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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2770

03/06/2014 Authored by Johnson, S.; Cornish; Slocum; Liebling and Lohmer

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; implementing probation single funding; amending
1.3 Minnesota Statutes 2012, sections 244.19, subdivisions 6, 7; 244.20; 401.10,
1.4 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 244.

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

1.6 Section 1. Minnesota Statutes 2012, section 244.19, subdivision 6, is amended to read:

1.7 Subd. 6. **Reimbursement of Payment to counties.** ~~In order to reimburse the~~
1.8 ~~counties for the cost which they assume under this section of providing probation and~~
1.9 ~~parole services to wards of the commissioner of corrections and to aid the counties in~~
1.10 ~~achieving the purposes of this section, the commissioner of corrections shall annually,~~
1.11 ~~from funds appropriated for that purpose, pay 50 percent of the costs of probation officers'~~
1.12 ~~salaries to all counties of not more than 200,000 population. Nothing in this section~~
1.13 ~~will invalidate any payments to counties made pursuant to this section before May 15,~~
1.14 ~~1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do~~
1.15 ~~not exceed those provided for state civil service employees. On or before July 1 of each~~
1.16 ~~even-numbered year each county or group of counties which provide their own probation~~
1.17 ~~services to the district court under subdivision 1, clause (1) or (2), shall submit to the~~
1.18 ~~commissioner of corrections an estimate of its costs under this section. Reimbursement to~~
1.19 ~~those counties shall be made on the basis of the estimate or actual expenditures incurred,~~
1.20 ~~whichever is less. Reimbursement for those counties which obtain probation services from~~
1.21 ~~the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the~~
1.22 ~~basis of actual expenditures. Salary costs~~ Each county or group of counties that provides
1.23 probation services to the district court under subdivision 1, paragraph (a), clause (1) or
1.24 (2), shall be paid a share of the county's community supervision aid as determined by the

2.1 formula in section 244.192, subdivision 1. Aid shall not be reimbursed paid unless county
 2.2 probation officers are paid salaries commensurate with the salaries paid to comparable
 2.3 positions in the classified service of the state civil service. The salary range to which each
 2.4 county probation officer is assigned shall be determined by the authority having power
 2.5 to appoint probation officers, and shall be based on the officer's length of service and
 2.6 performance. The appointing authority shall annually assign each county probation officer
 2.7 to a position on the salary scale commensurate with the officer's experience, tenure, and
 2.8 responsibilities. The judge shall file with the county auditor an order setting each county
 2.9 probation officer's salary. Time spent by a county probation officer as a court referee shall
 2.10 not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is
 2.11 insufficient. A new position eligible for reimbursement under this section may not be added
 2.12 by a county without the written approval of the commissioner of corrections. When a new
 2.13 position is approved, the commissioner shall include the cost of the position in calculating
 2.14 each county's share. For counties that obtain probation services from the commissioner
 2.15 of corrections under subdivision 1, paragraph (a), clause (3), the county's share of the
 2.16 community supervision aid as determined by the formula in section 244.192, subdivision 1,
 2.17 shall be used to offset the costs of services provided by the department under subdivision 5.

2.18 Sec. 2. Minnesota Statutes 2012, section 244.19, subdivision 7, is amended to read:

2.19 Subd. 7. **Certificate of counties entitled to state aid Installment payments.**
 2.20 On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the
 2.21 commissioner of corrections shall deliver to the commissioner of management and budget
 2.22 a certificate in duplicate for each county of the state entitled to receive state aid under
 2.23 the provisions of this section. Upon the receipt of such certificate, the commissioner of
 2.24 management and budget shall draw a warrant in favor of the county treasurer for the
 2.25 amount shown by each certificate to be due to the county specified. The commissioner of
 2.26 management and budget shall transmit such warrant to the county treasurer together with a
 2.27 copy of the certificate prepared by the commissioner of corrections. For each county or
 2.28 group of counties that provides probation services to the district court under subdivision 1,
 2.29 paragraph (a), clause (1) or (2), the commissioner of corrections shall make payments for
 2.30 probation services to each county in 12 installments per year. The commissioner shall
 2.31 ensure that the pertinent payment of the allotment for each month is made to each county
 2.32 on the first working day after the end of each month of the calendar year, except for the last
 2.33 month of the calendar year. The commissioner shall ensure that each county receives its
 2.34 payment of the allotment for that month no later than the last working day of that month.

