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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

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; appropriating money  
1.5 for public safety, judiciary, corrections, and human rights; amending Minnesota  
1.6 Statutes 2012, sections 161.20, subdivision 3; 243.51, subdivisions 1, 3;  
1.7 363A.36, subdivisions 1, 2; repealing Minnesota Statutes 2012, section 243.51,  
1.8 subdivision 5.

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

1.10 Section 1. SUMMARY OF APPROPRIATIONS.

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

	<u>2014</u>	<u>2015</u>	<u>Total</u>
1.14 <u>General</u>	\$ 945,562,000	\$ 965,947,000	\$ 1,911,509,000
1.15 <u>State Government Special</u>			
1.16 <u>Revenue</u>	59,241,000	63,742,000	122,983,000
1.17 <u>Environmental</u>	69,000	69,000	138,000
1.18 <u>Special Revenue</u>	19,582,000	19,582,000	39,164,000
1.19 <u>Trunk Highway</u>	2,266,000	2,266,000	4,532,000
1.20 <u>Total</u>	\$ 1,026,720,000	\$ 1,051,606,000	\$ 2,078,326,000

1.21 Sec. 2. PUBLIC SAFETY APPROPRIATIONS.

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

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

	<b><u>APPROPRIATIONS</u></b>	
	<b><u>Available for the Year</u></b>	
	<b><u>Ending June 30</u></b>	
	<b><u>2014</u></b>	<b><u>2015</u></b>

2.8 Sec. 3. **SUPREME COURT**

2.9 <b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>43,148,000</u></b>	<b><u>\$</u></b>	<b><u>44,055,000</u></b>
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2.10 The amounts that may be spent for each  
 2.11 purpose are specified in the following  
 2.12 subdivisions.

2.13 <b><u>Subd. 2. Supreme Court Operations</u></b>		<b><u>31,632,000</u></b>		<b><u>32,539,000</u></b>
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2.14 <b><u>Subd. 3. Civil Legal Services</u></b>		<b><u>11,516,000</u></b>		<b><u>11,516,000</u></b>
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2.15 Sec. 4. <b><u>COURT OF APPEALS</u></b>	<b><u>\$</u></b>	<b><u>10,641,000</u></b>	<b><u>\$</u></b>	<b><u>11,023,000</u></b>
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2.16 Sec. 5. <b><u>TRIAL COURTS</u></b>	<b><u>\$</u></b>	<b><u>246,584,000</u></b>	<b><u>\$</u></b>	<b><u>256,241,000</u></b>
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2.17 Sec. 6. <b><u>GUARDIAN AD LITEM BOARD</u></b>	<b><u>\$</u></b>	<b><u>12,414,000</u></b>	<b><u>\$</u></b>	<b><u>12,756,000</u></b>
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2.18 Sec. 7. <b><u>TAX COURT</u></b>	<b><u>\$</u></b>	<b><u>986,000</u></b>	<b><u>\$</u></b>	<b><u>986,000</u></b>
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2.19 Sec. 8. <b><u>UNIFORM LAWS COMMISSION</u></b>	<b><u>\$</u></b>	<b><u>49,000</u></b>	<b><u>\$</u></b>	<b><u>49,000</u></b>
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2.20 Sec. 9. <b><u>BOARD ON JUDICIAL STANDARDS</u></b>	<b><u>\$</u></b>	<b><u>756,000</u></b>	<b><u>\$</u></b>	<b><u>456,000</u></b>
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2.21 (a) \$300,000 the first year is for deficiencies  
 2.22 occurring in fiscal year 2013. This  
 2.23 appropriation is available for expenditure the  
 2.24 day following final enactment.

2.25 (b) \$125,000 each year is for special  
 2.26 investigative and hearing costs for major  
 2.27 disciplinary actions undertaken by the  
 2.28 board. This appropriation does not cancel.

2.29 Any encumbered and unspent balances

3.1 remain available for these expenditures in  
 3.2 subsequent fiscal years.

