

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1864

02/16/2023

Authored by Becker-Finn

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to corrections; authorizing Tribal Nations to provide delivery of probation

1.3 and post release prison supervision through the Tribal Nation's community

1.4 supervision department; amending Minnesota Statutes 2022, sections 244.19;

1.5 401.01, subdivisions 1, 2; 401.02, subdivisions 1, 2, 3; 401.025; 401.04; 401.05,

1.6 subdivision 1; 401.06; 401.08, subdivisions 2, 4; 401.09; 401.10, subdivision 1;

1.7 401.12; 401.14, subdivisions 1, 3; 401.15, subdivision 1; 401.16.

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

1.9 Section 1. Minnesota Statutes 2022, section 244.19, is amended to read:

1.10 **244.19 PROBATION OFFICERS.**

1.11 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of

1.12 counties has established a human services board pursuant to chapter 402, the district court

1.13 may appoint one or more county probation officers as necessary to perform court services,

1.14 and the human services board shall appoint persons as necessary to provide correctional

1.15 services within the authority granted in chapter 402. In all counties of more than 200,000

1.16 population, which have not organized pursuant to chapter 402, the district court shall appoint

1.17 one or more persons of good character to serve as county probation officers during the

1.18 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile

1.19 probation services to district courts in one of the following ways:

1.20 (1) the court, with the approval of the county boards, may appoint one or more salaried

1.21 county probation officers to serve during the pleasure of the court;

1.22 (2) when two or more counties offer probation services the district court through the

1.23 county boards may appoint common salaried county probation officers to serve in the several

1.24 counties;

2.1 (3) a county or a district court may request the commissioner of corrections to furnish
2.2 probation services in accordance with the provisions of this section, and the commissioner
2.3 of corrections shall furnish such services to any county or court that fails to provide its own
2.4 probation officer by one of the two procedures listed above;

2.5 (4) if a county or district court providing probation services under clause (1) or (2) asks
2.6 the commissioner of corrections or the legislative body for the state of Minnesota mandates
2.7 the commissioner of corrections to furnish probation services to the district court, the
2.8 probation officers and other employees displaced by the changeover shall be employed by
2.9 the commissioner of corrections. Years of service in the county probation department are
2.10 to be given full credit for future sick leave and vacation accrual purposes;

2.11 (5) for persons that are enrolled or eligible to be enrolled in a federally recognized Tribal
2.12 Nation within the boundaries of the state of Minnesota, or residing within a household of
2.13 an enrolled member, a federal recognized Tribal Nation within the bounds of the state of
2.14 Minnesota, may elect to provide probation services within the county in which the person
2.15 resides; and

2.16 ~~(5)~~ (6) all probation officers serving the juvenile courts on July 1, 1972, shall continue
2.17 to serve in the county or counties they are now serving.

2.18 (b) The commissioner of management and budget shall place employees transferred to
2.19 state service under paragraph (a), clause (4), in the proper classifications in the classified
2.20 service. Each employee is appointed without examination at no loss in salary or accrued
2.21 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
2.22 may occur until the employee's total accrued vacation or sick leave benefits fall below the
2.23 maximum permitted by the state for the employee's position. An employee appointed under
2.24 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
2.25 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
2.26 to the commissioner of management and budget, who may uphold the decision, extend the
2.27 probation period, or certify the employee. The decision of the commissioner of management
2.28 and budget is final. The state shall negotiate with the exclusive representative for the
2.29 bargaining unit to which the employees are transferred regarding their seniority. For purposes
2.30 of computing seniority among those employees transferring from one county unit only, a
2.31 transferred employee retains the same seniority position as the employee had within that
2.32 county's probation office.

2.33 Subd. 1a. **Definition.** (a) For the purposes of sections 244.19 and 401.01 to 401.16, the
2.34 term in this subdivision has the meaning given.

3.1 (b) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
3.2 of the state of Minnesota.

3.3 Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to
3.4 meet the needs of the district court in each county. County probation officers serving district
3.5 courts in all counties of not more than 200,000 population shall also, pursuant to subdivision
3.6 3, provide probation and parole services to wards of the commissioner of corrections resident
3.7 in their counties. To provide these probation services counties containing a city of 10,000
3.8 or more population shall, as far as practicable, have one probation officer for not more than
3.9 35,000 population; in counties that do not contain a city of such size, the commissioner of
3.10 corrections shall, after consultation with the chief judge of the district court, ~~and the county~~
3.11 ~~commissioners, or Tribal Nation through an approved plan,~~ and in the light of experience,
3.12 establish probation districts to be served by one officer.

