State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE NO. 1279

March 2, 2009
Authored by Paymar and Kohls
The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

A bill for an act

relating to public safety; requiring annual appropriation of money in Bureau of Criminal Apprehension account to commissioner of public safety; revising employment positions covered by correctional state employees retirement plan of the Minnesota State Retirement System; modifying the vesting period for a retirement annuity for the correctional state employees retirement plan; permitting a service credit transfer to the general state employees retirement plan by certain correctional employees; appropriating money for the courts, public defenders, public safety, corrections, and other criminal justice agencies; amending Minnesota Statutes 2008, sections 171.29, subdivision 2; 352.72, subdivision 1; 352.90; 352.91, subdivisions 1, 3h; 352.93, subdivisions 1, 2a, 4, by adding a subdivision; 356.30, subdivision 1; repealing Minnesota Statutes 2008, section 352.91, subdivisions 2, 2a, 3c, 3d, 3e, 3f, 3g, 3i, 4a, 4b, 5.

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

ARTICLE 1

APPROPRIATION

Section 1. **SUMMARY OF APPROPRIATIONS.**

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

		2010		2011		Total
General	$	915,917,000	$	926,520,000	$	1,842,437,000
State Government Special Revenue		58,142,000		63,846,000		121,988,000
Environmental Fund		69,000		69,000		138,000
Special Revenue Fund		14,121,000		14,121,000		28,242,000
Trunk Highway		1,941,000		1,941,000		3,882,000
Total	**$**	**990,190,000**	**$**	**1,006,497,000**	**$**	**1,996,687,000**

Sec. 2. **PUBLIC SAFETY APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending June 30, 2009, are effective the day following final enactment.

		APPROPRIATIONS Available for the Year Ending June 30		
		2010		**2011**
Sec. 3. **SUPREME COURT**				
Subdivision 1. **Total Appropriation**	**$**	**41,792,000**	**$**	**41,792,000**
The amounts that may be spent for each purpose are specified in the following subdivisions.				
Subd. 2. **Supreme Court Operations**		30,193,000		30,193,000
Subd. 3. **Civil Legal Services**		11,599,000		11,599,000
Sec. 4. **COURT OF APPEALS**	**$**	**9,852,000**	**$**	**9,852,000**
Sec. 5. **TRIAL COURTS**	**$**	**241,340,000**	**$**	**243,266,000**
Sec. 6. **TAX COURT**	**$**	**825,000**	**$**	**825,000**
Sec. 7. **UNIFORM LAWS COMMISSION**	**$**	**52,000**	**$**	**52,000**
Sec. 8. **BOARD ON JUDICIAL STANDARDS**	**$**	**460,000**	**$**	**460,000**
$125,000 each year is for special investigative and hearing costs for major disciplinary actions undertaken by the board. This appropriation does not cancel. Any encumbered and unspent balances remain available for these expenditures in subsequent fiscal years.				

Sec. 9. **BOARD OF PUBLIC DEFENSE**			**$ 64,627,000**	**$ 64,627,000**

Sec. 10. **PUBLIC SAFETY**

Subdivision 1. **Total Appropriation**			**$ 152,367,000**	**$ 158,071,000**

Appropriations by Fund

	2010	2011
General	83,312,000	83,312,000
Special Revenue	8,903,000	8,903,000
State Government Special Revenue	58,142,000	63,846,000
Environmental	69,000	69,000
Trunk Highway	1,941,000	1,941,000

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

Subd. 2. **Emergency Management**	2,583,000	2,583,000

Appropriations by Fund

General	2,514,000	2,514,000
Environmental	69,000	69,000

Subd. 3. **Criminal Apprehension**	43,863,000	43,863,000

Appropriations by Fund

General	41,915,000	41,915,000
Special Revenue	0	0
State Government Special Revenue	7,000	7,000
Trunk Highway	1,941,000	1,941,000

DWI Lab Analysis; Trunk Highway Fund

Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, $1,941,000 each year is appropriated from the trunk highway fund for laboratory analysis related to driving-while-impaired cases.

Subd. 4. **Fire Marshal**	8,000,000	8,000,000

This appropriation is from the fire safety account in the special revenue fund.

Of this amount, $5,732,000 each year is for activities under Minnesota Statutes, section 299F.012, and $2,268,000 each year is for transfer to the general fund under Minnesota Statutes, section 297I.06, subdivision 3.

