

SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION

S.F. No. 2486

(SENATE AUTHORS: LATZ)

DATE  
05/03/2021

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy  
See First Special Session 2021, HF63, Art. 3, Sec. 23, 26, 29-32  
See First Special Session 2021, HF9

1.1A bill for an act

1.2relating to judiciary; amending law and appropriating money for courts, Guardian

1.3Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board

1.4of Public Defense, human rights, and eviction case court actions and files; amending

1.5Minnesota Statutes 2020, sections 363A.09, subdivisions 1, 2, by adding a

1.6subdivision; 363A.36, subdivision 2; 363A.44, subdivision 2; 477A.03, subdivision

1.72b; 611.27, subdivisions 9, 10, 11, 13, 15.

1.8BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9ARTICLE 1

1.10APPROPRIATIONS

1.11Section 1. APPROPRIATIONS.

1.12The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.13and for the purposes specified in this article. The appropriations are from the general fund,

1.14or another named fund, and are available for the fiscal years indicated for each purpose.

1.15The figures "2022" and "2023" used in this article mean that the appropriations listed under

1.16them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.

1.17"The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"

1.18is fiscal years 2022 and 2023.

1.19	<u>APPROPRIATIONS</u>			
1.20	<u>Available for the Year</u>			
1.21	<u>Ending June 30</u>			
1.22		<u>2022</u>		<u>2023</u>
1.23	Sec. 2. <u>SUPREME COURT</u>			
1.24	<u>Subdivision 1. Total Appropriation</u>	\$	<u>61,636,000</u>	\$ <u>61,780,000</u>

2.1 The amounts that may be spent for each  
2.2 purpose are specified in the following  
2.3 subdivisions.

2.4 Subd. 2. **Supreme Court Operations** 44,708,000 43,582,000

2.5 **Contingent Account.** \$5,000 each year is for  
2.6 a contingent account for expenses necessary  
2.7 for the normal operation of the court for which  
2.8 no other reimbursement is provided.

2.9 \$850,000 in fiscal year 2022 is to fund critical  
2.10 improvements to the Minnesota Court Record  
2.11 Online application. This is a onetime  
2.12 appropriation.

2.13 \$750,000 in fiscal year 2022 is to fund critical  
2.14 improvements to the judiciary branch cyber  
2.15 security program. This is a onetime  
2.16 appropriation.

2.17 \$1,000,000 in fiscal year 2022 is for a  
2.18 competitive grant program established by the  
2.19 chief justice for the distribution of safe and  
2.20 secure courthouse fund grants to governmental  
2.21 entities responsible for providing or  
2.22 maintaining a courthouse or other facility  
2.23 where court proceedings are held. Grant  
2.24 recipients must provide a 50 percent nonstate  
2.25 match. This is a onetime appropriation and is  
2.26 available until June 30, 2024.

2.27 Subd. 3. **Civil Legal Services** 16,928,000 18,198,000

2.28 **Legal Services to Low-Income Clients in**  
2.29 **Family Law Matters.** \$1,017,000 each year  
2.30 is to improve the access of low-income clients  
2.31 to legal representation in family law matters.  
2.32 This appropriation must be distributed under  
2.33 Minnesota Statutes, section 480.242, to the  
2.34 qualified legal services program described in

3.1 Minnesota Statutes, section 480.242,  
3.2 subdivision 2, paragraph (a). Any  
3.3 unencumbered balance remaining in the first  
3.4 year does not cancel and is available in the  
3.5 second year.

