

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 671

(SENATE AUTHORS: LATZ and Dibble)

DATE	D-PG	OFFICIAL STATUS
02/21/2013	357	Introduction and first reading Joint rule 2.03, referred to Rules and Administration
02/28/2013	405	Comm report: Re-referred to Finance
04/15/2013	1790a	Comm report: To pass as amended
	1835	Second reading
04/16/2013	1862	Special Order
	1862	Third reading Passed
04/20/2013	2512	Returned from House with amendment
	2513	Senate not concur, conference committee of 5 requested
	2522	Senate conferees Latz; Dibble; Goodwin; Dziejdzic; Limmer
04/22/2013	2591	House conferees Paymar; Hilstrom; Lesch; Melin; Cornish
05/16/2013	3745c	Conference committee report, delete everything Senate adopted CC report and repassed bill
	3781	Third reading
05/17/2013		House adopted SCC report and repassed bill

A bill for an act

relating to public safety; providing that funds received for out-of-state offenders incarcerated in Minnesota are appropriated to the Department of Corrections; modifying certificates of compliance for public contracts; appropriating money for public safety, judiciary, corrections, and human rights; amending Minnesota Statutes 2012, sections 243.51, subdivisions 1, 3; 363A.36, subdivisions 1, 2; Laws 2011, First Special Session chapter 1, article 1, section 3, subdivision 3; repealing Minnesota Statutes 2012, section 243.51, subdivision 5.

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

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this act.

		<u>2014</u>		<u>2015</u>		<u>Total</u>
<u>General</u>	\$	<u>873,062,000</u>	\$	<u>890,165,000</u>	\$	<u>1,763,227,000</u>
<u>Special Revenue</u>		<u>3,870,000</u>		<u>3,870,000</u>		<u>7,740,000</u>
<u>Total</u>	\$	<u>876,932,000</u>	\$	<u>894,035,000</u>	\$	<u>1,770,967,000</u>

Sec. 2. **APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2014" and "2015" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2014, or June 30, 2015, respectively. "The first year" is fiscal year 2014. "The second year" is fiscal year 2015. "The biennium" is fiscal years 2014 and 2015. Appropriations for the fiscal year ending June 30, 2013, are effective the day following final enactment.

2.1	<u>APPROPRIATIONS</u>		
2.2	<u>Available for the Year</u>		
2.3	<u>Ending June 30</u>		
2.4	<u>2014</u>	<u>2015</u>	
2.5	Sec. 3. <u>SUPREME COURT</u>		
2.6	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 44,948,000</u>	<u>\$ 44,805,000</u>
2.7	<u>The amounts that may be spent for each</u>		
2.8	<u>purpose are specified in the following</u>		
2.9	<u>subdivisions.</u>		
2.10	<u>Subd. 2. Supreme Court Operations</u>	<u>32,682,000</u>	<u>32,539,000</u>
2.11	<u>(a) Contingent Account.</u>		
2.12	<u>\$5,000 each year is for a contingent account</u>		
2.13	<u>for expenses necessary for the normal</u>		
2.14	<u>operation of the court for which no other</u>		
2.15	<u>reimbursement is provided.</u>		
2.16	<u>(b) Employer Pension Fund Contribution.</u>		
2.17	<u>\$22,000 each year is for a two percent</u>		
2.18	<u>increase in the employer pension fund</u>		
2.19	<u>contribution rate to the judge retirement</u>		
2.20	<u>plan. These appropriations take effect only if</u>		
2.21	<u>legislation to increase the employer pension</u>		
2.22	<u>fund contribution rate by two percent is</u>		
2.23	<u>enacted into law by July 1, 2013. If the</u>		
2.24	<u>appropriations do not take effect, this</u>		
2.25	<u>appropriation cancels to the general fund.</u>		
2.26	<u>Subd. 3. Civil Legal Services</u>	<u>12,266,000</u>	<u>12,266,000</u>
2.27	<u>Legal Services to Low-Income Clients in</u>		
2.28	<u>Family Law Matters.</u>		
2.29	<u>\$877,000 each year is to improve the access</u>		
2.30	<u>of low-income clients to legal representation</u>		
2.31	<u>in family law matters. This appropriation</u>		
2.32	<u>must be distributed under Minnesota Statutes,</u>		
2.33	<u>section 480.242, to the qualified legal</u>		

4.1 \$161,000 each year is for two law clerks,
 4.2 continuing legal education costs, and
 4.3 Westlaw costs.