Subd. 5. **Alcohol and Gambling Enforcement**			2,588,000	2,588,000

Appropriations by Fund		
General	1,685,000	1,685,000
Special Revenue	903,000	903,000

This appropriation is from the alcohol enforcement account in the special revenue fund. Of this appropriation, $750,000 each year shall be transferred to the general fund. The transfer amount for fiscal year 2012 and fiscal year 2013 shall be $500,000 per year.

Subd. 6. **Office of Justice Programs**	37,294,000	37,294,000

Appropriations by Fund		
General	37,198,000	37,198,000
State Government Special Revenue	96,000	96,000

Administration Costs

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

Subd. 7. **911 Emergency Services/ARMER**	58,039,000	63,743,000

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

(a) **Public Safety Answering Points**

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

(b) **Medical Resource Communication Centers**

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

(c) **ARMER Debt Service**

$17,557,000 the first year and $23,261,000 the second year are to the commissioner of finance to pay debt service on revenue bonds issued under Minnesota Statutes, section 403.275.

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

(d) **Metropolitan Council Debt Service**

$1,410,000 each year is to the commissioner of finance for payment to the Metropolitan Council for debt service on bonds issued under Minnesota Statutes, section 403.27.

(e) **ARMER State Backbone Operating Costs**

$5,060,000 each year is to the commissioner of transportation for costs of maintaining and operating the first and third phases of the statewide radio system backbone.

(f) **ARMER Improvements**

$1,000,000 each year is for the Statewide Radio Board for costs of design, construction, maintenance of, and improvements to those elements of the statewide public safety radio and communication system that support mutual aid communications and emergency medical services or provide interim enhancement of public safety communication interoperability in those areas of the state where the statewide public safety radio and communication system is not yet implemented.

Sec. 11. **PEACE OFFICER STANDARDS AND TRAINING BOARD (POST)**	$	4,328,000	$	4,328,000

(a) **Excess Amounts Transferred**

This appropriation is from the peace officer training account in the special revenue fund. Any new receipts credited to that account in the first year in excess of $4,328,000 must be transferred and credited to the general fund. Any new receipts credited to that account in the second year in excess of $4,328,000 must be transferred and credited to the general fund.

(b) **Peace Officer Training Reimbursements**

$3,159,000 each year is for reimbursements to local governments for peace officer training costs.

Sec. 12. **PRIVATE DETECTIVE BOARD**	$	125,000	$	125,000
Sec. 13. **HUMAN RIGHTS**	$	3,226,000	$	3,226,000

Sec. 14. **DEPARTMENT OF CORRECTIONS**

Subdivision 1. **Total Appropriation**	$	470,617,000	$	479,294,000

Appropriations by Fund		
	2010	2011

General	469,727,000	478,404,000		
Special Revenue	890,000	890,000		

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

Subd. 2. **Correctional Institutions**			332,265,000	339,974,000
Appropriations by Fund				
General	331,685,000	339,394,000		
Special Revenue	580,000	580,000		
Subd. 3. **Community services**			115,689,000	116,357,000
Appropriations by Fund				
General	115,589,000	116,257,000		
Special Revenue	100,000	100,000		

$1,607,000 each year is for the costs associated with the housing and care of short-term offenders. The commissioner may use up to 20 percent of the total amount of the appropriation for inpatient medical care for short-term offenders. All funds remaining at the end of the fiscal year not expended for inpatient medical care shall be added to and distributed with the housing funds. These funds shall be distributed proportionately based on the total number of days short-term offenders are placed locally, not to exceed $55 per day.

The Department of Corrections is exempt from the state contracting process for the purposes of paying short-term offender costs relating to Minnesota Statutes, section 609.105.

Subd. 4. **Operations Support**			22,683,000	22,963,000

Appropriations by Fund		
General	22,453,000	22,753,000
Special Revenue	210,000	210,000

Sec. 15. **SENTENCING GUIDELINES** **$** **579,000** **$** **579,000**

ARTICLE 2
GENERAL PROVISIONS

Section 1. Minnesota Statutes 2008, section 171.29, subdivision 2, is amended to read:

Subd. 2. **Reinstatement fees and surcharges allocated and appropriated.** (a) An individual whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52, 169A.54, or 609.21, must pay a $30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52, 169A.54, or 609.21, must pay a $250 fee plus a $430 surcharge before the driver's license is reinstated, except as provided in paragraph (f). The $250 fee is to be credited as follows:

(1) Twenty percent must be credited to the driver services operating account in the special revenue fund as specified in section 299A.705.