3.13 All probation officers appointed for any district court or ~~community county~~ corrections
3.14 agency, including Tribal Nations, shall be selected from a list of eligible candidates ~~who~~
3.15 ~~have.~~ Those candidates must be minimally qualified according to the same or equivalent
3.16 examining procedures as used by the commissioner of management and budget to certify
3.17 ~~eligibles~~ eligibility to the commissioner of corrections in appointing parole agents, ~~and the~~
3.18 ~~Department of Management and Budget shall furnish the names of such candidates on~~
3.19 ~~request.~~ This subdivision shall not apply to a political subdivision having a civil service or
3.20 merit system unless the subdivision elects to be covered by this subdivision.

3.21 Subd. 3. **Powers and duties.** All county or Tribal Nation probation officers serving a
3.22 district court shall act under the orders of the court in reference to any person committed
3.23 to their care by the court, and in the performance of their duties shall have the general powers
3.24 of a peace officer; and it shall be their duty to make such investigations with regard to any
3.25 person as may be required by the court before, during, or after the trial or hearing, and to
3.26 furnish to the court such information and assistance as may be required; to take charge of
3.27 any person before, during or after trial or hearing when so directed by the court, and to keep
3.28 such records and to make such reports to the court as the court may order. Tribal Nations
3.29 providing probation services shall have the same general powers provided to county probation
3.30 officers defined within statute or rules.

3.31 All county or Tribal Nation probation officers serving a district court shall, in addition,
3.32 provide probation and parole services to wards of the commissioner of corrections resident
3.33 in the counties they serve, and shall act under the orders of said commissioner of corrections
3.34 in reference to any ward committed to their care by the commissioner of corrections.

4.1 All probation officers serving a district court shall, under the direction of the authority
4.2 having power to appoint them, initiate programs for the welfare of persons coming within
4.3 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
4.4 community persons who come within the jurisdiction of the court and are properly subject
4.5 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
4.6 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
4.7 public or private character, and other groups concerned with the prevention of crime and
4.8 delinquency and the rehabilitation of persons convicted of crime and delinquency.

4.9 All probation officers serving a district court shall make monthly and annual reports to
4.10 the commissioner of corrections, on forms furnished by the commissioner, containing such
4.11 information on number of cases cited to the juvenile division of district court, offenses,
4.12 adjudications, dispositions, and related matters as may be required by the commissioner of
4.13 corrections. The reports shall include the information on individuals convicted as an extended
4.14 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

4.15 Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the
4.16 judges of the district court may direct the payment of such salary to probation officers as
4.17 may be approved by the county board, and in addition thereto shall be reimbursed for all
4.18 necessary expenses incurred in the performance of their official duties. In all counties which
4.19 obtain probation services from the commissioner of corrections the commissioner shall, out
4.20 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
4.21 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
4.22 service, office equipment and supplies, postage, telephone and telegraph services, and travel
4.23 and subsistence. Each county receiving probation services from the commissioner of
4.24 corrections shall reimburse the department of corrections for the total cost and expenses of
4.25 such services as incurred by the commissioner of corrections. ~~Total annual costs for each~~
4.26 ~~county shall be that portion of the total costs and expenses for the services of one probation~~
4.27 ~~officer represented by the ratio which the county's population bears to the total population~~
4.28 ~~served by one officer. For the purposes of this section, the population of any county shall~~
4.29 ~~be the most recent estimate made by the Department of Health.~~ At least every six months
4.30 the commissioner of corrections shall bill for the total cost and expenses incurred by the
4.31 commissioner on behalf of each county which has received probation services. The
4.32 commissioner of corrections shall notify each county of the cost and expenses and the county
4.33 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
4.34 shall be deposited in the general fund. Objections by a county to all allocation of such cost
4.35 and expenses shall be presented to and determined by the commissioner of corrections.

5.1 Each county providing probation services under this section is hereby authorized to use
5.2 unexpended funds and to levy additional taxes for this purpose.

5.3 The county commissioners of any county of not more than 200,000 population shall,
5.4 when requested to do so by the juvenile judge, provide probation officers with suitable
5.5 offices, and may provide equipment, and secretarial help needed to render the required
5.6 services.

