000 the first year and \$3,759,000 the</u>				
4.15	<u>second year are to maintain and to establish</u>				
4.16	<u>new drug courts.</u>				
4.17	<u>Guardian ad litem services. \$1,260,000 the</u>				
4.18	<u>first year and \$1,629,000 the second year are</u>				
4.19	<u>for guardian ad litem services.</u>				
4.20	<u>Interpreter services. \$606,000 the first</u>				
4.21	<u>year and \$777,000 the second year are for</u>				
4.22	<u>interpreter services.</u>				
4.23	<u>Psychological services. \$1,531,000 the first</u>				
4.24	<u>year and \$2,151,000 the second year are for</u>				
4.25	<u>psychological services.</u>				
4.26	<u>In forma pauperis services. \$178,000 each</u>				
4.27	<u>year is for in forma pauperis services.</u>				
4.28	Sec. 6. <u>TAX COURT</u>	\$	<u>788,000</u>	\$	<u>812,000</u>
4.29	Sec. 7. <u>UNIFORM LAWS COM</u>				

5.1 Investigative and hearing costs. \$125,000
5.2 each year is for special investigative and
5.3 hearing costs for major disciplinary actions
5.4 undertaken by the board. This appropriation
5.5 does not cancel. Any encumbered and
5.6 unspent balances remain available for these
5.7 expenditures in subsequent fiscal years.

5.8 Sec. 9. BOARD OF PUBLIC DEFENSE \$ 65,348,000 \$ 68,519,000

5.9 Sec. 10. PUBLIC SAFETY

5.10 Subdivision 1. Total Appropriation \$ 154,041,000 \$ 154,726,000

5.11

6.1 the appropriateness of additional regional
6.2 forensic crime laboratories and regional
6.3 crime strike task forces. The legislature may
6.4 not authorize or fund new regional forensic
6.5 crime laboratories or regional crime strike
6.6 task forces until the working group convened
6.7 by the commissioner of public safety has
6.8 studied and made recommendations to the
6.9 legislative committees with jurisdiction over
6.10 public safety finance and capital investment.
6.11 The commissioner must consult with the
6.12 chairs of the legislative committees with
6.13 responsibility for public safety finance on
6.14 the membership of the working group.
6.15 The Forensic Laboratory Advisory Board,
6.16 established under Minnesota Statutes, section
6.17 299C.156, and the Gang and Drug Oversight
6.18 Council, established under section 299A.641,
6.19 must provide advice and assistance to
6.20 the commissioner and the working group
6.21 as requested by the commissioner. The
6.22 working group must submit its report and
6.23 recommendations to the house and senate
6

7.1 the special revenue fund for grants to local
7.2 officials for the cooperative investigation of
7.3 cross-jurisdictional criminal activity. Any
7.4 unencumbered balance remaining in the first
7.5 year does not cancel but is available for the
7.6 second year.

7.7 **Laboratory activities.** \$352,000 the first
7.8 year and \$368,000 the second year are
7.9 appropriated from the Bureau of Criminal
7.10 Apprehension account in the special revenue
7.11 fund for laboratory activities.

7.12 **DWI lab analysis.** Notwithstanding
7.13 Minnesota Statutes, section 161.20,
7.14 subdivision 3, \$367,000 the first year and
7.15 \$374,000 the second year are appropriated
7.16 from the trunk highway fund for laboratory
7.17 analysis related to driving-while-impaired
7.18 cases.

8.1	<u>Criminal Apprehension Forensic Science</u>		
8.2	<u>Laboratory.</u>		
8.3	<u>Background checks.</u> <u>\$50,000 the first</u>		
8.4	<u>year is for the Bureau of Criminal</u>		
8.5	<u>Apprehension to conduct state background</u>		
8.6	<u>checks by charitable, nonprofit mentoring</u>		
8.7	<u>organizations. Of this amount, \$10,000 is to</u>		
8.8	<u>be distributed to Mentoring Partnership of</u>		
8.9			

9.1 **Gang and Drug Task Force.** \$600,000 the
9.2 first year and \$1,900,000 the second year are
9.3 for grants to the Gang and Drug Task Force.

9.4 **Victim notification system.** \$455,000
9.5 each year is for the continuation of the
9.6 victim information and notification everyday
9.7 (VINE) service.