4.4 **(b) Case Management System.**

4.5 \$25,000 each year is for the implementation
 4.6 and maintenance of a modern case
 4.7 management system.

4.8 Sec. 8. **UNIFORM LAWS COMMISSION** \$ **147,000** \$ **84,000**

4.9 **Back Dues.**

4.10 \$63,000 the first year is to pay back dues
 4.11 owing to the National Conference of
 4.12 Commissioners on Uniform State Laws.

4.13 Sec. 9. **BOARD ON JUDICIAL STANDARDS** \$ **756,000** \$ **456,000**

4.14 **(a) Deficiencies.**

4.15 \$300,000 the first year is for deficiencies
 4.16 occurring in fiscal year 2013. This
 4.17 appropriation is available for expenditure the
 4.18 day following final enactment.

4.19 **(b) Major Disciplinary Actions.**

4.20 \$125,000 each year is for special
 4.21 investigative and hearing costs for major
 4.22 disciplinary actions undertaken by the
 4.23 board. This appropriation does not cancel.
 4.24 Any encumbered and unspent balances
 4.25 remain available for these expenditures in
 4.26 subsequent fiscal years.

4.27 Sec. 10. **BOARD OF PUBLIC DEFENSE** \$ **70,548,000** \$ **73,499,000**

4.28 **(a) Information Technology Staffing.**

4.29 \$388,000 the first year and \$582,000 the
 4.30 second year are for information technology
 4.31 staffing.

5.1 **(b) Public Defense Corporations.**

5.2 The base budget for public defense
 5.3 corporations is \$1,537,000 each year.

5.4 **(c) Transcripts.**

5.5 The base budget for transcript costs is
 5.6 \$500,000 each year.

5.7 **Sec. 11. PEACE OFFICER STANDARDS**
 5.8 **AND TRAINING BOARD**

\$ 3,870,000 \$ 3,870,000

5.9 **(a) Excess Amounts Transferred.**

5.10 This appropriation is from the peace officer
 5.11 training account in the special revenue fund.
 5.12 Any new receipts credited to that account in
 5.13 the first year in excess of \$3,870,000 must be
 5.14 transferred and credited to the general fund.
 5.15 Any new receipts credited to that account in
 5.16 the second year in excess of \$3,870,000 must
 5.17 be transferred and credited to the general
 5.18 fund.

5.19 **(b) Peace Officer Training**
 5.20 **Reimbursements.**

5.21 \$2,734,000 each year is for reimbursements
 5.22 to local governments for peace officer
 5.23 training costs.

5.24 **Sec. 12. PRIVATE DETECTIVE BOARD** **\$ 120,000 \$ 120,000**

5.25 **Sec. 13. HUMAN RIGHTS** **\$ 3,297,000 \$ 3,297,000**

5.26 **Increased Compliance.**

5.27 \$129,000 each year is for two additional
 5.28 contract compliance officers.

5.29 **Sec. 14. DEPARTMENT OF CORRECTIONS**

5.30 **Subdivision 1. Total Appropriation** **\$ 481,960,000 \$ 486,537,000**

6.1 The amounts that may be spent for each
 6.2 purpose are specified in the following
 6.3 subdivisions.

6.4 **Subd. 2. Correctional Institutions** 344,750,000 348,531,000

6.5 **(a) Chemical Dependency.**

6.6 \$1,300,000 each year is for additional
 6.7 chemical dependency treatment beds.

6.8 **(b) Medical Release Planners.**

6.9 \$68,000 the first year and \$136,000 the
 6.10 second year are for two medical release
 6.11 planners.

6.12 **(c) MINNCOR.**

6.13 Notwithstanding Minnesota Statutes, section
 6.14 241.27, the commissioner of management
 6.15 and budget shall transfer \$1,700,000 each
 6.16 year from the Minnesota correctional
 6.17 industries revolving fund to the general fund.