5.7 Subd. 6. **Reimbursement of counties or Tribal Nations**. In order to reimburse the
5.8 counties or a Tribal Nation for the cost which they assume under this section of providing
5.9 probation and parole services to wards of the commissioner of corrections and to aid the
5.10 counties in achieving the purposes of this section, the commissioner of corrections shall
5.11 annually, from funds appropriated and specifically for that purpose counties or a Tribal
5.12 Nation, pay 50 percent of the costs of probation officers' salaries to all counties of not more
5.13 than 200,000 population. Nothing in this section will invalidate any payments to counties
5.14 made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but
5.15 only to the extent that fringe benefits do not exceed those provided for state civil service
5.16 employees. On or before July 1 of each even-numbered year each county or group of counties
5.17 or Tribal Nations which provide their own probation services to the district court under
5.18 subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate
5.19 of its costs under this section. Reimbursement to those counties or Tribal Nations shall be
5.20 made on the basis of the estimate or actual expenditures incurred, whichever is less.
5.21 Reimbursement for those counties which obtain probation services from the commissioner
5.22 of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual
5.23 expenditures. Salary costs shall not be reimbursed unless county probation officers or Tribal
5.24 Nations are paid salaries commensurate with the salaries paid to comparable positions in
5.25 the classified service of the state civil service. The salary range to which each county
5.26 probation officer is assigned shall be determined by the authority having power to appoint
5.27 probation officers, and shall be based on the officer's length of service and performance.
5.28 The appointing authority shall annually assign each county or Tribal Nation probation officer
5.29 to a position on the salary scale commensurate with the officer's experience, tenure, and
5.30 responsibilities. For county provided probation officers, the judge shall file with the county
5.31 auditor an order setting each county probation officer's salary. Time spent by a county
5.32 probation officer as a court referee shall not qualify for reimbursement. Reimbursement
5.33 shall be prorated if the appropriation for counties or Tribal Nations is insufficient. A new
5.34 position eligible for reimbursement under this section may not be added by a county or
5.35 Tribal Nation without the written approval of the commissioner of corrections. When a new

6.1 position is approved, the commissioner shall include the cost of the position in calculating
6.2 each county's or Tribal Nation's share.

6.3 Subd. 7. **Certificate of counties entitled to state aid.** On or before January 1 of each
6.4 year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall
6.5 deliver to the commissioner of management and budget a certificate in duplicate for each
6.6 county of the state entitled to receive state aid under the provisions of this section. Upon
6.7 the receipt of such certificate, the commissioner of management and budget shall issue a
6.8 payment to the county treasurer for the amount shown by each certificate to be due to the
6.9 county specified. The commissioner of management and budget shall transmit such payment
6.10 to the county treasurer or a Tribal Nation together with a copy of the certificate prepared
6.11 by the commissioner of corrections.

6.12 Subd. 8. **Exception.** This section shall not apply to Ramsey County.

6.13 Sec. 2. Minnesota Statutes 2022, section 401.01, subdivision 1, is amended to read:

6.14 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to
6.15 promote efficiency and economy in the delivery of correctional services, the commissioner
6.16 is authorized to make grants to assist counties or federally recognized Tribal nations within
6.17 the boundaries of the state of Minnesota in the development, implementation, and operation
6.18 of community-based corrections programs including preventive or diversionary correctional
6.19 programs, conditional release programs, community corrections centers, and facilities for
6.20 the detention or confinement, care and treatment of persons convicted of crime or adjudicated
6.21 delinquent. The commissioner may authorize the use of a percentage of a grant for the
6.22 operation of an emergency shelter or make a separate grant for the rehabilitation of a facility
6.23 owned by the grantee and used as a shelter to bring the facility into compliance with state
6.24 and local laws pertaining to health, fire, and safety, and to provide security.

6.25 Sec. 3. Minnesota Statutes 2022, section 401.01, subdivision 2, is amended to read:

6.26 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
6.27 terms have the meanings given them.

6.28 (b) "CCA ~~county~~ jurisdiction" means a county or federally recognized Tribal nations
6.29 within the boundaries of the state of Minnesota that participates in the Community
6.30 Corrections Act.

6.31 (c) "Tribal nation" means a federal recognized Tribal nation within the bounds of the
6.32 state of Minnesota.