**Sec. 3. COURT OF APPEALS**

3.7      Sec. 4. DISTRICT COURTS                         §          319,627,000 §          329,855,000

3.8	<b>Sec. 5. <u>GUARDIAN AD LITEM BOARD</u></b>	<b>\$</b>	<b><u>22,206,000</u></b>	<b>\$</b>	<b><u>22,889,000</u></b>
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3.9	Sec. 6. <b><u>TAX COURT</u></b>	<b>\$</b>	<b>1,827,000</b>	<b>\$</b>	<b>1,841,000</b>
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3.10	<b>Sec. 7. UNIFORM LAWS COMMISSION</b>	<b>\$</b>	<b>100,000</b>	<b>\$</b>	<b>100,000</b>
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3.11	Sec. 8. BOARD ON JUDICIAL STANDARDS	\$	580,000	\$	586,000
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3.12 If the appropriation for either year is  
3.13 insufficient, the appropriation for the other  
3.14 fiscal year is available.

3.15 **Major Disciplinary Actions.** \$125,000 each  
3.16 year is for special investigative and hearing  
3.17 costs for major disciplinary actions undertaken  
3.18 by the board. This appropriation does not  
3.19 cancel. Any unencumbered and unspent  
3.20 balances remain available for these  
3.21 expenditures until June 30, 2025.

3.22	Sec. 9. BOARD OF PUBLIC DEFENSE	\$	109,583,000	\$	112,468,000
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3.23 **Public Defense Corporations.** \$74,000 the  
3.24 first year and \$152,000 the second year are  
3.25 for increases to public defense corporations.

3.26	Sec. 10. HUMAN RIGHTS	\$	6,079,000	\$	6,186,000
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3.27 ARTICLE 2  
3.28 POLICY

3.29 Section 1. Minnesota Statutes 2020, section 363A.09, subdivision 1, is amended to read:

3.30 Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an  
3.31 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent

of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a public assistance program, disability, sexual orientation, or familial status; or

(2) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a public assistance program, disability, sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(3) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a public assistance program, disability, sexual orientation, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 2. Minnesota Statutes 2020, section 363A.09, subdivision 2, is amended to read:

Subd. 2. **Real property interest; action by brokers, agents, and others.** (a) It is an unfair discriminatory practice for a real estate broker, real estate salesperson, or employee, or agent thereof:

(1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or

5.1 requirements of a public assistance program, disability, sexual orientation, or familial status  
5.2 or represent that real property is not available for inspection, sale, rental, or lease when in  
5.3 fact it is so available, or otherwise deny or withhold any real property or any facilities of  
5.4 real property to or from any person or group of persons because of race, color, creed, religion,  
5.5 national origin, sex, marital status, status with regard to public assistance, participation in  
5.6 or requirements of a public assistance program, disability, sexual orientation, or familial  
5.7 status; or

5.8 (2) to discriminate against any person because of race, color, creed, religion, national  
5.9 origin, sex, marital status, status with regard to public assistance, participation in or  
5.10 requirements of a public assistance program, disability, sexual orientation, or familial status  
5.11 in the terms, conditions or privileges of the sale, rental or lease of real property or in the  
5.12 furnishing of facilities or services in connection therewith; or

5.13 (3) to print, circulate, or post or cause to be printed, circulated, or posted any  
5.14 advertisement or sign, or use any form of application for the purchase, rental, or lease of  
5.15 any real property or make any record or inquiry in connection with the prospective purchase,  
5.16 rental or lease of any real property, which expresses directly or indirectly, any limitation,  
5.17 specification or discrimination as to race, color, creed, religion, national origin, sex, marital  
5.18 status, status with regard to public assistance, participation in or requirements of a public  
5.19 assistance program, disability, sexual orientation, or familial status or any intent to make  
5.20 any such limitation, specification, or discrimination except that nothing in this clause shall  
5.21 be construed to prohibit the advertisement of a dwelling unit as available to adults-only if  
5.22 the person placing the advertisement reasonably believes that the provisions of this section  
5.23 prohibiting discrimination because of familial status do not apply to the dwelling unit.

5.24 (b) It is an unfair discriminatory practice for a landlord to furnish credit, services, or  
5.25 rental accommodations that discriminate against any individual who is a recipient of federal,  
5.26 state, or local public assistance, including medical assistance, or who is a tenant receiving  
5.27 federal, state, or local housing subsidies, including rental assistance or rental supplements,  
5.28 because the individual is such a recipient, or because of any requirement of such public  
5.29 assistance, rental assistance, or housing subsidy program.

