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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 724

02/20/2013 Authored by Paymar
 The bill was read for the first time and referred to the Committee on Rules and Legislative Administration
 02/28/2013 Adoption of Report: Pass and re-referred to the Committee on Public Safety Finance and Policy
 04/10/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
 1.2 relating to public safety; providing that funds received for out-of-state offenders
 1.3 incarcerated in Minnesota are appropriated to the Department of Corrections;
 1.4 modifying certificates of compliance for public contracts; enhancing penalties
 1.5 for certain repeat criminal sexual conduct offenders; appropriating money for
 1.6 public safety, corrections, and human rights; amending Minnesota Statutes 2012,
 1.7 sections 161.20, subdivision 3; 243.51, subdivisions 1, 3; 363A.36, subdivisions
 1.8 1, 2; 609.3451, subdivision 3; 609.3455, by adding a subdivision; repealing
 1.9 Minnesota Statutes 2012, section 243.51, subdivision 5.

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

1.11 Section 1. **SUMMARY OF APPROPRIATIONS.**

1.12 The amounts shown in this section summarize direct appropriations, by fund, made
 1.13 in this article.

	<u>2014</u>		<u>2015</u>		<u>Total</u>
1.14 <u>General</u>	\$ 569,084,000	\$	575,745,000	\$	1,144,829,000
1.16 <u>State Government Special</u>					
1.17 <u>Revenue</u>	59,241,000		63,742,000		122,983,000
1.18 <u>Environmental</u>	69,000		69,000		138,000
1.19 <u>Special Revenue</u>	14,582,000		14,582,000		29,164,000
1.20 <u>Trunk Highway</u>	2,266,000		2,266,000		4,532,000
1.21 <u>Total</u>	\$ 645,242,000	\$	656,404,000	\$	1,301,646,000

1.22 Sec. 2. **PUBLIC SAFETY APPROPRIATIONS.**

1.23 The sums shown in the columns marked "Appropriations" are appropriated to the
 1.24 agencies and for the purposes specified in this act. The appropriations are from the general
 1.25 fund, or another named fund, and are available for the fiscal years indicated for each
 1.26 purpose. The figures "2014" and "2015" used in this act mean that the appropriations
 1.27 listed under them are available for the fiscal year ending June 30, 2014, or June 30, 2015,

2.1 respectively. "The first year" is fiscal year 2014. "The second year" is fiscal year 2015.
 2.2 "The biennium" is fiscal years 2014 and 2015. Appropriations for the fiscal year ending
 2.3 June 30, 2013, are effective the day following final enactment.

2.4		<u>APPROPRIATIONS</u>	
2.5		<u>Available for the Year</u>	
2.6		<u>Ending June 30</u>	
2.7		<u>2014</u>	<u>2015</u>

2.8 **Sec. 3. PUBLIC SAFETY**

2.9	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>156,926,000</u>	<u>\$</u>	<u>161,300,000</u>
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2.10	<u>Appropriations by Fund</u>		
2.11		<u>2014</u>	<u>2015</u>
2.12	<u>General</u>	<u>84,538,000</u>	<u>84,411,000</u>
2.13	<u>Special Revenue</u>	<u>10,812,000</u>	<u>10,812,000</u>
2.14	<u>State Government</u>		
2.15	<u>Special Revenue</u>	<u>59,241,000</u>	<u>63,742,000</u>
2.16	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>
2.17	<u>Trunk Highway</u>	<u>2,266,000</u>	<u>2,266,000</u>

2.18 The amounts that may be spent for each
 2.19 purpose are specified in the following
 2.20 subdivisions.

2.21	<u>Subd. 2. Emergency Management</u>	<u>3,079,000</u>	<u>3,029,000</u>
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2.22	<u>Appropriations by Fund</u>		
2.23	<u>General</u>	<u>2,406,000</u>	<u>2,356,000</u>
2.24	<u>Special Revenue</u>	<u>604,000</u>	<u>604,000</u>
2.25	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>

2.26 **(a) Hazmat and Chemical Assessment Teams**

2.27 \$604,000 each year is from the fire safety
 2.28 account in the special revenue fund. These
 2.29 amounts must be used to fund the hazardous
 2.30 materials and chemical assessment teams.

2.31 **(b) School Safety**

2.32 \$555,000 the first year and \$505,000 the
 2.33 second year from the general fund are to
 2.34 reinstate the school safety center and to
 2.35 provide for school safety.