7.1 (e) (d) "Commissioner" means the commissioner of corrections or a designee.

7.2 (d) (e) "Conditional release" means parole, supervised release, conditional release as
 7.3 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
 7.4 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
 7.5 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
 7.6 any other authorized temporary release from a correctional facility.

7.7 (e) (f) "County probation officer" means a probation officer appointed and defined under
 7.8 section 244.19.

7.9 (f) (g) "Detain" means to take into actual custody, including custody within a local
 7.10 correctional facility.

7.11 (g) (h) "Joint board" means the board provided in section 471.59.

7.12 (h) (i) "Local correctional facility" has the meaning given in section 241.021, subdivision
 7.13 1.

7.14 (i) (j) "Local correctional service" means those services authorized by and employees,
 7.15 officers, and agents appointed under section 244.19, subdivision 1.

7.16 (j) (k) "Release" means to release from actual custody.

7.17 Sec. 4. Minnesota Statutes 2022, section 401.02, subdivision 1, is amended to read:

7.18 Subdivision 1. **Qualification of counties or Tribal nation.** (a) One or more counties;
 7.19 ~~having an aggregate population of 30,000 or more persons,~~ Tribal nations may qualify
 7.20 for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating
 7.21 and establishing a corrections advisory board, designating the officer or agency to be
 7.22 responsible for administering grant funds, and providing for the preparation of a
 7.23 comprehensive plan for the development, implementation and operation of the correctional
 7.24 services described in section 401.01, including the assumption of those correctional services,
 7.25 other than the operation of state facilities, presently provided in such counties by the
 7.26 Department of Corrections, or for Tribal nations, probation services within a Tribal nation
 7.27 and providing for centralized administration and control of those correctional services
 7.28 described in section 401.01.

7.29 Where counties combine as authorized in this section, they shall comply with the
 7.30 provisions of section 471.59.

7.31 (b) A county that has participated in the Community Corrections Act for five or more
 7.32 years is eligible to continue to participate in the Community Corrections Act.

8.1 Sec. 5. Minnesota Statutes 2022, section 401.02, subdivision 2, is amended to read:

8.2 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
 8.3 or Tribal nations which have complied with the provisions of subdivision 1 and require
 8.4 financial aid to defray all or a part of the expenses incurred by corrections advisory board
 8.5 members in discharging their official duties pursuant to section 401.08, the commissioner
 8.6 may designate counties or Tribal nations as "planning counties", and, upon receipt of
 8.7 resolutions by the governing boards of the counties or Tribal nations certifying the need for
 8.8 and inability to pay the expenses described in this subdivision, advance to the counties or
 8.9 Tribal nations an amount not to exceed five percent of the maximum quarterly subsidy for
 8.10 which the counties or Tribal nations are eligible. The expenses described in this subdivision
 8.11 shall be paid in the same manner and amount as for state employees.

8.12 Sec. 6. Minnesota Statutes 2022, section 401.02, subdivision 3, is amended to read:

8.13 Subd. 3. **Establishment and reorganization of administrative structure.** Any county,
 8.14 Tribal nation, or group of counties which have qualified for participation in the community
 8.15 corrections subsidy program provided by this chapter may establish, organize, and reorganize
 8.16 an administrative structure and provide for the budgeting, staffing, and operation of court
 8.17 services and probation, construction or improvement to juvenile detention and juvenile
 8.18 correctional facilities and adult detention and correctional facilities, and other activities
 8.19 required to conform to the purposes of this chapter. No contrary general or special statute
 8.20 divests any county or group of counties of the authority granted by this subdivision.

8.21 Sec. 7. Minnesota Statutes 2022, section 401.025, is amended to read:

8.22 **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**
 8.23 **RELEASEES, AND PRETRIAL RELEASEES.**

8.24 Subdivision 1. **Peace officers and probation officers serving CCA ~~counties~~**
 8.25 **jurisdictions.** (a) When it appears necessary to enforce discipline or to prevent a person on
 8.26 conditional release from escaping or absconding from supervision, the chief executive
 8.27 officer or designee of a community corrections agency in a CCA ~~county~~ jurisdiction has
 8.28 the authority to issue a written order directing any peace officer or any probation officer in
 8.29 the state serving the district and juvenile courts to detain and bring the person before the
 8.30 court or the commissioner, whichever is appropriate, for disposition. This written order is
 8.31 sufficient authority for the peace officer or probation officer to detain the person for not
 8.32 more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before
 8.33 the court or the commissioner.