6.18 **Subd. 3. Community Services** 114,967,000 115,494,000

6.19 **(a) Probation Supervision, CCA System.**

6.20 \$1,772,000 the first year and \$1,773,000 the
 6.21 second year are added to the Community
 6.22 Corrections Act subsidy, as described in
 6.23 Minnesota Statutes, section 401.14.

6.24 **(b) Probation Supervision, CPO System.**

6.25 \$242,000 each year is for county probation
 6.26 officers reimbursement, as described
 6.27 in Minnesota Statutes, section 244.19,
 6.28 subdivision 6.

6.29 **Subd. 4. Operations Support** 22,243,000 22,512,000

6.30 **Sec. 15. SENTENCING GUIDELINES** \$ 886,000 \$ 586,000

6.31 **Electronic Sentencing Worksheet.**

7.1 \$300,000 the first year is for a transfer to
 7.2 the Office of Enterprise Technology for an
 7.3 electronic sentencing worksheet system. This
 7.4 appropriation is available until expended.
 7.5 Any ongoing information technology
 7.6 support or costs for this application shall be
 7.7 incorporated into the service-level agreement
 7.8 and shall be paid to the Office of Enterprise
 7.9 Technology.

7.10 Sec. 16. Minnesota Statutes 2012, section 243.51, subdivision 1, is amended to read:

7.11 Subdivision 1. **Contracting with other states and federal government.** The
 7.12 commissioner of corrections is hereby authorized to contract with agencies and bureaus of
 7.13 the United States and with the proper officials of other states or a county of this state for
 7.14 the custody, care, subsistence, education, treatment and training of persons convicted of
 7.15 criminal offenses constituting felonies in the courts of this state, the United States, or other
 7.16 states of the United States. ~~Such~~ The contracts shall provide for reimbursing the state of
 7.17 Minnesota for all costs or other expenses involved, and, to the extent possible, require
 7.18 payment to the Department of Corrections of a per diem amount that is substantially equal
 7.19 to or greater than the per diem for the cost of housing Minnesota inmates at the same
 7.20 facility. This per diem cost shall be based on the assumption that the facility is at or
 7.21 near capacity. Funds received under the contracts shall be deposited in the state treasury
 7.22 and are appropriated to the commissioner of corrections for correctional purposes. Any
 7.23 prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject
 7.24 to the terms and conditions of the prisoner's original sentence as if the prisoner were
 7.25 serving the same within the confines of the state in which the conviction and sentence was
 7.26 had or in the custody of the United States. Nothing herein shall deprive ~~such~~ the inmate of
 7.27 the right to parole or the rights to legal process in the courts of this state.

7.28 Sec. 17. Minnesota Statutes 2012, section 243.51, subdivision 3, is amended to read:

7.29 Subd. 3. **Temporary detention.** The commissioner of corrections is authorized to
 7.30 contract with agencies and bureaus of the United States and with the appropriate officials
 7.31 of any other state or county of this state for the temporary detention of any person in
 7.32 custody pursuant to any process issued under the authority of the United States, other
 7.33 states of the United States, or the district courts of this state. The contract shall provide for
 7.34 reimbursement to the state of Minnesota for all costs and expenses involved, and, to the

8.1 extent possible, require payment to the Department of Corrections of a per diem amount
8.2 that is substantially equal to or greater than the per diem for the cost of housing Minnesota
8.3 inmates at the same facility. This per diem cost shall be based on the assumption that the
8.4 facility is at or near capacity. Funds received under the contracts shall be deposited in the
8.5 state treasury and are appropriated to the commissioner of corrections for correctional
8.6 purposes.