3.1	<u>Subd. 3. Criminal Apprehension</u>	<u>47,518,000</u>	<u>47,197,000</u>
3.2	<u>Appropriations by Fund</u>		
3.3	<u>General</u>	<u>45,245,000</u>	<u>44,924,000</u>
3.4	<u>State Government</u>		
3.5	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
3.6	<u>Trunk Highway</u>	<u>2,266,000</u>	<u>2,266,000</u>

3.7 **(a) DWI Lab Analysis; Trunk Highway Fund**

3.8 \$1,941,000 each year is from the trunk
 3.9 highway fund for laboratory analysis related
 3.10 to driving-while-impaired cases.

3.11 **(b) Criminal History System**

3.12 \$2,980,000 the first year and \$2,580,000
 3.13 the second year from the general fund are
 3.14 to replace the state criminal history system.

3.15 This is a onetime appropriation and is
 3.16 available until expended. Of this amount,
 3.17 \$2,980,000 the first year and \$2,580,000
 3.18 the second year are for a onetime transfer
 3.19 to the Office of Enterprise Technology for
 3.20 start-up costs. The commissioner shall enter
 3.21 a service level agreement with the Office
 3.22 of Enterprise Technology specifying the
 3.23 obligations and responsibilities of each party.

3.24 Payments shall be made under the rates
 3.25 and mechanism specified in that agreement.

3.26 Ongoing operating and support costs for this
 3.27 system shall be identified and incorporated
 3.28 into future service level agreements.

3.29 The commissioner is authorized to use funds
 3.30 appropriated under this paragraph for the
 3.31 purposes specified in paragraph (c).

3.32 **(c) Criminal Reporting System**

3.33 \$1,360,000 the first year and \$1,360,000 the
 3.34 second year from the general fund are to

4.1 replace the state's crime reporting system.
4.2 This is a onetime appropriation and is
4.3 available until expended. Of these amounts,
4.4 \$1,360,000 the first year and \$1,360,000
4.5 the second year are for a onetime transfer
4.6 to the Office of Enterprise Technology for
4.7 start-up costs. The commissioner shall enter
4.8 a service level agreement with the Office
4.9 of Enterprise Technology specifying the
4.10 obligations and responsibilities of each party.
4.11 Payments shall be made under the rates
4.12 and mechanism specified in that agreement.
4.13 Ongoing operating and support costs for this
4.14 system shall be identified and incorporated
4.15 into future service level agreements.
4.16 The commissioner is authorized to use funds
4.17 appropriated under this paragraph for the
4.18 purposes specified in paragraph (b).

4.19 **(d) Forensic Laboratory**

4.20 \$125,000 the first year and \$125,000 the
4.21 second year from the general fund and
4.22 \$125,000 the first year and \$125,000 the
4.23 second year from the trunk highway fund are
4.24 to replace forensic laboratory equipment at
4.25 the Bureau of Criminal Apprehension.

4.26 \$200,000 the first year and \$200,000 the
4.27 second year from the general fund and
4.28 \$200,000 the first year and \$200,000 the
4.29 second year from the trunk highway fund are
4.30 to improve forensic laboratory staffing at the
4.31 Bureau of Criminal Apprehension.

4.32 **(e) Livescan Fingerprinting**

4.33 \$310,000 the first year and \$389,000 the
4.34 second year from the general fund are to
4.35 maintain Livescan fingerprinting machines.

5.1 **(f) Base adjustment**

5.2 The Bureau of Criminal Apprehension
 5.3 general fund base is increased by \$3,470,000
 5.4 in fiscal year 2016 and decreased by
 5.5 \$643,000 in fiscal year 2017.

5.6 **(g) Transfer**

5.7 \$2,500,000 the first year and \$2,500,000
 5.8 the second year are transferred from the
 5.9 vehicle services special revenue account to
 5.10 the general fund.

5.11 **Subd. 4. Fire Marshal** 9,555,000 9,555,000

5.12 This appropriation is from the fire safety
 5.13 account in the special revenue fund and is for
 5.14 activities under Minnesota Statutes, section
 5.15 299F.012.

5.16 Of this amount: (1) \$7,187,000 each year
 5.17 is for activities under Minnesota Statutes,
 5.18 section 299F.012; and (2) \$2,368,000 the first
 5.19 year and \$2,368,000 the second year are for
 5.20 transfers to the general fund under Minnesota
 5.21 Statutes, section 297I.06, subdivision 3.

5.22 **Subd. 5. Alcohol and Gambling Enforcement** 2,235,000 2,235,000

	<u>Appropriations by Fund</u>	
5.23		
5.24	<u>General</u>	<u>1,582,000</u> <u>1,582,000</u>
5.25	<u>Special Revenue</u>	<u>653,000</u> <u>653,000</u>

5.26 This appropriation is from the alcohol
 5.27 enforcement account in the special revenue
 5.28 fund. Of this appropriation, \$500,000 each
 5.29 year shall be transferred to the general fund.