9.1 (b) The chief executive officer or designee of a community corrections agency in a CCA
9.2 ~~county~~ jurisdiction has the authority to issue a written order directing a peace officer or
9.3 probation officer serving the district and juvenile courts to release a person detained under
9.4 paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an
9.5 appearance before the court or the commissioner. This written order is sufficient authority
9.6 for the peace officer or probation officer to release the detained person.

9.7 (c) The chief executive officer or designee of a community corrections agency in a CCA
9.8 ~~county~~ jurisdiction has the authority to issue a written order directing any peace officer or
9.9 any probation officer serving the district and juvenile courts to detain any person on
9.10 court-ordered pretrial release who absconds from pretrial release or fails to abide by the
9.11 conditions of pretrial release. A written order issued under this paragraph is sufficient
9.12 authority for the peace officer or probation officer to detain the person.

9.13 **Subd. 2. Peace officers and probation officers in other counties and state correctional**
9.14 **investigators.** (a) The chief executive officer or designee of a community corrections agency
9.15 in a CCA ~~county~~ jurisdiction has the authority to issue a written order directing any state
9.16 correctional investigator or any peace officer, probation officer, or county probation officer
9.17 from another county to detain a person under sentence or on probation who:

9.18 (1) fails to report to serve a sentence at a local correctional facility;

9.19 (2) fails to return from furlough or authorized temporary release from a local correctional
9.20 facility;

9.21 (3) escapes from a local correctional facility; or

9.22 (4) absconds from court-ordered home detention.

9.23 (b) The chief executive officer or designee of a community corrections agency in a CCA
9.24 ~~county~~ jurisdiction has the authority to issue a written order directing any state correctional
9.25 investigator or any peace officer, probation officer, or county probation officer from another
9.26 county to detain any person on court-ordered pretrial release who absconds from pretrial
9.27 release or fails to abide by the conditions of pretrial release.

9.28 (c) A written order issued under paragraph (a) or (b) is sufficient authority for the state
9.29 correctional investigator, peace officer, probation officer, or county probation officer to
9.30 detain the person.

9.31 **Subd. 3. Offenders under Department of Corrections commitment.** CCA ~~counties~~
9.32 jurisdictions shall comply with the policies prescribed by the commissioner when providing
9.33 supervision and other correctional services to persons conditionally released pursuant to

10.1 sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty
 10.2 transfer of persons on conditional release and the conduct of presentence investigations.

10.3 Sec. 8. Minnesota Statutes 2022, section 401.04, is amended to read:

10.4 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**
 10.5 **STRUCTURE; EMPLOYEES.**

10.6 Any county or group of counties or a Tribal nation electing to come within the provisions
 10.7 of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease
 10.8 or transfer of custodial control, the lands, buildings and equipment necessary and incident
 10.9 to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and
 10.10 establish the administrative structure best suited to the efficient administration and delivery
 10.11 of the correctional services described in section 401.01, and (c) employ a director and other
 10.12 officers, employees and agents as deemed necessary to carry out the provisions of sections
 10.13 401.01 to 401.16. To the extent that participating counties shall assume and take over state
 10.14 and local correctional services presently provided in counties, employment shall be given
 10.15 to those state and local officers, employees and agents thus displaced; if hired by a county,
 10.16 employment shall, to the extent possible and notwithstanding the provisions of any other
 10.17 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits
 10.18 enjoyed by such officer, employee or agent while in the service of the state or local
 10.19 correctional service.

10.20 State or local employees displaced by county participation in the subsidy program
 10.21 provided by this chapter are on layoff status and, if not hired by a participating county as
 10.22 provided herein, may exercise their rights under layoff procedures established by law or
 10.23 union agreement whichever is applicable.

10.24 State or local officers and employees displaced by a county's participation in the
 10.25 Community Corrections Act and hired by the participating county shall retain all fringe
 10.26 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
 10.27 the service of the state.

10.28 Sec. 9. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

10.29 Subdivision 1. **Authorization to use and accept funds.** Any ~~county~~ CCA jurisdiction
 10.30 or group of counties electing to come within the provisions of sections 401.01 to 401.16
 10.31 may, through their governing bodies, use unexpended funds; accept gifts, grants, and
 10.32 subsidies from any lawful source; and apply for and accept federal funds.

