

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 970

(SENATE AUTHORS: LIMMER)

DATE
02/11/2021

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to judiciary; amending law and appropriating money for courts, Guardian
1.3 Ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board
1.4 of Public Defense, and human rights; amending Minnesota Statutes 2020, sections
1.5 363A.36, subdivision 2; 363A.44, subdivision 2; 477A.03, subdivision 2b; 611.27,
1.6 subdivisions 9, 10, 11, 13, 15.

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

1.8 **ARTICLE 1**
1.9 **APPROPRIATIONS**

1.10 Section 1. **APPROPRIATIONS.**

1.11 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
1.12 and for the purposes specified in this article. The appropriations are from the general fund,
1.13 or another named fund, and are available for the fiscal years indicated for each purpose.
1.14 The figures "2022" and "2023" used in this article mean that the appropriations listed under
1.15 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
1.16 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"
1.17 is fiscal years 2022 and 2023.

1.18		<u>APPROPRIATIONS</u>	
1.19		<u>Available for the Year</u>	
1.20		<u>Ending June 30</u>	
1.21		<u>2022</u>	<u>2023</u>

1.22 Sec. 2. **SUPREME COURT**

1.23	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>59,036,000</u>	<u>\$</u>	<u>61,780,000</u>
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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** 42,108,000 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 **Subd. 3. Civil Legal Services** 16,928,000 18,198,000

2.10 **Legal Services to Low-Income Clients in**
 2.11 **Family Law Matters.** \$1,017,000 each year
 2.12 is to improve the access of low-income clients
 2.13 to legal representation in family law matters.
 2.14 This appropriation must be distributed under
 2.15 Minnesota Statutes, section 480.242, to the
 2.16 qualified legal services program described in
 2.17 Minnesota Statutes, section 480.242,
 2.18 subdivision 2, paragraph (a). Any
 2.19 unencumbered balance remaining in the first
 2.20 year does not cancel and is available in the
 2.21 second year.

2.22 **Sec. 3. COURT OF APPEALS** \$ 13,234,000 \$ 13,634,000

2.23 **Sec. 4. DISTRICT COURTS** \$ 319,627,000 \$ 329,855,000

2.24 **Sec. 5. GUARDIAN AD LITEM BOARD** \$ 22,206,000 \$ 22,889,000

2.25 **Sec. 6. TAX COURT** \$ 1,827,000 \$ 1,841,000

2.26 **Sec. 7. UNIFORM LAWS COMMISSION** \$ 100,000 \$ 100,000

2.27 **Sec. 8. BOARD ON JUDICIAL STANDARDS** \$ 580,000 \$ 586,000

2.28 If the appropriation for either year is
 2.29 insufficient, the appropriation for the other
 2.30 fiscal year is available.

2.31 **Major Disciplinary Actions.** \$125,000 each
 2.32 year is for special investigative and hearing

3.1 costs for major disciplinary actions undertaken
 3.2 by the board. This appropriation does not
 3.3 cancel. Any unencumbered and unspent
 3.4 balances remain available for these
 3.5 expenditures until June 30, 2025.

3.6 Sec. 9. **BOARD OF PUBLIC DEFENSE** \$ **109,583,000** \$ **112,468,000**

3.7 **Public Defense Corporations.** \$74,000 the
 3.8 first year and \$152,000 the second year are
 3.9 for increases to public defense corporations.

3.10 Sec. 10. **HUMAN RIGHTS** \$ **5,323,000** \$ **5,418,000**

3.11 **ARTICLE 2**
 3.12 **POLICY**

3.13 Section 1. Minnesota Statutes 2020, section 363A.36, subdivision 2, is amended to read:

3.14 Subd. 2. **Filing fee; account; appropriation.** The commissioner shall collect a ~~\$150~~
 3.15 \$250 fee for each certificate of compliance issued by the commissioner or the commissioner's
 3.16 designated agent. The proceeds of the fee must be deposited in a human rights fee special
 3.17 revenue account. Money in the account is appropriated to the commissioner to fund the cost
 3.18 of issuing certificates and investigating grievances.

3.19 **EFFECTIVE DATE.** This section is effective for applications received on or after July
 3.20 1, 2021.