9.8 **Crime prevention and law enforcement**
9.9 **grants.** (a) \$ 1,900,000 each year is for crime
9.10 prevention and law enforcement grants.

9.11 The office of justice programs shall conduct
9.12 a competitive award process that ensures
9.13 that grants are awarded to the most qualified
9.14 organizations based on the office's established
9.15 policies and procedures. The office shall
9.16 determine the amount of each grant award
9.17 based on need and funds available. The office

10.1 and fire departments to hire an emergency
10.2 coordinator; and (10) political subdivisions
10.3 to administer safe cab programs. Any grant
10.4 awarded to an organization in clause (5)
10.5 may not be used for restorative justice in
10.6 domestic violence cases. Any grant awarded
10.7 to a political subdivision in clause (10) may
10.8 comprise no more than one-third of the full
10.9 operating cost of the program. This is a
10.10 onetime appropriation.

10.11 (b) The executive director of the office
10.12 of justice programs shall prepare a report
10.13 containing the following information: a
10.14 list of grant recipients, the amount of each
10.15 award, the performance and eligibility
10.16 standards used to determine the amount
10.17 and recipient of each award, the office's
10.18 reporting requirements, the grant recipient's
10.19 use of the award, and any other information
10.20 the director deems relevant. By January 1,
10.21 2010, the office of justice programs shall
10.22 submit the report to the

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11.1 officer overtime pay under Minnesota
11.2 Statutes, section 299A.62, subdivision 1,
11.3 paragraph (b), clauses (1) and (2). The
11.4 commissioner shall award the grants based
11.5 on the procedures set forth under section
11.6 299A.62. Of this amount, at least \$250,000
11.7 each year must be awarded to two cities in
11.8 Hennepin County that are not cities of the
11.9 first class and have the highest part 1 and
11.10 part 2 crime rates per 100,000 inhabitants in
11.11 the county as calculated by the latest Bureau
11.12 of Criminal Apprehension report. This is a
11.13 onetime appropriation.

11.14 **Auto theft emergency grant. \$75,000**
11.15 each year is appropriated from the general
11.16 fund to the commissioner of public safety
11.17 to fund grants awarded under Minnesota
11.18 Statutes, section 611A.675, subdivision 1,
11.19 clause (6). This amount shall be added to the
11.20 department's base

12.1 Administration costs. Up to 2.5 percent
12.2 of the grant funds appropriated in this
12.3 subdivision may be used to administer the
12.4 grant program.

12.5 Subd. 7. **911 Emergency Services/ARMER** 55,681,000 50,385,000

12.6 This appropriation is from the state
12.7 government special revenue fund for 911
12.8 emergency telecommunications services.

12.9 **Public safety answering points.**
12.10 \$13,664,000 each year is to be distributed
12.11 as provided in Minnesota Statutes, section
12.12 403.113, subdivision 2.

12.13 **Medical Resource Communication**
12.14 **Centers.** \$68

13.1 **Metropolitan Council debt service.**

13.2 \$1,410,000 each year is to the commissioner
13.3 of finance for payment to the Metropolitan
13.4 Council for debt service on bonds issued
13.5 under Minnesota Statutes, section 403.27.

13.6 **ARMER improvements. \$1,000,000 each**

13.7 year is for the Statewide Radio Board to
13.8 design, construct, maintain, and improve
13.9 those elements of the statewide public
13.10 safety radio and communication system
13.11 that support mutual aid communications
13.12 and emergency medical services or provide
13.13 interim enhancement of public safety
13.14 communication interoperability in those
13.15 areas of the state where the statewide public
13.16 safety radio and communication system is
13.17 not yet implemented.

14.1 **Advance project development.** \$3,750,000
14.2 the first year is a onetime appropriation for
14.3 site acquisition and site development work
14.4 for the remaining phases of the statewide
14.5 radio system. This appropriation is available
14.6 until June 30, 2010. This appropriation is to
14.7 the commissioner of public safety for transfer
14.8 to the commissioner of transportation.