3.1 Sec. 3. [244.192] COMMUNITY SUPERVISION FORMULA.

3.2 Subdivision 1. Aid calculations. (a) The commissioner of corrections must apply
3.3 the formula in this subdivision to determine the community supervision funding amount to
3.4 be allocated to each county.

3.5 (b) For each of the 87 counties in the state, a percent score must be calculated for
3.6 each of the following five factors:

3.7 (1) the total state population aged ten to 24 residing within the county according
3.8 to the most recent federal census, and, in the intervening years between the taking of the
3.9 federal census, according to the most recent estimate of the state demographer;

3.10 (2) the statewide total number of felony case filings occurring within the county, as
3.11 determined by the state court administrator;

3.12 (3) the statewide total number of juvenile case filings occurring within the county, as
3.13 determined by the state court administrator;

3.14 (4) the statewide total number of gross misdemeanor case filings occurring within
3.15 the county, as determined by the state court administrator; and

3.16 (5) the statewide total number of convicted felony offenders who did not receive
3.17 an executed prison sentence, as monitored and reported by the Sentencing Guidelines
3.18 Commission.

3.19 The percents in clauses (2) to (5) must be calculated by combining the most recent
3.20 three-year period of available data. The percents in clauses (1) to (5) each must sum to
3.21 100 percent across the 87 counties.

3.22 (c) For each of the 87 counties, the county's percents in paragraph (b), clauses (1) to
3.23 (5), must be weighted, summed, and divided by the sum of the weights to yield an average
3.24 percent for each county, referred to as the county's "composite need percent." When
3.25 performing this calculation, the weight for each of the percents in paragraph (b), clauses (1)
3.26 to (5), is 1.0. The composite need percent must sum to 100 percent across the 87 counties.

3.27 (d) For each of the 87 counties, the county's "adjusted net tax capacity percent" is
3.28 the county's adjusted net tax capacity amount, defined in the same manner as it is defined
3.29 for cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net
3.30 tax capacity amount. The adjusted net tax capacity percent must sum to 100 percent
3.31 across the 87 counties.

3.32 (e) For each of the 87 counties, the county's composite need percent must be divided
3.33 by the county's adjusted net tax capacity percent to produce a ratio that, when multiplied
3.34 by the county's composite need percent, results in the county's "tax base adjusted need
3.35 percent."

4.1 (f) For each of the 87 counties, the county's tax base adjusted need percent must
4.2 be added to twice the composite need percent, and the sum must be divided by 3, to
4.3 yield the county's "weighted need percent."

4.4 (g) Each county's weighted need percent is the county's "share percent." The share
4.5 percents for all counties must sum to 100 percent.

4.6 (h) Each county's "base funding amount" is the total aid amount that the county
4.7 received under sections 244.19, subdivision 6 and 401.10; for the caseload and workload
4.8 reduction grant; for the felony caseload reduction grant; for the sex offender supervision
4.9 grant; and funds allocated by the Department of Corrections for providing services to the
4.10 county under section 244.20 for fiscal year 2015, as reported by the commissioner of
4.11 corrections. In fiscal year 2016 and thereafter, no county's aid amount under this section
4.12 may be less than its base funding amount, provided that the total amount appropriated
4.13 for this purpose is at least as much as the aggregate base funding amount defined in
4.14 paragraph (i).

4.15 (i) The "aggregate base funding amount" is equal to the sum of the base funding
4.16 amounts for all counties.

4.17 (j) In any given year, the total amount appropriated for this purpose first must be
4.18 allocated to counties in accordance with each county's base funding amount. Then, any
4.19 remaining amount in excess of the aggregate base funding amount must be allocated to
4.20 counties in proportion to each county's share percent and is referred to as the county's
4.21 "formula amount."

4.22 (k) Each county's "community supervision aid amount" equals the sum of:

4.23 (1) the county's base funding amount; and

4.24 (2) the county's formula amount.