11.1 Sec. 10. Minnesota Statutes 2022, section 401.06, is amended to read:

11.2 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
 11.3 **COMPLIANCE.**

11.4 No county, Tribal nation, or group of counties electing to provide correctional services
 11.5 pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless
 11.6 and until its comprehensive plan shall have been approved by the commissioner. The
 11.7 commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules
 11.8 establishing standards of eligibility for counties or Tribal nations to receive funds under
 11.9 sections 401.01 to 401.16. To remain eligible for subsidy ~~counties~~ CCA jurisdictions shall
 11.10 maintain substantial compliance with the minimum standards established pursuant to sections
 11.11 401.01 to 401.16 and the policies and procedures governing the services described in section
 11.12 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance
 11.13 with other correctional operating standards permitted by law and established by the
 11.14 commissioner and shall report statistics required by the commissioner including but not
 11.15 limited to information on individuals convicted as an extended jurisdiction juvenile identified
 11.16 in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually
 11.17 the comprehensive plans submitted by participating ~~counties~~ CCA jurisdictions, including
 11.18 the facilities and programs operated under the plans. The commissioner is hereby authorized
 11.19 to enter upon any facility operated under the plan, and inspect books and records, for purposes
 11.20 of recommending needed changes or improvements.

11.21 When the commissioner shall determine that there are reasonable grounds to believe
 11.22 that a ~~county~~ CCA jurisdiction or group of counties is not in substantial compliance with
 11.23 minimum standards, at least 30 days' notice shall be given to the county ~~or counties~~ CCA
 11.24 jurisdiction and a hearing conducted by the commissioner to ascertain whether there is
 11.25 substantial compliance or satisfactory progress being made toward compliance. The
 11.26 commissioner may suspend all or a portion of any subsidy until the required standard of
 11.27 operation has been met.

11.28 Sec. 11. Minnesota Statutes 2022, section 401.08, subdivision 2, is amended to read:

11.29 Subd. 2. **Appointment; terms.** The members of the corrections advisory board shall be
 11.30 appointed by the board of county commissioners ~~or~~, the joint board in the case of multiple
 11.31 counties, or a Tribal nation and shall serve for terms of two years from and after the date
 11.32 of their appointment, and shall remain in office until their successors are duly appointed.
 11.33 The board may elect its own officers.

12.1 Sec. 12. Minnesota Statutes 2022, section 401.08, subdivision 4, is amended to read:

12.2 Subd. 4. **Comprehensive plan.** The corrections advisory board provided in sections
 12.3 401.01 to 401.16, shall actively participate in the formulation of the comprehensive plan
 12.4 for the development, implementation, and operation of the correctional program and services
 12.5 described in section 401.01, and shall make a formal recommendation to the county board,
 12.6 Tribal governance, or joint board at least annually concerning the comprehensive plan and
 12.7 its implementation during the ensuing year.

12.8 Sec. 13. Minnesota Statutes 2022, section 401.09, is amended to read:

12.9 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

12.10 Failure of a ~~county~~ CCA jurisdiction or group of counties to elect to come within the
 12.11 provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state
 12.12 subsidy for correctional purposes otherwise provided by law. Any comprehensive plan
 12.13 submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected
 12.14 correctional services from the state by contract, including the temporary detention and
 12.15 confinement of persons convicted of crime or adjudicated delinquent; confinement to be in
 12.16 an appropriate state facility as otherwise provided by law. The commissioner shall annually
 12.17 determine the costs of the purchase of services under this section and deduct them from the
 12.18 subsidy due and payable to the county or counties concerned; provided that no contract
 12.19 shall exceed in cost the amount of subsidy to which the participating county or counties are
 12.20 eligible.