14.9 **System design.** \$1,850,000 the first year is a
14.10 onetime appropriation to complete detailed
14.11 design and planning of the remaining
14.12 phases of the statewide radio system.
14.13 The commissioner of public safety and
14.14 the commissioner of transportation shall
14.15 determine the scope of the study, after
14.16 consulting with the Statewide Radio Board,
14.17 the commissioner of administration, and the
14.18 state chief information officer. The study
14.19 must address the system design for the
14.20 state backbone and implications for local
14.21 coverage, how data can be integrated,

15.1 for local subsystems. The study must also
15.2 review the project organizational structure
15.3 and governance.

15.4 Subd. 8. **ARMER Public Safety** 186,000,000

15.5 **Radio and communication system.** The
15.6 appropriations in this subdivision are from
15.7 the 911 revenue bond proceeds account
15.8 for the purposes indicated, to be available
15.9 until the project is completed or abandoned,
15.10 subject to Minnesota Statutes, section
15.11 16A.642.

15.12 The appropriations are to the commissioner
15.13 of public safety for transfer to the
15.14 commissioner of transportation to construct
15.15 the system backbone of the public safety
15.16 radio and communication system plan under
15.17 Minnesota Stat

16.1 finance shall not approve any fee increase
16.2 under Minnesota Statutes, section 403.11,
16.3 subdivision 1, paragraph (c), until this
16.4 certification is made.

16.5 **Bond sale authorization.** To provide the
16.6 money appropriated in this subdivision,
16.7 the commissioner of finance shall sell and
16.8 issue bonds of the state in an amount up to
16.9 \$186,000,000 in the manner, upon the terms,
16.10 and with the effect prescribed by Minnesota
16.11 Statutes, section 403.275.

16.12	Sec. 11. <u>PEACE OFFICER STANDARDS</u>			
16.13	<u>AND TRAINING (POST) BOARD</u>	<u>\$</u>	<u>4,287,000</u>	<

17.1 At a minimum, the training must include
17.2 instruction in the laws relating to no contact
17.3 orders and address how to best coordinate
17.4 law enforcement resources relating to no
17.5 contact orders. In addition, the training
17.6 must include a component to instruct peace
17.7 officers on doing risk assessments of the
17.8 escalating factors of lethality in domestic
17.9 violence cases. The board must consult with
17.10 a statewide domestic violence organization
17.11 in developing training courses. The board
17.12 shall utilize a request for proposal process in
17.13 awarding training contracts. The recipient
17.14 of the training contract must conduct these
17.15 trainings with advocates or instructors from
17.16 a statewide domestic violence organization.

17.17	Sec. 12. <u>BOARD OF PRIVATE DETECTIVES</u>			
17.18	<u>AND PROTECTIVE AGENT SERVICES</</u>			

18.1 no probable cause determination is made.
18.2 The survey must seek to determine the
18.3 reasons for any dissatisfaction and whether
18.4 a party sought an appeal or reconsideration
18.5 of a determination or decision. The survey
18.6 shall evaluate complaints filed or resolved
18.7 in the past two years. By January 15, 2008,
18.8 the department shall summarize the survey
18.9 findings and file a report with the chairs
18.10 and ranking minority members of the house
18.11 and senate committees having jurisdiction
18.12 over criminal justice policy and funding
18.13 that discusses the findings and any actions
18.14 the department proposes to undertake in
18.15 response to the findings.

18.16 **Inmate complaints, assaults, and fatalities;**
18.17 **corrections ombudsman; working group;**
18.18 **report.** By August 1, 2007, the commissioner
18.19 of human rights shall convene a working
18.20 group to study how the state addresses
18.21

19.1 and respond to inmate complaints, assaults,
19.2 and deaths; (2) assess the effectiveness of
19.3 the state's former corrections ombudsman
19.4 program; (3) study other states' corrections
19.5 ombudsmen; (4) study whether the state
19.6 should conduct a fatality review process
19.7 for inmates who die while in custody;
19.8 and (5) make recommendations on how
19.9 state and local units of government should
19.10 systematically address inmate complaints,
19.11 assaults, and deaths, including the need to
19.12 re-appoint a corrections ombudsman. The
19.13 commissioner shall file a report detailing the
19.14 group's findings and recommendations with
19.15 the chairs and ranking minority members
19.16 of the house and senate committees having
19.17 jurisdiction over criminal justice policy and
19.18 funding by January 15, 2008.