3.3 Sec. 10. **BOARD OF PUBLIC DEFENSE**                 \$         68,798,000 \$         71,749,000

3.4 Sec. 11. **PUBLIC SAFETY**

3.5 **Subdivision 1. Total Appropriation**                 \$         155,681,000 \$         160,211,000

3.6                                 Appropriations by Fund

	<u>2014</u>	<u>2015</u>
3.7 <u>General</u>	78,293,000	78,322,000
3.8 <u>Special Revenue</u>	15,812,000	15,812,000
3.9 <u>State Government</u>		
3.10 <u>Special Revenue</u>	59,241,000	63,742,000
3.11 <u>Environmental</u>	69,000	69,000
3.12 <u>Trunk Highway</u>	2,266,000	2,266,000

3.14 The amounts that may be spent for each  
 3.15 purpose are specified in the following  
 3.16 subdivisions.

3.17 **Subd. 2. Emergency Management**                                 3,079,000                 3,029,000

3.18                                 Appropriations by Fund

3.19 <u>General</u>	2,406,000	2,356,000
3.20 <u>Special Revenue</u>	604,000	604,000
3.21 <u>Environmental</u>	69,000	69,000

3.22 **Hazmat and Chemical Assessment Teams**

3.23 \$604,000 each year is appropriated from the  
 3.24 fire safety account in the special revenue  
 3.25 fund. These amounts must be used to  
 3.26 fund the hazardous materials and chemical  
 3.27 assessment teams.

3.28 **School Safety**

3.29 \$555,000 the first year and \$505,000 the  
 3.30 second year from the general fund are to  
 3.31 reinstate the school safety center and to  
 3.32 provide for school safety.

3.33 **Subd. 3. Criminal Apprehension**                                 48,618,000                 48,697,000

4.1	<u>Appropriations by Fund</u>		
4.2	<u>General</u>	<u>41,345,000</u>	<u>41,424,000</u>
4.3	<u>State Government</u>		
4.4	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
4.5	<u>Trunk Highway</u>	<u>2,266,000</u>	<u>2,266,000</u>
4.6	<u>Special Revenue</u>	<u>5,000,000</u>	<u>5,000,000</u>

4.7 **DWI Lab Analysis; Trunk Highway Fund**

4.8 \$1,941,000 each year is from the trunk  
 4.9 highway fund for laboratory analysis related  
 4.10 to driving-while-impaired cases.

4.11 **Criminal History System**

4.12 \$80,000 the first year and \$80,000 the  
 4.13 second year from the general fund and  
 4.14 \$4,000,000 the first year and \$4,000,000  
 4.15 the second year from the vehicle services  
 4.16 special revenue account are to replace the  
 4.17 state criminal history system. This is a  
 4.18 onetime appropriation and is available until  
 4.19 expended. Of this amount, \$4,080,000 the  
 4.20 first year and \$4,080,000 the second year  
 4.21 are for a onetime transfer to the Office of  
 4.22 Enterprise Technology for start-up costs.  
 4.23 The commissioner shall enter a service level  
 4.24 agreement with the Office of Enterprise  
 4.25 Technology specifying the obligations and  
 4.26 responsibilities of each party. Payments shall  
 4.27 be made under the rates and mechanism  
 4.28 specified in that agreement. Ongoing  
 4.29 operating and support costs for this system  
 4.30 shall be identified and incorporated into  
 4.31 future service level agreements.

4.32 **Criminal Reporting System**

4.33 \$360,000 the first year and \$360,000  
 4.34 the second year from the general fund;  
 4.35 \$1,000,000 the first year and \$170,000

5.1 the second year from the vehicle services  
 5.2 special revenue account; and \$830,000  
 5.3 the second year from the driver services  
 5.4 special revenue account are to replace the  
 5.5 state's crime reporting system. This is a  
 5.6 onetime appropriation and is available until  
 5.7 expended. Of these amounts, \$1,360,000  
 5.8 the first year and \$1,360,000 the second  
 5.9 year are for a onetime transfer to the Office  
 5.10 of Enterprise Technology for start-up costs.  
 5.11 The commissioner shall enter a service level  
 5.12 agreement with the Office of Enterprise  
 5.13 Technology specifying the obligations and  
 5.14 responsibilities of each party. Payments shall  
 5.15 be made under the rates and mechanism  
 5.16 specified in that agreement. Ongoing  
 5.17 operating and support costs for this system  
 5.18 shall be identified and incorporated into  
 5.19 future service level agreements.

5.20 **Forensic Laboratory**

5.21 \$125,000 the first year and \$125,000 the  
 5.22 second year from the general fund and  
 5.23 \$125,000 the first year and \$125,000 the  
 5.24 second year from the trunk highway fund to  
 5.25 replace forensic laboratory equipment at the  
 5.26 Bureau of Criminal Apprehension.

5.27 \$200,000 the first year and \$200,000 the  
 5.28 second year from the general fund and  
 5.29 \$200,000 the first year and \$200,000 the  
 5.30 second year from the trunk highway fund to  
 5.31 improve forensic laboratory staffing at the  
 5.32 Bureau of Criminal Apprehension.

5.33 **Livescan Fingerprinting**

6.1 \$310,000 the first year and \$389,000 the  
 6.2 second year from the general fund are to  
 6.3 maintain Livescan fingerprinting machines.