4.25 (l) However, if in any year the total amount appropriated for the purpose of this
4.26 section is less than the aggregate base funding amount, then each participating county's
4.27 community supervision aid amount is the product of:

4.28 (1) the county's base funding amount; multiplied by

4.29 (2) the ratio of the total amount appropriated to the aggregate base funding amount.

4.30 (m) For each participating county, the county's community corrections aid amount
4.31 calculated in this subdivision is the total amount of subsidy to which the county is entitled
4.32 under sections 401.01 to 401.16.

4.33 (n) For counties organized for the provision of probation services or contracting with
4.34 the Department of Corrections as provided in section 244.19, the community supervision
4.35 aid amount shall be divided by the commissioner of corrections according to a formula
4.36 developed by the commissioner in consultation with the Minnesota Association of County

5.1 Probation Officers. The formula must be based on standardized county corrections agency
 5.2 annual client entry data, sorted by selected offenses and averaged over a three-year period.
 5.3 The data must include all adult and juvenile probation supervision; pretrial supervision;
 5.4 and supervised diversion clients charged with selected offenses, convicted of the selected
 5.5 offenses, or both. The selected offenses must be separated by offense severity levels to aid
 5.6 in applying a weighting process to reflect the level of resources needed for the supervision
 5.7 of the selected offenses.

5.8 Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking
 5.9 accorded each county by the equalization formula provided in this section and compute
 5.10 the aid amount accordingly.

5.11 Sec. 4. Minnesota Statutes 2012, section 244.20, is amended to read:

5.12 **244.20 PROBATION SUPERVISION.**

5.13 (a) Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the
 5.14 Department of Corrections shall have exclusive responsibility for providing probation
 5.15 services for adult felons, except those convicted under section 169A.24, participating in a
 5.16 court-ordered diversion or specialty court program, or awaiting disposition of charges, in
 5.17 counties that do not take part in the Community Corrections Act. In counties that do not
 5.18 take part in the Community Corrections Act, the responsibility for providing probation
 5.19 services for individuals convicted of gross misdemeanor offenses or felony offenses
 5.20 under section 169A.24, except those awaiting disposition of charges, shall be discharged
 5.21 according to local judicial policy.

5.22 (b) Funding for services provided by the Department of Corrections under this
 5.23 section shall be determined by the formula in section 244.192, subdivision 1.

5.24 Sec. 5. Minnesota Statutes 2012, section 401.10, subdivision 1, is amended to read:

5.25 ~~Subdivision 1. **Aid calculations.** To determine the community corrections aid~~
 5.26 ~~amount to be paid to each participating county, the commissioner of corrections must~~
 5.27 ~~apply the following formula:~~

5.28 ~~(1) For each of the 87 counties in the state, a percent score must be calculated for~~
 5.29 ~~each of the following five factors:~~

5.30 ~~(i) percent of the total state population aged ten to 24 residing within the county~~
 5.31 ~~according to the most recent federal census, and, in the intervening years between the~~
 5.32 ~~taking of the federal census, according to the most recent estimate of the state demographer;~~

5.33 ~~(ii) percent of the statewide total number of felony case filings occurring within the~~
 5.34 ~~county, as determined by the state court administrator;~~

6.1 ~~(iii) percent of the statewide total number of juvenile case filings occurring within~~
 6.2 ~~the county, as determined by the state court administrator;~~

6.3 ~~(iv) percent of the statewide total number of gross misdemeanor case filings~~
 6.4 ~~occurring within the county, as determined by the state court administrator; and~~

6.5 ~~(v) percent of the total statewide number of convicted felony offenders who did~~
 6.6 ~~not receive an executed prison sentence, as monitored and reported by the Sentencing~~
 6.7 ~~Guidelines Commission.~~

6.8 The percents in items (ii) to (v) must be calculated by combining the most recent
 6.9 three-year period of available data. The percents in items (i) to (v) each must sum to 100
 6.10 percent across the 87 counties.