5.30 **Subd. 6. Office of Justice Programs** 35,167,000 35,167,000

	<u>Appropriations by Fund</u>	
5.31		
5.32	<u>General</u>	<u>35,071,000</u> <u>35,071,000</u>
5.33	<u>State Government</u>	
5.34	<u>Special Revenue</u>	<u>96,000</u> <u>96,000</u>

6.1 **(a) OJP Administration Costs**

6.2 Up to 2.5 percent of the grant funds

6.3 appropriated in this subdivision may be used

6.4 by the commissioner to administer the grant

6.5 program.

6.6 **(b) Crime Victim Programs**

6.7 \$1,500,000 each year must be distributed

6.8 through an open and competitive grant

6.9 process for existing crime victim programs.

6.10 The funds must be used to meet the needs

6.11 of underserved and unserved areas and

6.12 populations.

6.13 **(c) Community Offender Reentry Program**

6.14 \$150,000 in fiscal year 2014 and \$150,000

6.15 in fiscal year 2015 from the general fund

6.16 are to the commissioner of public safety for

6.17 a grant to the community offender reentry

6.18 program for assisting individuals to transition

6.19 from incarceration to the communities in

6.20 and around Duluth, including assistance in

6.21 finding housing, employment, educational

6.22 opportunities, counseling, and other

6.23 resources. This is a onetime appropriation.

6.24 **(d) Youth Intervention Programs**

6.25 \$461,000 each year is for youth intervention

6.26 programs under Minnesota Statutes, section

6.27 299A.73. This amount must be added to the

6.28 department's base budget for grants to youth

6.29 intervention programs.

6.30 **Subd. 7. Emergency Communication Networks**

59,138,000

63,639,000

6.31 This appropriation is from the state

6.32 government special revenue fund for 911

6.33 emergency telecommunications services.

7.1 **(a) Public Safety Answering Points**

7.2 \$13,664,000 each year is to be distributed
7.3 as provided in Minnesota Statutes, section
7.4 403.113, subdivision 2.

7.5 **(b) Medical Resource Communication Centers**

7.6 \$683,000 each year is for grants to the
7.7 Minnesota Emergency Medical Services
7.8 Regulatory Board for the Metro East
7.9 and Metro West Medical Resource
7.10 Communication Centers that were in
7.11 operation before January 1, 2000.

7.12 **(c) ARMER Debt Service**

7.13 \$23,261,000 each year is to the commissioner
7.14 of management and budget to pay debt
7.15 service on revenue bonds issued under
7.16 Minnesota Statutes, section 403.275.

7.17 Any portion of this appropriation not needed
7.18 to pay debt service in a fiscal year may be
7.19 used by the commissioner of public safety to
7.20 pay cash for any of the capital improvements
7.21 for which bond proceeds were appropriated
7.22 by Laws 2005, chapter 136, article 1, section
7.23 9, subdivision 8; or Laws 2007, chapter 54,
7.24 article 1, section 10, subdivision 8.

7.25 **(d) ARMER State Backbone Operating Costs**

7.26 \$9,250,000 the first year and \$9,650,00 the
7.27 second year are to the commissioner of
7.28 transportation for costs of maintaining and
7.29 operating the first and third phases of the
7.30 statewide radio system backbone.

7.31 **(e) ARMER Improvements**

7.32 \$1,000,000 each year is to the Statewide
7.33 Radio Board for costs of design, construction,

8.1 and maintenance of, and improvements
 8.2 to, those elements of the statewide public
 8.3 safety radio and communication system
 8.4 that support mutual aid communications
 8.5 and emergency medical services or provide
 8.6 interim enhancement of public safety
 8.7 communication interoperability in those
 8.8 areas of the state where the statewide public
 8.9 safety radio and communication system is
 8.10 not yet implemented.

8.11 Subd. 8. Administration and Related Services 234,000 478,000

8.12 Sec. 4. PEACE OFFICER STANDARDS AND
 8.13 TRAINING (POST) BOARD \$ 3,770,000 \$ 3,770,000

8.14 (a) Excess Amounts Transferred

8.15 This appropriation is from the peace officer
 8.16 training account in the special revenue fund.
 8.17 Any new receipts credited to that account in
 8.18 each year in excess of \$3,770,000 must be
 8.19 transferred and credited to the general fund.

8.20 (b) Peace Officer Training
 8.21 Reimbursements

8.22 \$2,634,000 each year is for reimbursements
 8.23 to local governments for peace officer
 8.24 training costs.