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

6.5 This appropriation is from the fire safety  
 6.6 account in the special revenue fund and is for  
 6.7 activities under Minnesota Statutes, section  
 6.8 299F.012.

6.9 Of this amount: (1) \$7,187,000 each year  
 6.10 is for activities under Minnesota Statutes,  
 6.11 section 299F.012; and (2) \$2,368,000 the first  
 6.12 year and \$2,368,000 the second year are for  
 6.13 transfers to the general fund under Minnesota  
 6.14 Statutes, section 297I.06, subdivision 3.

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

6.16	<u>Appropriations by Fund</u>		
6.17	<u>General</u>	<u>1,582,000</u>	<u>1,582,000</u>
6.18	<u>Special Revenue</u>	<u>653,000</u>	<u>653,000</u>

6.19 This appropriation is from the alcohol  
 6.20 enforcement account in the special revenue  
 6.21 fund. Of this appropriation, \$500,000 each  
 6.22 year shall be transferred to the general fund.

6.23 Subd. 6. **Office of Justice Programs** 33,056,000 33,056,000

6.24	<u>Appropriations by Fund</u>		
6.25	<u>General</u>	<u>32,960,000</u>	<u>32,960,000</u>
6.26	<u>State Government</u>		
6.27	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

6.28 **Administration Costs**

6.29 Up to 2.5 percent of the grant funds  
 6.30 appropriated in this subdivision may be used  
 6.31 to administer the grant program.

6.32 Subd. 7. **Emergency Communication Networks** 59,138,000 63,639,000

7.1 This appropriation is from the state  
7.2 government special revenue fund for 911  
7.3 emergency telecommunications services.

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

7.5 \$13,664,000 each year is to be distributed  
7.6 as provided in Minnesota Statutes, section  
7.7 403.113, subdivision 2.

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

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

7.15 **(c) ARMER Debt Service**

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

7.20 Any portion of this appropriation not needed  
7.21 to pay debt service in a fiscal year may be  
7.22 used by the commissioner of public safety to  
7.23 pay cash for any of the capital improvements  
7.24 for which bond proceeds were appropriated  
7.25 by Laws 2005, chapter 136, article 1, section  
7.26 9, subdivision 8; or Laws 2007, chapter 54,  
7.27 article 1, section 10, subdivision 8.

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

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

8.1 **(e) ARMER Improvements**

8.2 \$1,000,000 each year is for the Statewide  
 8.3 Radio Board for costs of design, construction,  
 8.4 maintenance of, and improvements to those  
 8.5 elements of the statewide public safety  
 8.6 radio and communication system that  
 8.7 support mutual aid communications and  
 8.8 emergency medical services or provide  
 8.9 interim enhancement of public safety  
 8.10 communication interoperability in those  
 8.11 areas of the state where the statewide public  
 8.12 safety radio and communication system is  
 8.13 not yet implemented.

8.14 **Sec. 12. PEACE OFFICER STANDARDS**  
 8.15 **AND TRAINING (POST) BOARD**

<b><u>\$</u></b>	<b><u>3,770,000</u></b>	<b><u>\$</u></b>	<b><u>3,770,000</u></b>
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8.16 **(a) Excess Amounts Transferred**

8.17 This appropriation is from the peace officer  
 8.18 training account in the special revenue fund.  
 8.19 Any new receipts credited to that account in  
 8.20 the first year in excess of \$3,770,000 must be  
 8.21 transferred and credited to the general fund.  
 8.22 Any new receipts credited to that account in  
 8.23 the second year in excess of \$3,770,000 must  
 8.24 be transferred and credited to the general  
 8.25 fund.

8.26 **(b) Peace Officer Training**  
 8.27 **Reimbursements**

8.28 \$2,634,000 each year is for reimbursements  
 8.29 to local governments for peace officer  
 8.30 training costs.

8.31 **Sec. 13. PRIVATE DETECTIVE BOARD**

<b><u>\$</u></b>	<b><u>120,000</u></b>	<b><u>\$</u></b>	<b><u>120,000</u></b>
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8.32 **Sec. 14. HUMAN RIGHTS**

<b><u>\$</u></b>	<b><u>3,297,000</u></b>	<b><u>\$</u></b>	<b><u>3,297,000</u></b>
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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. ~~Such~~ 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 ~~such~~ the inmate of  
 10.17 the right to parole or the rights to legal process in the courts of this state.

10.18           Sec. 19. 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. 20. 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. 21. 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. 22. **REPEALER.**

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

APPENDIX  
Repealed Minnesota Statutes: 13-1398

**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.