6.11 ~~(2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v),~~
 6.12 ~~must be weighted, summed, and divided by the sum of the weights to yield an average~~
 6.13 ~~percent for each county, referred to as the county's "composite need percent." When~~
 6.14 ~~performing this calculation, the weight for each of the percents in clause (1), items (i) to~~
 6.15 ~~(v), is 1.0. The composite need percent must sum to 100 percent across the 87 counties.~~

6.16 ~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is~~
 6.17 ~~the county's adjusted net tax capacity amount, defined in the same manner as it is defined~~
 6.18 ~~for cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net~~
 6.19 ~~tax capacity amount. The adjusted net tax capacity percent must sum to 100 percent~~
 6.20 ~~across the 87 counties.~~

6.21 ~~(4) For each of the 87 counties, the county's composite need percent must be divided~~
 6.22 ~~by the county's adjusted net tax capacity percent to produce a ratio that, when multiplied~~
 6.23 ~~by the county's composite need percent, results in the county's "tax base adjusted need~~
 6.24 ~~percent."~~

6.25 ~~(5) For each of the 87 counties, the county's tax base adjusted need percent must~~
 6.26 ~~be added to twice the composite need percent, and the sum must be divided by 3, to~~
 6.27 ~~yield the county's "weighted need percent."~~

6.28 ~~(6) Each participating county's weighted need percent must be added to the weighted~~
 6.29 ~~need percent of each other participating county to yield the "total weighted need percent~~
 6.30 ~~for participating counties."~~

6.31 ~~(7) Each participating county's weighted need percent must be divided by the total~~
 6.32 ~~weighted need percent for participating counties to yield the county's "share percent." The~~
 6.33 ~~share percents for participating counties must sum to 100 percent.~~

6.34 ~~(8) Each participating county's "base funding amount" is the aid amount that the~~
 6.35 ~~county received under this section for fiscal year 1995, as reported by the commissioner of~~
 6.36 ~~corrections. In fiscal year 1997 and thereafter, no county's aid amount under this section~~

7.1 may be less than its base funding amount, provided that the total amount appropriated for
 7.2 this purpose is at least as much as the aggregate base funding amount defined in clause (9).

7.3 (9) The "aggregate base funding amount" is equal to the sum of the base funding
 7.4 amounts for all participating counties. If a county that participated under this section
 7.5 during fiscal year 1995 chooses not to participate in any given year, then the aggregate
 7.6 base funding amount must be reduced by that county's base funding amount. If a county
 7.7 that did not participate under this section in fiscal year 1995 chooses to participate in any
 7.8 given year, then the aggregate base funding amount must be increased by the amount of
 7.9 aid that the county would have received had it participated in fiscal year 1995, as reported
 7.10 by the commissioner of corrections, and the amount of increase shall be that county's
 7.11 base funding amount.

7.12 (10) In any given year, the total amount appropriated for this purpose first must be
 7.13 allocated to participating counties in accordance with each county's base funding amount.
 7.14 Then, any remaining amount in excess of the aggregate base funding amount must be
 7.15 allocated to participating counties in proportion to each county's share percent, and is
 7.16 referred to as the county's "formula amount."

7.17 Each participating county's "community corrections aid amount" equals the sum of
 7.18 (i) the county's base funding amount, and (ii) the county's formula amount.

7.19 (11) However, if in any year the total amount appropriated for the purpose of this
 7.20 section is less than the aggregate base funding amount, then each participating county's
 7.21 community corrections aid amount is the product of (i) the county's base funding amount
 7.22 multiplied by (ii) the ratio of the total amount appropriated to the aggregate base funding
 7.23 amount.

7.24 For each participating county, the county's community corrections supervision aid
 7.25 amount calculated in this subdivision section 244.192, subdivision 1, is the total amount
 7.26 of subsidy to which the county is entitled under sections 401.01 to 401.16.

7.27 **Sec. 6. REPORT.**

7.28 (a) The formula developed under section 3, subdivision 1, paragraph (n), shall be
 7.29 reported by the commissioner of corrections to the chairs and ranking minority members
 7.30 of the senate and house of representatives committees and divisions with jurisdiction over
 7.31 corrections finance by January 15, 2015.

7.32 (b) By January 15, 2018, the Department of Corrections and any interested county
 7.33 organizations must review the formula developed in section 3, subdivision 1, paragraph
 7.34 (n), and its application, and make recommendations to modify or replace the formula,

- 8.1 if needed, to the chairs and ranking minority members of the senate and house of
- 8.2 representatives committees and divisions with jurisdiction over corrections finance.