8.7 Sec. 18. Minnesota Statutes 2012, section 363A.36, subdivision 1, is amended to read:

8.8 Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in
8.9 excess of \$100,000, no department or agency of the state shall accept any bid or proposal
8.10 for a contract or agreement from any business having more than 40 full-time employees
8.11 within this state on a single working day during the previous 12 months, unless the
8.12 commissioner is in receipt of the business' affirmative action plan for the employment of
8.13 minority persons, women, and qualified disabled individuals. No department or agency of
8.14 the state shall execute any such contract or agreement until the affirmative action plan
8.15 has been approved by the commissioner. Receipt of a certificate of compliance issued by
8.16 the commissioner shall signify that a firm or business has an affirmative action plan that
8.17 has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~
8.18 four years. A municipality as defined in section 466.01, subdivision 1, that receives state
8.19 money for any reason is encouraged to prepare and implement an affirmative action plan
8.20 for the employment of minority persons, women, and the qualified disabled and submit the
8.21 plan to the commissioner.

8.22 (b) This paragraph applies to a contract for goods or services in excess of \$100,000
8.23 to be entered into between a department or agency of the state and a business that is
8.24 not subject to paragraph (a), but that has more than 40 full-time employees on a single
8.25 working day during the previous 12 months in the state where the business has its primary
8.26 place of business. A department or agency of the state may not execute a contract or
8.27 agreement with a business covered by this paragraph unless the business has a certificate
8.28 of compliance issued by the commissioner under paragraph (a) or the business certifies
8.29 that it is in compliance with federal affirmative action requirements.

8.30 (c) This section does not apply to contracts entered into by the State Board of
8.31 Investment for investment options under section 352.965, subdivision 4.

8.32 Sec. 19. Minnesota Statutes 2012, section 363A.36, subdivision 2, is amended to read:

8.33 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect
8.34 a \$75 \$150 fee for each certificate of compliance issued by the commissioner or the

9.1 commissioner's designated agent. The proceeds of the fee must be deposited in a
 9.2 human rights fee special revenue account. Money in the account is appropriated to the
 9.3 commissioner to fund the cost of issuing certificates and investigating grievances.

9.4 Sec. 20. Laws 2011, First Special Session chapter 1, article 1, section 3, subdivision 3,
 9.5 is amended to read:

9.6 Subd. 3. Civil Legal Services	11,016,000	11,016,000
--	------------	------------

9.7 ~~(a) Legal Services to Low-Income~~

9.8 **Clients in Family Law Matters.** Of this

9.9 appropriation, \$877,000 each year is to

9.10 improve the access of low-income clients to

9.11 legal representation in family law matters.

9.12 This appropriation must be distributed

9.13 under Minnesota Statutes, section 480.242,

9.14 to the qualified legal services programs

9.15 described in Minnesota Statutes, section

9.16 480.242, subdivision 2, paragraph (a). Any

9.17 unencumbered balance remaining in the first

9.18 year does not cancel and is available in the

9.19 second year.

9.20 ~~(b) Case Priorities.~~ For legal services

9.21 ~~funded by state funds, priority must be~~

9.22 ~~given to clients with civil matters within the~~

9.23 ~~jurisdiction of the state courts or agencies.~~

9.24 Sec. 21. **JUDICIAL SALARY INCREASE.**

9.25 (a) The salaries of Supreme Court justices, Court of Appeals judges, and district court
 9.26 judges are increased by three percent on July 1, 2013, and by four percent on July 1, 2014.

9.27 (b) In addition to the increases specified in paragraph (a), the salaries of Supreme
 9.28 Court justices, Court of Appeals judges, and district court judges are increased by one
 9.29 percent on July 1, 2013, if legislation to increase pension fund contribution rates by judges
 9.30 by one percent has been enacted into law by July 1, 2013. If the salary increases described
 9.31 in this paragraph do not take effect, the amount necessary to fund this portion of the salary
 9.32 increase is canceled to the general fund from the appropriations in sections 3 to 5.

10.1 Sec. 22. **INTERAGENCY AGREEMENT.**

10.2 The commissioner of corrections shall execute an interagency agreement with the
10.3 commissioner of human services to pay the medical assistance cost attributable to medical
10.4 assistance eligibility for inmates of public institutions admitted to hospitals on an inpatient
10.5 basis. The amount that must be paid by the Department of Corrections shall include all
10.6 state medical assistance costs, including administrative costs, attributable to inmates under
10.7 state and county jurisdiction admitted to hospitals on an inpatient basis.

10.8 Sec. 23. **REPEALER.**

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

APPENDIX

Repealed Minnesota Statutes: S0671-1

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.