(2) Sixty-seven percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the Bureau of Criminal Apprehension account. Money in this account ~~may be~~ is annually appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Five percent must be credited to a separate account to be known as the vehicle forfeiture account, which is created in the special revenue fund. The money in the account is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

(c) The revenue from $50 of the surcharge must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The revenue from $50 of the surcharge on a reinstatement under paragraph (f) is credited from the first installment payment to the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 83 percent for contracts with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 17 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this paragraph, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(1) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(2) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(3) the development and support of programs and services to prevent traumatic brain injury;

(4) the establishment of education programs for persons with traumatic brain injury; and

(5) the empowerment of persons with traumatic brain injury through participation in its governance.

A patient's name, identifying information, or identifiable medical data must not be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

(d) The remainder of the surcharge must be credited to a separate account to be known as the remote electronic alcohol-monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(e) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved depository as directed under section 171.061, subdivision 4.

(f) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 or 169A.54 and who the court certifies as being financially eligible for a public defender under section 611.17, may choose to pay 50 percent and an additional $25 of the total amount of the surcharge and 50 percent of the fee required under paragraph (b) to reinstate the person's driver's license, provided the person meets all other requirements of reinstatement. If a person chooses to pay 50 percent of the total and an additional $25, the driver's license must expire after two years. The person must pay an additional 50 percent less $25 of the total to extend the license for an additional two years, provided the person is otherwise still eligible for the license. After this final payment of the surcharge and fee, the license may be renewed on a standard schedule, as provided under section 171.27. A handling charge may be imposed for each installment payment. Revenue from the handling charge is credited to the driver services operating account in the special revenue fund and is appropriated to the commissioner.

(g) Any person making installment payments under paragraph (f), whose driver's license subsequently expires, or is canceled, revoked, or suspended before payment of 100 percent of the surcharge and fee, must pay the outstanding balance due for the initial reinstatement before the driver's license is subsequently reinstated. Upon payment of the outstanding balance due for the initial reinstatement, the person may pay any new surcharge and fee imposed under paragraph (b) in installment payments as provided under paragraph (f).

ARTICLE 3
CORRECTIONAL STATE EMPLOYEES RETIREMENT PLAN I

Section 1. Minnesota Statutes 2008, section 352.90, is amended to read:

352.90 POLICY.

It is the policy of the legislature to provide special retirement benefits for and special contributions by certain correctional employees who may be required to retire at an early age because they lose the mental or physical capacity required to maintain the safety, security, discipline, and custody of inmates at state correctional facilities ~~or~~, of patients at the Minnesota Security Hospital, or of patients in the Minnesota sex offender program~~, or of patients in the Minnesota extended treatment options program~~.

Sec. 2. Minnesota Statutes 2008, section 352.91, subdivision 1, is amended to read:

Subdivision 1. **Qualifying jobs.** "Covered correctional service" means service performed by a state employee, as defined in section 352.01, who is employed at a state correctional facility, the Minnesota Security Hospital, or the Minnesota sex offender program as:

(1) a corrections officer 1;

(2) a corrections officer 2;

(3) a corrections officer 3;

~~(4) a corrections officer supervisor;~~

~~(5)~~ (4) a corrections lieutenant;

~~(6)~~ (5) a corrections captain;

~~(7)~~ (6) a security counselor;

~~(8)~~ (7) a security counselor lead; ~~or~~

~~(9)~~ (8) a corrections canine officer~~.~~;

(9) group supervisor; or

(10) group supervisor assistant.

Sec. 3. Minnesota Statutes 2008, section 352.91, subdivision 3h, is amended to read:

Subd. 3h. **Employment occupation name changes.** (a) If the occupational title of a state employee covered by the Minnesota correctional employees retirement plan changes from the applicable title listed in subdivision 1, ~~2, 2a, 3c, 3d, 3e, 3f, or 3g,~~ qualification for coverage by the correctional state employees retirement plan continues until the July 1 next following the title change if the commissioner of finance certifies to the executive director of the Minnesota State Retirement System and to the executive director of the Legislative Commission on Pensions and Retirement that the duties, requirements, and responsibilities of the new occupational title are substantially identical to the duties, requirements, and responsibilities of the prior occupational title.