20.1 Correctional Facility, the commissioner shall
20.2 charge a per diem under the contract, to the
20.3 extent possible, that is equal to or greater
20.4 than the per diem cost of housing Minnesota
20.5 inmates in the facility.

20.6 Notwithstanding any law to the contrary, the
20.7 commissioner may use per diems collected
20.8 under contracts for beds at MCF-Rush City
20.9 to operate the state correctional system.

20.10 **Offender re-entry services.** \$400,000
20.11 each year is for increased funding for
20.12 expansion of offender re-entry services in the
20.13 institutions and staffing for the Department
20.14 of Corrections MCORP program.

20.15 **Health services.** \$900,000 the first year and
20.16 \$1,300,000 the second year are for increases

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- 21.1 Supervision, Minnesota Statutes, section
21.2 243.1605.
- 21.3 **Sex offenders, civil commitment and**
21.4 **tracking.** \$350,000 each year is to fund a
21.5 legal representative for civil commitments
21.6 and to manage and track sex offenders.
- 21.7 **Probation supervision, CCA system.**
21.8 \$2,800,000 each year is added to the
21.9 Community Corrections Act subsidy,
21.10 Minnesota Statutes, section 401.14.
- 21.11 **Probation supervision, CPO system.**
21.12 \$600,000 each year is added to the county
21.13 probation officers reimbursement base.
- 21.14 **Probation supervision, DOC system.**
21.15 \$600,000 each year is for the Department of
21.16 Corrections probation and supervised release
21.17 unit.
- 21.18 **Probation, caseload reduction.** \$1,964,000
21.19 the first year and \$3,664,000 the second

22.1 the second year are for research and
22.2 evaluation of sex offender management
22.3 (supervision, treatment, and polygraphs) and
22.4 for developing and monitoring standards of
22.5 supervision and treatment.

22.6 **Sex offender assessments.** \$75,000 each
22.7 year is to increase funding to reimburse
22.8 counties or their designees, or courts, for
22.9 sex offender assessments under Minnesota
22.10 Statutes, section 609.3457.

22.11 **Sentencing to service.** \$600,000 each year is
22.12 to increase funding for sentencing to service
22.13 activities such as highway litter cleanup.

22.14 **Short-term offenders.** \$2,500,000 each year
22.15 is to increase funding for the costs associated
22.16 with the housing and care of short-term
22.17 offenders. The commissioner may use up
22.18 to 20 percent of the total amount of the
22.19 appropriation for inpatient medical care for
22.20

23.1 and funding to local units of government
23.2 participating in MCORP to provide re-entry
23.3 programming to offenders.

23.4 **Offender re-entry grant.** \$800,000 the first
23.5 year and \$1,700,000 the second year are for
23.6 grants to the nonprofit organization selected
23.7 to administer the five-year demonstration
23.8 project for high-risk adults under Minnesota
23.9 Statutes, section 241.86. This is a onetime
23.10 appropriation.

23.11 **Employment services for ex-offenders.**
23.12 \$200,000 each year is for grants to a nonprofit
23.13 organization to establish a pilot project to
23.14 provide employment services to ex-criminal
23.15 offenders living in the North Minneapolis
23.16 community as provided for in article 7,
23.17 section 6. This is a onetime appropriation.

23.18 **Domestic abuse re-entry grants.** \$250,000
23.19 each year is appropriated from the general
23.20 <

24.1 **Mentoring grants; incarcerated parents.**
24.2 \$200,000 each year is appropriated from
24.3 the general fund to the commissioner of
24.4 corrections for the grant authorized in
24.5 Minnesota Statutes, section 299A.82. This is
24.6 a onetime appropriation.

24.7 **Short-term offender study; report.** The
24.8 commissioner of corrections shall study
24.9 the use and effectiveness of the short-term
24.10 offender program and identify gaps in the
24.11 current system relating to programming
24.12 and re-entry services for short-term
24.13 offenders. On or before January 15, 2008,
24.14 the commissioner shall submit a report
24.15 detailing the commissioner's findings and
24.16 recommendations to the house and senate
24.17 committees with jurisdiction over public
24.18 safety policy and funding.