12.21 Sec. 14. Minnesota Statutes 2022, section 401.10, subdivision 1, is amended to read:

12.22 Subdivision 1. **Aid calculations.** To determine the community corrections aid amount
 12.23 to be paid to each participating county, the commissioner of corrections must apply the
 12.24 following formula:

12.25 (1) For each of the 87 counties in the state, a percent score must be calculated for each
 12.26 of the following five factors:

12.27 (i) percent of the total state population aged ten to 24 residing within the county according
 12.28 to the most recent federal census, and, in the intervening years between the taking of the
 12.29 federal census, according to the most recent estimate of the state demographer;

12.30 (ii) percent of the statewide total number of felony case filings occurring within the
 12.31 county, as determined by the state court administrator;

13.1 (iii) percent of the statewide total number of juvenile case filings occurring within the
13.2 county, as determined by the state court administrator;

13.3 (iv) percent of the statewide total number of gross misdemeanor case filings occurring
13.4 within the county, as determined by the state court administrator; and

13.5 (v) percent of the total statewide number of convicted felony offenders who did not
13.6 receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines
13.7 Commission.

13.8 The percents in items (ii) to (v) must be calculated by combining the most recent
13.9 three-year period of available data. The percents in items (i) to (v) each must sum to 100
13.10 percent across the 87 counties.

13.11 (2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must
13.12 be weighted, summed, and divided by the sum of the weights to yield an average percent
13.13 for each county, referred to as the county's "composite need percent." When performing
13.14 this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The
13.15 composite need percent must sum to 100 percent across the 87 counties.

13.16 (3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the
13.17 county's adjusted net tax capacity amount, defined in the same manner as it is defined for
13.18 cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax
13.19 capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the
13.20 87 counties.

13.21 (4) For each of the 87 counties, the county's composite need percent must be divided by
13.22 the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by
13.23 the county's composite need percent, results in the county's "tax base adjusted need percent."

13.24 (5) For each of the 87 counties, the county's tax base adjusted need percent must be
13.25 added to twice the composite need percent, and the sum must be divided by 3, to yield the
13.26 county's "weighted need percent."

13.27 (6) Each participating county's weighted need percent must be added to the weighted
13.28 need percent of each other participating county to yield the "total weighted need percent
13.29 for participating counties."

13.30 (7) Each participating county's weighted need percent must be divided by the total
13.31 weighted need percent for participating counties to yield the county's "share percent." The
13.32 share percents for participating counties must sum to 100 percent.

14.1 (8) Each participating county's "base funding amount" is the aid amount that the county
14.2 received under this section for fiscal year 1995 plus the amount received in caseload or
14.3 workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal
14.4 year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,
14.5 no county's aid amount under this section may be less than its base funding amount, provided
14.6 that the total amount appropriated for this purpose is at least as much as the aggregate base
14.7 funding amount defined in clause (9).

14.8 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts
14.9 for all participating counties. If a county that participated under this section chooses not to
14.10 participate in any given year, then the aggregate base funding amount must be reduced by
14.11 that county's base funding amount. If a county that did not participate under this section in
14.12 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base
14.13 funding amount must be increased by the amount of aid that the county would have received
14.14 had it participated in fiscal year 1995 plus the estimated amount it would have received in
14.15 caseload or workload reduction, felony caseload reduction, and sex offender supervision
14.16 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount
14.17 of increase shall be that county's base funding amount.

14.18 (10) In any given year, the total amount appropriated for this purpose first must be
14.19 allocated to participating counties in accordance with each county's base funding amount.
14.20 Then, any remaining amount in excess of the aggregate base funding amount must be
14.21 allocated to participating counties in proportion to each county's share percent, and is referred
14.22 to as the county's "formula amount."

14.23 Each participating county's "community corrections aid amount" equals the sum of (i)
14.24 the county's base funding amount, and (ii) the county's formula amount.

14.25 (11) However, if in any year the total amount appropriated for the purpose of this section
14.26 is less than the aggregate base funding amount, then each participating county's community
14.27 corrections aid amount is the product of (i) the county's base funding amount multiplied by
14.28 (ii) the ratio of the total amount appropriated to the aggregate base funding amount.

14.29 For each participating county, the county's community corrections aid amount calculated
14.30 in this subdivision is the total amount of subsidy to which the county is entitled under
14.31 sections 401.01 to 401.16.

14.32 For each Minnesota federally recognized Tribal nation, a base funding amount of
14.33 \$250,000 shall be allotted annually through legislative appropriation to each Tribal nation
14.34 for the purchase of probation services regardless of a CCA jurisdiction. An additional

15.1 formula amount as appropriated through legislation shall be developed and approved by
 15.2 the commissioner of corrections for equitable distribution for Tribal nations under a CCA
 15.3 jurisdiction.