(b) If the commissioner of finance does not certify a new occupational title under paragraph (a), eligibility for future correctional state employees retirement coverage terminates as of the start of the first payroll period next following the effective date of the occupational title change.

(c) For consideration by the Legislative Commission on Pensions and Retirement during the legislative session next following an occupational title change involving a state employee in covered correctional service, the commissioner of finance shall submit the applicable draft proposed legislation reflecting the occupational title change covered by this section.

Sec. 4. **REPEALER.**

Minnesota Statutes 2008, section 352.91, subdivisions 2, 2a, 3c, 3d, 3e, 3f, 3g, 3i, 4a, 4b, and 5, are repealed.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective July 1, 2009.

ARTICLE 4
CORRECTIONAL EMPLOYEES RETIREMENT PLAN II

Section 1. Minnesota Statutes 2008, section 352.72, subdivision 1, is amended to read:

Subdivision 1. **Entitlement to annuity.** (a) Except as provided in paragraph (b), any person who has been an employee covered by a retirement system listed in paragraph ~~(b)~~

(c) is entitled when qualified to an annuity from each fund if total allowable service in all funds or in any two of these funds totals three or more years.

(b) If the combination of retirement plans includes the correctional state employees retirement plan of the Minnesota State Retirement System, no retirement annuity is payable from the correctional state employees retirement plan unless the person has credit for at least ten years of covered correctional service under section 352.91, although any covered correctional service may be used to establish eligibility for an annuity from another retirement plan and a service credit transfer under section 352.93, subdivision 4a, may be elected.

(c) This section applies to the Minnesota State Retirement System, the Public Employees Retirement Association including the Public Employees Retirement Association police and fire fund, the Teachers Retirement Association, the State Patrol Retirement Association, or any other public employee retirement system in the state with a similar provision, except as noted in paragraph ~~(c)~~ (d).

~~(c)~~ (d) This section does not apply to ~~other~~ funds providing benefits for police officers or firefighters under chapter 423A, 423B, or 424A.

~~(d)~~ (e) No portion of the allowable service upon which the retirement annuity from one fund is based shall be again used in the computation for benefits from another fund. No refund may have been taken from any one of these funds since service entitling the employee to coverage under the system or the employee's membership in any of the associations last terminated. The annuity from each fund must be determined by the appropriate provisions of the law except that the requirement that a person must have at least three years allowable service in the respective system or association does not apply for the purposes of this section if the combined service in two or more of these funds equals three or more years.

Sec. 2. Minnesota Statutes 2008, section 352.93, subdivision 1, is amended to read:

Subdivision 1. **Basis of annuity; when to apply.** After separation from state service, an employee covered under section 352.91 who has reached age 55 years and has credit for at least ~~three~~ ten years of covered correctional service ~~or a combination of covered correctional service and general employees state retirement plan service~~ is entitled upon application to a retirement annuity under this section, based only on covered correctional employees' service. Application may be made no earlier than 60 days before the date the employee is eligible to retire by reason of both age and service requirements.

Sec. 3. Minnesota Statutes 2008, section 352.93, subdivision 2a, is amended to read:

Subd. 2a. **Early retirement.** Any covered correctional employee who becomes at least 50 years old and who has at least ~~three~~ ten years of ~~allowable~~ covered correctional service is entitled upon application to a reduced retirement annuity equal to the annuity calculated under subdivision 2, reduced by two-tenths of one percent for each month that the correctional employee is under age 55 at the time of retirement.

Sec. 4. Minnesota Statutes 2008, section 352.93, subdivision 4, is amended to read:

Subd. 4. **Employee with regular and correctional service.** A former employee who has both regular and correctional service shall, if the employee has at least ten years of covered correctional service and is otherwise qualified, receive an annuity based on both periods of service under applicable sections of law but no period of service shall be used more than once in calculating the annuity.

Sec. 5. Minnesota Statutes 2008, section 352.93, is amended by adding a subdivision to read:

Subd. 4a. **Service credit transfer and partial refund in certain instances.** An employee covered under section 352.91 who has reached the age of 55 years and who has credit for less than ten years of covered correctional service may, upon written application, have that covered correctional service credited as allowable service credit in the general state employees retirement plan and used to calculate a retirement annuity under sections 352.115 and 352.116, and receive, 30 days following retirement, a refund of that portion of employee contributions during covered correctional service under section 352.92, subdivision 1, that exceeds the employee contributions required under the general state employees retirement plan under section 352.04, subdivision 2, for the same period, plus annual compound interest on the partial refund amount from the date of each contribution until the date of refund payment at the rate of six percent.