8.25 Sec. 5. PRIVATE DETECTIVE BOARD \$ 121,000 \$ 122,000

8.26 Sec. 6. HUMAN RIGHTS \$ 3,322,000 \$ 3,348,000

8.27 \$129,000 each year is for increased
 8.28 compliance activities.

8.29 Sec. 7. DEPARTMENT OF CORRECTIONS

8.30 Subdivision 1. Total Appropriation \$ 481,103,000 \$ 487,864,000

9.1 The amounts that may be spent for each
 9.2 purpose are specified in the following
 9.3 subdivisions.

9.4 Subd. 2. **Correctional Institutions** 345,906,000 351,872,000

9.5 (a) **Sex Offender Treatment Beds**

9.6 Of this appropriation, \$1,500,000 each year
 9.7 is to fund additional sex offender treatment
 9.8 beds and shall not be used for any other
 9.9 purpose. The funds appropriated in this
 9.10 paragraph are to supplement current funding
 9.11 for sex offender treatment and shall not be
 9.12 used to supplant current funding for sex
 9.13 offender treatment.

9.14 (b) **MINNCOR Transfer**

9.15 Notwithstanding Minnesota Statutes, section
 9.16 241.27, the commissioner of management
 9.17 and budget shall transfer \$1,300,000 the first
 9.18 year and \$1,300,000 the second year from the
 9.19 Minnesota correctional industries revolving
 9.20 fund to the general fund. These are onetime
 9.21 transfers.

9.22 Subd. 3. **Community Services** 112,953,000 113,479,000

9.23 Subd. 4. **Operations Support** 22,244,000 22,513,000

9.24 Sec. 8. Minnesota Statutes 2012, section 161.20, subdivision 3, is amended to read:

9.25 Subd. 3. **Trunk highway fund appropriations.** The commissioner may expend
 9.26 trunk highway funds only for trunk highway purposes. Payment of expenses related
 9.27 to ~~Bureau of Criminal Apprehension laboratory~~, Explore Minnesota Tourism kiosks,
 9.28 Minnesota Safety Council, ~~tort claims~~, driver education programs, Emergency Medical
 9.29 Services Board, Mississippi River Parkway Commission, and personnel costs incurred on
 9.30 behalf of the Governor's Office do not further a highway purpose and do not aid in the
 9.31 construction, improvement, or maintenance of the highway system.

9.32 Sec. 9. Minnesota Statutes 2012, section 243.51, subdivision 1, is amended to read:

10.1 Subdivision 1. **Contracting with other states and federal government.** The
10.2 commissioner of corrections is hereby authorized to contract with agencies and bureaus of
10.3 the United States and with the proper officials of other states or a county of this state for
10.4 the custody, care, subsistence, education, treatment and training of persons convicted of
10.5 criminal offenses constituting felonies in the courts of this state, the United States, or other
10.6 states of the United States. ~~Sueh~~ The contracts shall provide for reimbursing the state of
10.7 Minnesota for all costs or other expenses involved, and, to the extent possible, require
10.8 payment to the Department of Corrections of a per diem amount that is substantially equal
10.9 to or greater than the per diem for the cost of housing Minnesota inmates at the same
10.10 facility. This per diem cost shall be based on the assumption that the facility is at or
10.11 near capacity. Funds received under the contracts shall be deposited in the state treasury
10.12 and are appropriated to the commissioner of corrections for correctional purposes. Any
10.13 prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject
10.14 to the terms and conditions of the prisoner's original sentence as if the prisoner were
10.15 serving the same within the confines of the state in which the conviction and sentence was
10.16 had or in the custody of the United States. Nothing herein shall deprive ~~sueh~~ the inmate of
10.17 the right to parole or the rights to legal process in the courts of this state.

10.18 Sec. 10. Minnesota Statutes 2012, section 243.51, subdivision 3, is amended to read:

10.19 Subd. 3. **Temporary detention.** The commissioner of corrections is authorized to
10.20 contract with agencies and bureaus of the United States and with the appropriate officials
10.21 of any other state or county of this state for the temporary detention of any person in
10.22 custody pursuant to any process issued under the authority of the United States, other
10.23 states of the United States, or the district courts of this state. The contract shall provide for
10.24 reimbursement to the state of Minnesota for all costs and expenses involved, and, to the
10.25 extent possible, require payment to the Department of Corrections of a per diem amount
10.26 that is substantially equal to or greater than the per diem for the cost of housing Minnesota
10.27 inmates at the same facility. This per diem cost shall be based on the assumption that the
10.28 facility is at or near capacity. Funds received under the contracts shall be deposited in the
10.29 state treasury and are appropriated to the commissioner of corrections for correctional
10.30 purposes.