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

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

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

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

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

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

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

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

4.15 (1) a market pricing approach;

4.16 (2) state prevailing wage or union contract requirements;

4.17 (3) a performance pay system;

4.18 (4) an internal analysis; or

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

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

4.24 **EFFECTIVE DATE.** This section is effective for applications received on or after July
4.25 1, 2021.

4.26 Sec. 3. Minnesota Statutes 2020, section 477A.03, subdivision 2b, is amended to read:

4.27 Subd. 2b. **Counties.** (a) For aids payable in 2018 and 2019, the total aid payable under
4.28 section 477A.0124, subdivision 3, is \$103,795,000, of which \$3,000,000 shall be allocated
4.29 as required under Laws 2014, chapter 150, article 4, section 6. For aids payable in 2020,
4.30 the total aid payable under section 477A.0124, subdivision 3, is \$116,795,000, of which
4.31 \$3,000,000 shall be allocated as required under Laws 2014, chapter 150, article 4, section

5.1 6. For aids payable in 2021 through 2024, the total aid payable under section 477A.0124,
 5.2 subdivision 3, is \$118,795,000, of which \$3,000,000 shall be allocated as required under
 5.3 Laws 2014, chapter 150, article 4, section 6. For aids payable in 2025 and thereafter, the
 5.4 total aid payable under section 477A.0124, subdivision 3, is \$115,795,000. ~~Each calendar~~
 5.5 ~~year;~~ On or before the first installment date provided in section 477A.015, paragraph (a),
 5.6 \$500,000 of this appropriation shall be ~~retained~~ transferred each year by the commissioner
 5.7 of revenue to ~~make reimbursements to the commissioner of management and budget~~ the
 5.8 Board of Public Defense for ~~payments made~~ the payment of service under section 611.27.
 5.9 ~~The reimbursements shall be to defray the additional costs associated with court-ordered~~
 5.10 ~~counsel under section 611.27.~~ Any ~~retained~~ transferred amounts not used for reimbursement
 5.11 expended or encumbered in a fiscal year shall be certified by the Board of Public Defense
 5.12 to the commissioner of revenue on or before October 1 and shall be included in the next
 5.13 distribution certification of county need aid that is certified to the county auditors for the
 5.14 purpose of property tax reduction for the next taxes payable year.

5.15 (b) For aids payable in 2018 and 2019, the total aid under section 477A.0124, subdivision
 5.16 4, is \$130,873,444. For aids payable in 2020, the total aid under section 477A.0124,
 5.17 subdivision 4, is \$143,873,444. For aids payable in 2021 and thereafter, the total aid under
 5.18 section 477A.0124, subdivision 4, is \$145,873,444. The commissioner of revenue shall
 5.19 transfer to the commissioner of management and budget \$207,000 annually for the cost of
 5.20 preparation of local impact notes as required by section 3.987, and other local government
 5.21 activities. The commissioner of revenue shall transfer to the commissioner of education
 5.22 \$7,000 annually for the cost of preparation of local impact notes for school districts as
 5.23 required by section 3.987. The commissioner of revenue shall deduct the amounts transferred
 5.24 under this paragraph from the appropriation under this paragraph. The amounts transferred
 5.25 are appropriated to the commissioner of management and budget and the commissioner of
 5.26 education respectively.

5.27 Sec. 4. Minnesota Statutes 2020, section 611.27, subdivision 9, is amended to read:

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

6.1 Sec. 5. Minnesota Statutes 2020, section 611.27, subdivision 10, is amended to read:

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

6.5 Sec. 6. Minnesota Statutes 2020, section 611.27, subdivision 11, is amended to read:

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

6.15 Sec. 7. Minnesota Statutes 2020, section 611.27, subdivision 13, is amended to read:

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

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

6.30 Sec. 8. Minnesota Statutes 2020, section 611.27, subdivision 15, is amended to read:

6.31 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the
6.32 appellate public defender's office does not have sufficient funds to pay for transcripts and

7.1 other necessary expenses because it has spent or committed all of the transcript funds in its
7.2 annual budget, the ~~state public defender may forward to the commissioner of management~~
7.3 ~~and budget all billings for transcripts and other necessary expenses. The commissioner shall~~
7.4 Board of Public Defense may pay for these transcripts and other necessary expenses from
7.5 county program aid ~~retained~~ transferred by the commissioner of revenue for that purpose
7.6 under section 477A.03, subdivision 2b, paragraph (a).