Sec. 6. Minnesota Statutes 2008, section 356.30, subdivision 1, is amended to read:

Subdivision 1. **Eligibility; computation of annuity.** (a) Notwithstanding any provisions of the laws governing the retirement plans enumerated in subdivision 3, a person who has met the qualifications of paragraph (b) may elect to receive a retirement annuity from each enumerated retirement plan, other than the correctional state employees retirement plan of the Minnesota State Retirement System, in which the person has at least one-half year of allowable service, based on the allowable service in each plan, subject to the provisions of paragraph (c).

(b) A person may receive, upon retirement, a retirement annuity from each enumerated retirement plan, other than the correctional state employees retirement plan of the Minnesota State Retirement System, in which the person has at least one-half year of allowable service, and augmentation of a deferred annuity calculated at the appropriate rate under the laws governing each public pension plan or fund named in subdivision 3, based on the date of the person's initial entry into public employment from the date the person terminated all public service if:

(1) the person has allowable service totaling an amount that allows the person to receive an annuity in any two or more of the enumerated plans; and

(2) the person has not begun to receive an annuity from any enumerated plan or the person has made application for benefits from each applicable plan and the effective dates of the retirement annuity with each plan under which the person chooses to receive an annuity are within a one-year period.

(c) The retirement annuity from each plan must be based upon the allowable service, accrual rates, and average salary in the applicable plan except as further specified or modified in the following clauses:

(1) the laws governing annuities must be the law in effect on the date of termination from the last period of public service under a covered retirement plan with which the person earned a minimum of one-half year of allowable service credit during that employment;

(2) the "average salary" on which the annuity from each covered plan in which the employee has credit in a formula plan must be based on the employee's highest five successive years of covered salary during the entire service in covered plans;

(3) the accrual rates to be used by each plan must be those percentages prescribed by each plan's formula as continued for the respective years of allowable service from one plan to the next, recognizing all previous allowable service with the other covered plans;

(4) the allowable service in all the plans must be combined in determining eligibility for and the application of each plan's provisions in respect to reduction in the annuity amount for retirement prior to normal retirement age; ~~and~~

(5) the annuity amount payable for any allowable service under a nonformula plan of a covered plan must not be affected, but such service and covered salary must be used in the above calculation~~.~~; and

(6) for a person who was a member of the correctional state employees retirement plan, the person must have at least ten years of covered correctional service under section 352.91 in order to receive a retirement annuity from that plan, but may apply for a service credit transfer and partial refund under section 352.93, subdivision 4a.

(d) This section does not apply to any person whose final termination from the last public service under a covered plan was before May 1, 1975.

(e) For the purpose of computing annuities under this section, the accrual rates used by any covered plan, except the public employees police and fire plan, the judges retirement fund, and the State Patrol retirement plan, must not exceed the percent specified in section 356.315, subdivision 4, per year of service for any year of service or fraction thereof. The formula percentage used by the judges retirement fund must not exceed the percentage rate specified in section 356.315, subdivision 8, per year of service for any year of service or fraction thereof. The accrual rate used by the public employees police and fire plan and the State Patrol retirement plan must not exceed the percentage rate specified in section 356.315, subdivision 6, per year of service for any year of service or fraction thereof. The accrual rate or rates used by the legislators retirement plan must not exceed 2.5 percent, but this limit does not apply to the adjustment provided under section 3A.02, subdivision 1, paragraph (c).

(f) Any period of time for which a person has credit in more than one of the covered plans must be used only once for the purpose of determining total allowable service.

(g) If the period of duplicated service credit is more than one-half year, or the person has credit for more than one-half year, with each of the plans, each plan must apply its formula to a prorated service credit for the period of duplicated service based on a fraction of the salary on which deductions were paid to that fund for the period divided by the total salary on which deductions were paid to all plans for the period.

(h) If the period of duplicated service credit is less than one-half year, or when added to other service credit with that plan is less than one-half year, the service credit must be ignored and a refund of contributions made to the person in accord with that plan's refund provisions.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective July 1, 2009.

APPENDIX
Article locations in 09-1085