5.30 Sec. 3. Minnesota Statutes 2020, section 363A.09, is amended by adding a subdivision to  
5.31 read:

5.32 Subd. 2a. **Definition; public assistance program.** For the purposes of this section,  
5.33 "public assistance program" means federal, state, or local assistance, including but not  
5.34 limited to rental assistance, rent supplements, and housing choice vouchers.

Sec. 4. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~ \$250 fee for each certificate of compliance issued by the commissioner or the commissioner's designated agent. The proceeds of the fee must be deposited in a human rights fee special revenue account. Money in the account is appropriated to the commissioner to fund the cost of issuing certificates and investigating grievances.

**EFFECTIVE DATE.** This section is effective for applications received on or after July 1, 2021.

Sec. 5. Minnesota Statutes 2020, section 363A.44, subdivision 2, is amended to read:

Subd. 2. **Application.** (a) A business shall apply for an equal pay certificate by paying a ~~\$150~~ \$250 filing fee and submitting an equal pay compliance statement to the commissioner. The proceeds from the fees collected under this subdivision shall be deposited in an equal pay certificate special revenue account. Money in the account is appropriated to the commissioner for the purposes of this section. The commissioner shall issue an equal pay certificate of compliance to a business that submits to the commissioner a statement signed by the chairperson of the board or chief executive officer of the business:

(1) that the business is in compliance with Title VII of the Civil Rights Act of 1964, Equal Pay Act of 1963, Minnesota Human Rights Act, and Minnesota Equal Pay for Equal Work Law;

(2) that the average compensation for its female employees is not consistently below the average compensation for its male employees within each of the major job categories in the EEO-1 employee information report for which an employee is expected to perform work under the contract, taking into account factors such as length of service, requirements of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or other mitigating factors;

(3) that the business does not restrict employees of one sex to certain job classifications and makes retention and promotion decisions without regard to sex;

(4) that wage and benefit disparities are corrected when identified to ensure compliance with the laws cited in clause (1) and with clause (2); and

(5) how often wages and benefits are evaluated to ensure compliance with the laws cited in clause (1) and with clause (2).

(b) The equal pay compliance statement shall also indicate whether the business, in setting compensation and benefits, utilizes:

(1) a market pricing approach;

(2) state prevailing wage or union contract requirements;

(3) a performance pay system;

(4) an internal analysis; or

(5) an alternative approach to determine what level of wages and benefits to pay its employees. If the business uses an alternative approach, the business must provide a description of its approach.

(c) Receipt of the equal pay compliance statement by the commissioner does not establish compliance with the laws set forth in paragraph (a), clause (1).

**EFFECTIVE DATE.** This section is effective for applications received on or after July 1, 2021.

Sec. 6. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020, the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124, subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar year,~~ On or before the first installment date provided in section 477A.015, paragraph (a), \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner of revenue to ~~make reimbursements to the commissioner of management and budget the Board of Public Defense for payments made the payment of service under section 611.27.~~ to the commissioner of revenue on or before October 1 and shall be included in the next distribution certification of county need aid that is certified to the county auditors for the purpose of property tax reduction for the next taxes payable year. ~~The reimbursements shall be to defray the additional costs associated with court-ordered counsel under section 611.27. Any retained transferred amounts not used for reimbursement expended or encumbered in a fiscal year shall be certified by the Board of Public Defense to the commissioner of revenue on or before October 1 and shall be included in the next distribution certification of county need aid that is certified to the county auditors for the purpose of property tax reduction for the next taxes payable year.~~

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

Sec. 7. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

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

Sec. 8. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

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

Sec. 9. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

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



9.1 Sec. 10. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

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

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

9.16 Sec. 11. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

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