### S.F. No. 1001, as introduced - 87th Legislative Session (2011-2012) [11-0710]

## **SENATE STATE OF MINNESOTA** EIGHTY-SEVENTH LEGISLATURE S.F. No. 1001

#### (SENATE AUTHORS: INGEBRIGTSEN, Gimse and Kubly)

DATE	D-PG	OFFICIAL STATUS
03/23/2011	631	Introduction and first reading Referred to Judiciary and Public Safety
04/04/2011	1157	Author added Kubly

1.1 1.2 1.3 1.4 1.5 1.6	A bill for an act relating to corrections; requiring the commissioner of corrections to issue a request for proposals for housing individuals committed to the custody of the commissioner in private prisons; amending Minnesota Statutes 2010, section 241.01, subdivision 3a. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.7	Section 1. Minnesota Statutes 2010, section 241.01, subdivision 3a, is amended to read:
1.8	Subd. 3a. Commissioner, powers and duties. The commissioner of corrections has
1.9	the following powers and duties:
1.10	(a) To accept persons committed to the commissioner by the courts of this state for
1.11	care, custody, and rehabilitation.
1.12	(b) To determine the place of confinement of committed persons in a correctional
1.13	facility or other facility of the Department of Corrections, or at a private facility, and to
1.14	prescribe reasonable conditions and rules for their employment, conduct, instruction, and
1.15	discipline within or outside the facility. Inmates shall not exercise custodial functions or
1.16	have authority over other inmates. Inmates may serve on the board of directors or hold an
1.17	executive position subordinate to correctional staff in any corporation, private industry or
1.18	educational program located on the grounds of, or conducted within, a state correctional
1.19	facility with written permission from the chief executive officer of the facility.
1.20	(c) To administer the money and property of the department.
1.21	(d) To administer, maintain, and inspect all state correctional facilities.
1.22	(e) To transfer authorized positions and personnel between state correctional
1.23	facilities as necessary to properly staff facilities and programs.
1.24	(f) To utilize state correctional facilities in the manner deemed to be most efficient
1.25	and beneficial to accomplish the purposes of this section, but not to close the Minnesota

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Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
legislative approval. The commissioner may place juveniles and adults at the same
state minimum security correctional facilities, if there is total separation of and no
regular contact between juveniles and adults, except contact incidental to admission,
classification, and mental and physical health care.

- (g) To organize the department and employ personnel the commissioner deems
  necessary to discharge the functions of the department, including a chief executive officer
  for each facility under the commissioner's control who shall serve in the unclassified civil
  service and may, under the provisions of section 43A.33, be removed only for cause.
- 2.10 (h) To define the duties of these employees and to delegate to them any of the
  2.11 commissioner's powers, duties and responsibilities, subject to the commissioner's control
  2.12 and the conditions the commissioner prescribes.

2.13 (i) To annually develop a comprehensive set of goals and objectives designed to
2.14 clearly establish the priorities of the Department of Corrections. This report shall be
2.15 submitted to the governor commencing January 1, 1976. The commissioner may establish
2.16 ad hoc advisory committees.

2.17

**EFFECTIVE DATE.** This section is effective the day following final enactment.

### 2.18 Sec. 2. ISSUANCE OF REQUEST FOR PROPOSALS; PRISON

#### 2.19 **PRIVATIZATION.**

Subdivision 1. Request for proposals. The commissioner of administration, in 2.20 consultation with the commissioner of corrections, must issue a request for proposals 2.21 within 30 days of the effective date of this act, and must authorize one or more vendors 2.22 by November 1, 2011, to provide correctional facilities, services, and supervision for 2.23 persons committed to the commissioner of corrections by the courts of this state. The 2.24 commissioner may consider proposals from vendors with facilities in Minnesota and from 2.25 vendors that propose building facilities in Minnesota. The commissioner may consider 2.26 proposals that involve multiple sites. The Department of Corrections may submit a 2.27 proposal. A proposal submitted by the department must be given the same consideration 2.28 as proposals from private vendors. 2.29 Subd. 2. Minimum requirements. To qualify for consideration, a vendor must: 2.30 (1) agree to house prisoners at a cost to the state that is at least five percent below the 2.31 Department of Correction's current per diem; and 2.32 (2) meet or exceed the prison standards promulgated by the American Correctional 2.33

2.34 <u>Association.</u>

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3.1	Subd. 3. Selection criteria. In establishing criteria and preferences for vendors, the
3.2	commissioner of administration must consult with the commissioner of corrections, the
3.3	executive director of the Sentencing Guidelines Commission, and the commissioner of
3.4	human services, as appropriate. The commissioner must consider the following factors in
3.5	issuing the request for proposals:
3.6	(1) the level or levels of security for which custodial care and services will be needed;
3.7	(2) the type and length of treatment, educational, and other programs and services
3.8	appropriate to offenders likely to be housed in a private correctional facility;
3.9	(3) the transport of offenders to and from any private facilities;
3.10	(4) the division of all costs associated with providing care, custody, and rehabilitation
3.11	for offenders committed to the commissioner of corrections; and
3.12	(5) other factors deemed appropriate for consideration by the commissioner of
3.13	administration, corrections, or human services, or by the executive director of the
3.14	Sentencing Guidelines Commission.

# 3.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.