15.4 Sec. 15. Minnesota Statutes 2022, section 401.12, is amended to read:

15.5 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

15.6 Participating counties or Tribal nations shall not diminish their current level of spending
 15.7 for correctional expenses as defined in section 401.01, to the extent of any subsidy received
 15.8 pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the
 15.9 expenditure for correctional purposes in excess of those funds currently being expended.

15.10 Should a participating ~~county~~ CCA jurisdiction be unable to expend the full amount of the
 15.11 subsidy to which it would be entitled in any one year under the provisions of sections 401.01
 15.12 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following
 15.13 year wherein such ~~county~~ CCA jurisdiction can demonstrate a need for and ability to expend
 15.14 same for the purposes provided in section 401.01. If in any biennium the subsidy is increased
 15.15 by an inflationary adjustment which results in the ~~county~~ CCA jurisdiction receiving more
 15.16 actual subsidy than it did in the previous calendar year, the ~~county~~ CCA jurisdiction shall
 15.17 be eligible for that increase only if the current level of spending is increased by a percentage
 15.18 equal to that increase within the same biennium.

15.19 Sec. 16. Minnesota Statutes 2022, section 401.14, subdivision 1, is amended to read:

15.20 Subdivision 1. **Payment.** Upon compliance by a ~~county~~ CCA jurisdiction or group of
 15.21 counties with the prerequisites for participation in the subsidy prescribed by sections 401.01
 15.22 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner
 15.23 shall determine whether funds exist for the payment of the subsidy and proceed to pay same
 15.24 in accordance with applicable rules.

15.25 Sec. 17. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

15.26 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
 15.27 for community corrections services to each ~~county~~ CCA jurisdiction in 12 installments per
 15.28 year. The commissioner shall ensure that the pertinent payment of the allotment for each
 15.29 month is made to each county on the first working day after the end of each month of the
 15.30 calendar year, except for the last month of the calendar year. The commissioner shall ensure
 15.31 that each ~~county~~ CCA jurisdiction receives its payment of the allotment for that month no

16.1 later than the last working day of that month. The payment described in this subdivision for
16.2 services rendered during June 1985 shall be made on the first working day of July 1985.

16.3 Sec. 18. Minnesota Statutes 2022, section 401.15, subdivision 1, is amended to read:

16.4 Subdivision 1. **Certified statements; determinations; adjustments.** Within 60 days
16.5 of the end of each calendar quarter, participating ~~counties~~ CCA jurisdictions which have
16.6 received the payments authorized by section 401.14 shall submit to the commissioner
16.7 certified statements detailing the amounts expended and costs incurred in furnishing the
16.8 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified
16.9 statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12,
16.10 determine the amount each participating county is entitled to receive, making any adjustments
16.11 necessary to rectify any disparity between the amounts received pursuant to the estimate
16.12 provided in section 401.14 and the amounts actually expended. If the amount received
16.13 pursuant to the estimate is greater than the amount actually expended during the quarter,
16.14 the commissioner may withhold the difference from any subsequent monthly payments
16.15 made pursuant to section 401.14. Upon certification by the commissioner of the amount a
16.16 participating ~~county~~ CCA jurisdiction is entitled to receive under the provisions of section
16.17 401.14 or of this subdivision the commissioner of management and budget shall thereupon
16.18 issue a payment to the chief fiscal officer of each participating ~~county~~ CCA jurisdiction for
16.19 the amount due together with a copy of the certificate prepared by the commissioner.

16.20 Sec. 19. Minnesota Statutes 2022, section 401.16, is amended to read:

16.21 **401.16 WITHDRAWAL FROM PROGRAM.**

16.22 Any participating ~~county~~ CCA jurisdiction may, at the beginning of any calendar quarter,
16.23 by resolution of its board of commissioners, or Tribal council shall notify the commissioner
16.24 of its intention to withdraw from the subsidy program established by sections 401.01 to
16.25 401.16, and the withdrawal shall be effective at least six months of the last day of the last
16.26 month of the quarter in which the notice was given. Upon withdrawal, the unexpended
16.27 balance of moneys allocated to the county, or that amount necessary to reinstate state
16.28 correctional services displaced by that county's participation, including complement positions,
16.29 may, upon approval of the legislative advisory commission, be transferred to the
16.30 commissioner for the reinstatement of the displaced services and the payment of any other
16.31 correctional subsidies for which the withdrawing county had previously been eligible.