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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4624

05/04/2020 Authored by Nelson, M., The bill was read for the first time and referred to the State Government Finance Division

1.1 A bill for an act
1.2 relating to state government; making supplemental budget changes to certain state
1.3 agencies; making changes to state government operations; amending Minnesota
1.4 Statutes 2018, sections 16A.122, subdivision 2; 16B.4805, subdivision 1; 16B.98,
1.5 by adding a subdivision; 611.27, subdivisions 9, 10, 11, 13, 15; Minnesota Statutes
1.6 2019 Supplement, section 477A.03, subdivision 2b; repealing Laws 2019, First
1.7 Special Session chapter 6, article 11, section 17.

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

1.9 ARTICLE 1
1.10 STATE GOVERNMENT APPROPRIATIONS

1.11 Section 1. APPROPRIATIONS.

1.12 The sums shown in the columns marked "Appropriations" are added to or, if shown in
1.13 parentheses, subtracted from the appropriations in Laws 2019, First Special Session chapter
1.14 10, or other law to the specified agencies. The appropriations are from the general fund, or
1.15 another named fund, and are available for the fiscal years indicated for each purpose. The
1.16 figures "2020" and "2021" used in this article mean that the appropriations listed under them
1.17 are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.
1.18 Appropriations for the fiscal year ending June 30, 2020, are effective the day following
1.19 final enactment.

Table with 4 columns: Description, \$, 2020, 2021. Row 1: Sec. 2. STATE AUDITOR, \$, -0-, 688,000

2.1 \$688,000 in fiscal year 2021 is appropriated
 2.2 from the general fund to the state auditor for
 2.3 a school finance accountability team in the
 2.4 Audit Finance Division. The base for this
 2.5 appropriation is \$690,000 in fiscal year 2022
 2.6 and \$690,000 is fiscal year 2023.

2.7 Notwithstanding Minnesota Statutes, section
 2.8 6.56, the state auditor may not bill a school
 2.9 district for any work conducted by the school
 2.10 finance accountability team prior to July 1,
 2.11 2024. This provision shall not supersede
 2.12 Minnesota Statutes, section 6.54.

2.13 Sec. 3. ATTORNEY GENERAL \$ -0- \$ 2,850,000

2.14	<u>Appropriations by Fund</u>	
2.15	<u>2020</u>	<u>2021</u>
2.16	<u>General</u>	<u>\$2,850,000</u>
	<u>-0-</u>	

2.17 The base for this adjustment is \$2,205,000 in
 2.18 fiscal year 2022 and each year thereafter.

2.19 Sec. 4. SECRETARY OF STATE \$ 1,478,000 \$ -0-

2.20 \$1,478,000 the first year is transferred from
 2.21 the general fund to the Help America Vote
 2.22 Act account under Minnesota Statutes, section
 2.23 5.30, and is credited to the state match
 2.24 requirement of the Omnibus Appropriations
 2.25 Act of 2020, Public Law 116-93, the Help
 2.26 America Vote Act of 2002, Public Law
 2.27 107-252, section 101. This is a onetime
 2.28 appropriation.

2.29 Sec. 5. OFFICE OF MN.IT SERVICES \$ -0- \$ 3,000,000

2.30 \$3,000,000 in fiscal year 2021 is appropriated
 2.31 for enhancement of the state's information
 2.32 technology recovery capabilities and
 2.33 modernization of state agency software
 2.34 applications. The base for this appropriation

4.1 applies to appropriations made for new grant programs enacted after the effective date of
 4.2 this subdivision.