10.31 Sec. 11. Minnesota Statutes 2012, section 363A.36, subdivision 1, is amended to read:

10.32 Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in
10.33 excess of \$100,000, no department or agency of the state shall accept any bid or proposal
10.34 for a contract or agreement from any business having more than 40 full-time employees

11.1 within this state on a single working day during the previous 12 months, unless the
 11.2 commissioner is in receipt of the business' affirmative action plan for the employment of
 11.3 minority persons, women, and qualified disabled individuals. No department or agency of
 11.4 the state shall execute any such contract or agreement until the affirmative action plan
 11.5 has been approved by the commissioner. Receipt of a certificate of compliance issued by
 11.6 the commissioner shall signify that a firm or business has an affirmative action plan that
 11.7 has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~
 11.8 four years. A municipality as defined in section 466.01, subdivision 1, that receives state
 11.9 money for any reason is encouraged to prepare and implement an affirmative action plan
 11.10 for the employment of minority persons, women, and the qualified disabled and submit the
 11.11 plan to the commissioner.

11.12 (b) This paragraph applies to a contract for goods or services in excess of \$100,000
 11.13 to be entered into between a department or agency of the state and a business that is
 11.14 not subject to paragraph (a), but that has more than 40 full-time employees on a single
 11.15 working day during the previous 12 months in the state where the business has its primary
 11.16 place of business. A department or agency of the state may not execute a contract or
 11.17 agreement with a business covered by this paragraph unless the business has a certificate
 11.18 of compliance issued by the commissioner under paragraph (a) or the business certifies
 11.19 that it is in compliance with federal affirmative action requirements.

11.20 (c) This section does not apply to contracts entered into by the State Board of
 11.21 Investment for investment options under section 352.965, subdivision 4.

11.22 Sec. 12. Minnesota Statutes 2012, section 363A.36, subdivision 2, is amended to read:

11.23 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect
 11.24 a ~~\$75~~ \$150 fee for each certificate of compliance issued by the commissioner or the
 11.25 commissioner's designated agent. The proceeds of the fee must be deposited in a
 11.26 human rights fee special revenue account. Money in the account is appropriated to the
 11.27 commissioner to fund the cost of issuing certificates and investigating grievances.

11.28 Sec. 13. Minnesota Statutes 2012, section 609.3451, subdivision 3, is amended to read:

11.29 Subd. 3. **Felony.** A person is guilty of a felony and may be sentenced to imprisonment
 11.30 for not more than five years or to payment of a fine of not more than \$10,000, or both,
 11.31 if the person violates ~~subdivision 1, clause (2) this section,~~ after having been previously
 11.32 convicted of or adjudicated delinquent for violating ~~subdivision 1, clause (2) this section;~~
 11.33 ~~section~~ sections 609.342 to 609.345; 609.3453; 609.352; 617.23, subdivision 2, clause (1)

12.1 or 3; 617.246; or 617.247; or a statute from another state in conformity with subdivision 1,
12.2 clause (2), or section 617.23, subdivision 2, clause (1) with any of those sections.

12.3 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
12.4 committed on or after that date.

12.5 Sec. 14. Minnesota Statutes 2012, section 609.3455, is amended by adding a
12.6 subdivision to read:

12.7 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as
12.8 provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to
12.9 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall
12.10 commit the defendant to the commissioner of corrections for not less than three years, nor
12.11 more than the maximum sentence provided by law for the offense for which convicted,
12.12 notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may
12.13 stay the execution of the sentence imposed under this subdivision only if it finds that a
12.14 professional assessment indicates the offender is accepted by and can respond to treatment
12.15 at a long-term inpatient program exclusively treating sex offenders and approved by the
12.16 commissioner of corrections. If the court stays the execution of a sentence, it shall include
12.17 the following as conditions of probation:

12.18 (1) incarceration in a local jail or workhouse; and

12.19 (2) a requirement that the offender successfully complete the treatment program and
12.20 aftercare as directed by the court.

12.21 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to all
12.22 crimes committed on or after that date.

12.23 Sec. 15. **REPEALER.**

12.24 Minnesota Statutes 2012, section 243.51, subdivision 5, is repealed.

APPENDIX

Repealed Minnesota Statutes: H0724-1

243.51 UNITED STATES PRISONERS; PRISONERS FROM OTHER STATES.

Subd. 5. **Special revenue fund.** Money received under contracts authorized in subdivisions 1 and 3 shall be deposited in the state treasury in an inmate housing account in the special revenue fund. The money deposited in this account may be expended only as provided by law. The purpose of this fund is for correctional purposes, including housing inmates under this section, and capital improvements.