4.3 Sec. 4. Minnesota Statutes 2019 Supplement, section 477A.03, subdivision 2b, is amended
 4.4 to read:

4.5 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
 4.6 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
 4.7 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
 4.8 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
 4.9 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section
 4.10 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
 4.11 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
 4.12 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
 4.13 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
 4.14 ~~year~~ On or before the first installment date provided in section 477A.015, paragraph (a),
 4.15 \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner
 4.16 of revenue to ~~make reimbursements to the commissioner of management and budget for~~
 4.17 ~~payments made under section 611.27. The reimbursements shall be to defray the additional~~
 4.18 ~~costs associated with court-ordered counsel~~ the Board of Public Defense for the payment
 4.19 of services under section 611.27. Any ~~retained~~ transferred amounts not ~~used for~~
 4.20 ~~reimbursement~~ expended or encumbered in a fiscal year shall be certified by the Board of
 4.21 Public Defense to the commissioner of revenue on or before October 1 and shall be included
 4.22 in the next ~~distribution~~ certification of county need aid that is certified to the county auditors
 4.23 for the purpose of property tax reduction for the next taxes payable year.

4.24 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
 4.25 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
 4.26 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
 4.27 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
 4.28 transfer to the commissioner of management and budget \$207,000 annually for the cost of
 4.29 preparation of local impact notes as required by section 3.987, and other local government
 4.30 activities. The commissioner of revenue shall transfer to the commissioner of education
 4.31 \$7,000 annually for the cost of preparation of local impact notes for school districts as
 4.32 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
 4.33 under this paragraph from the appropriation under this paragraph. The amounts transferred
 4.34 are appropriated to the commissioner of management and budget and the commissioner of
 4.35 education respectively.

5.1 Sec. 5. Minnesota Statutes 2018, section 611.27, subdivision 9, is amended to read:

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

5.6 Sec. 6. Minnesota Statutes 2018, section 611.27, subdivision 10, is amended to read:

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

5.10 Sec. 7. Minnesota Statutes 2018, section 611.27, subdivision 11, is amended to read:

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

5.20 Sec. 8. Minnesota Statutes 2018, section 611.27, subdivision 13, is amended to read:

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

5.30 The costs of appointed counsel and associated services in cases arising from new criminal
 5.31 charges brought against indigent inmates who are incarcerated in a Minnesota state
 5.32 correctional facility are the responsibility of the state Board of Public Defense. In such cases

6.1 the state public defender may follow the procedures outlined in this section for obtaining
6.2 court-ordered counsel.

6.3 Sec. 9. Minnesota Statutes 2018, section 611.27, subdivision 15, is amended to read:

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

6.12 Sec. 10. HELP AMERICA VOTE ACT TRANSFERS AND APPROPRIATIONS;
6.13 SECRETARY OF STATE.

6.14 (a) \$8,867,506 in fiscal year 2020 is appropriated from the Help America Vote Act
6.15 (HAVA) account established in Minnesota Statutes, section 5.30, to the secretary of state
6.16 for the purposes of improving the administration and security of elections as authorized by
6.17 federal law, including but not limited to any of the following activities:

6.18 (1) modernizing, securing, and updating the statewide voter registration system and for
6.19 cybersecurity upgrades as authorized by federal law;

6.20 (2) improving accessibility;

6.21 (3) preparing training materials and training local election officials;

6.22 (4) implementing security improvements for election systems; and

6.23 (5) funding other activities to improve the security of elections.

6.24 (b) Any amount earned in interest on the amount appropriated under paragraph (a) is
6.25 appropriated from the HAVA account to the secretary of state for purposes of improving
6.26 the administration and security of elections as authorized by federal law.

6.27 (c) The appropriations under paragraphs (a) and (b) are onetime and available until
6.28 December 21, 2024.

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

7.1 Sec. 11. **REPEALER.**

7.2 Laws 2019, First Special Session chapter 6, article 11, section 17, is repealed.

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

APPENDIX
Repealed Minnesota Session Laws: 20-8165

Laws 2019, First Special Session chapter 6, article 11, section 17

Sec. 17. **BUDGET RESERVE REDUCTION.**

On July 1, 2021, the balance of the budget reserve account established in Minnesota Statutes, section 16A.152, subdivision 1a, is reduced by \$491,369,000.