



Winners and losers in safety/judiciary budget



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To Sen. Warren Limmer, R-Maple Grove, it felt like Christmas.

To Rep. Carlos Mariani, DFL-St. Paul, it felt like just enough money had arrived at the last minute to keep the family fed while other priorities must wait.

The men are co-chairs of the Public Safety/Judiciary budget conference committee, which couldn't quite get its act together before the regular session ended on May 20.

Though that House-Senate panel is now defunct, its members continued near round-the-clock overtime negotiations to figure out how they would spend \$125 million in new public safety/judiciary money.

Under intense scrutiny from Gov. Tim Walz, House Speaker Melissa Hortman, DFL-Brooklyn Park, and Senate Majority Leader Paul Gazelka, R-Nisswa, they finally arrived, late Tuesday, on a compromise budget-and-policy bill for the division.

For Limmer, it felt like Yuletide because he'd initially been given only \$25 million above base to spend a funding level that had him squawking about his own Senate caucus leaders ignoring their constitutional duties.

But his budget grew by about \$100 million when Walz, Hortman and Gazelka finally struck the budget deal announced on May 19. "We were just adding and adding," Limmer said of final negotiations over a

compromise bill. “I think, quite honestly, we got everything we wanted.”

Mariani’s not feeling it. The House’s original spending target for public safety/judiciary was about \$103 million more than leaders ultimately granted. That meant a lot of priorities were jettisoned, though others survived.

“It felt like I can still get something done with that,” Mariani said, describing his reaction to the final budget targets. “It’s not ideal for the bill that we originally came up with, but we can still get important work done.”

The compromise budget has sign-off from all of the principles and now needs only two floor votes and the governor’s signature to become law and to keep cops and courts on the job for two more years.

At 103 pages, it’s too big for a comprehensive overview here. But here are some of the key provisions included in and excluded from the compromise agreement.

Judiciary

Judges and court employees get a 2.5%-per-year across-the-board pay raise for the biennium. That’s less than the 3%-per-year pay hike that the governor requested.

District Court judges had convinced the House Judiciary committee chair, Rep. John Lesch, DFL-St. Paul, to include an even bigger 4% raise for the lower courts. But they won’t get it. The Supreme Court, Court of Appeals and District Courts and their workers all get the same 2.5% per year raise.

The bill also grants the courts \$2.14 million for mandated psychological assessments and \$612,000 to sustain five existing treatment courts. Neither was funded in the original Senate bill.

The Board of Public Defense gets \$6 million for new attorneys. That’s less than half the \$12.7 million offered in the House omnibus; the Senate offered nothing. Chief Public Defender Bill Ward said he wasn’t immediately sure how many new public defenders the money would pay for.

Like Corrections, the Guardian ad Litem Board and the Department of Human Rights, public defenders were granted their requested operating adjustments. That will allow them all to pay already-negotiated labor contracts and avoid laying off existing staff.

Guardians ad litem were granted \$8 million for new hires. That will help keep them in compliance with federal staffing mandates at a time when hundreds of Minnesota children are going unrepresented in family court disputes. The House originally sought \$8.65 million; the Senate offered nothing.

But the bill creates just one new judgeship for the 7th Judicial District; the courts had asked for two. That prompted a visit, and some stern remarks, from state Supreme Court Justice Lorie Gildea at a Wednesday joint House committee hearing. [See Bar Buzz, Page 4.]

Corrections

The compromise budget includes \$7.6 million to hire as many as 77 new corrections officers by 2021. That's fewer than the 110 officers the House bill contemplated, but more than the 66 the original Senate offer included.

The bill includes no money for requested new corrections lieutenants, but it does give DOC about \$2.67 million for employee recruitment and retention.

Rep. Jack Considine, DFL-Mankato, chair of the House Corrections subcommittee, was a driver in the push for new prison guards after Officer Joseph Gomm was murdered on the job last year. While the bill doesn't go as far as he'd like, he said, he's not complaining.

"All things considered, I'm pretty happy," Considine said. "As I look around all the other legislation and the fact that we were not terribly successful in generating new revenue, I'm pretty pleased."

The corrections budget also includes \$1.3 million to revive the defunct Corrections Ombudsman's office. That's a kind of complaints department for both inmates and corrections officers with both investigative authority and subpoena power. Corrections Commissioner Paul Schnell has said reviving the office could be the biggest step the Legislature can take toward safer prisons.

Finally, the bill grants the department \$5.3 million to finance constitutionally mandated inmate health care. That budget line went unfunded in the second year of the previous biennium.

Polices in, policies out

The biggest snag in negotiations was a raft of criminal- and social-justice policy items that were of keen

importance to House members, yet all but irrelevant to single-subject Senate sticklers.

Two of the House's marquee policy items House File 8 and House File 9 would have created universal gun-transfer background checks and red-flag restraining orders. Both were shot down in conference committee well before final negotiations and are not part of the final bill. Limmer said he expects the issue to arise again in 2020.

Limmer said that when the Big Three leaders' final budget target was roughly half of what House member wanted, post-regular-session negotiations between conferees almost stalled.

"They were choking," Limmer said. "They didn't know what to do, kind of gasping for air. I think it took them awhile to figure out just how low they could go."

Mariani said in a Tuesday tweet that he was holding out for a working group to improve criminal sexual conduct laws, probation reform and reforms to "decriminalize poverty."

He won the first. He struck out on the others.

A sexual assault working group is included in the bill. A high priority for groups like the Minnesota Coalition Against Sexual Assault, the bill authorizes Public Safety Commissioner John Harrington to convene a panel to examine and recommend changes to the state's complicated and, for advocates, too often ineffectual sexual assault laws.

The bill also includes the entirety of Limmer's Senate File 111, a sex-crimes mini-omnibus that passed off the Senate floor Sunday but never made it to the House floor putting it briefly on life support.

Other sex-crimes reforms from the original House bill including a requirement that police develop uniform sexual assault reporting policies were retained. So was the Task Force on Murdered Missing Indigenous Women. Limmer considers such policies to be the bill's most important feature after the corrections guards.

However, Mariani's two other policy holdouts fell flat. "Poverty decriminalization" reforms like Lesch's House File 1060, which would have required courts to consider waiving fines for the poor and indigent, are dead for now.

Neither was Mariani able to save probation reform, including the proposed five-year cap on probation

sentences. That measure had backing from liberals and conservatives groups alike, as well as the Minnesota County Attorneys Association. “Those, in my mind, were no-brainers,” Mariani said.

A \$160,000 alternatives-to-incarceration pilot program also was rejected in final negotiations, as was Lesch’s bill requiring law enforcement to secure search warrants before using unmanned drone aircraft except in emergencies.

Also rejected was a civil forfeiture task force a late substitute for Lesch’s comprehensive civil forfeiture reform bill, which was killed on the House floor. Nor is there mention in the final bill of Lesch’s behind-closed-doors legislative Commission on Intelligence and Technology.

One of the bill’s winners is the Peace Officer Standards and Training Board, which has traditionally been funded from fine proceeds. As fewer fines get levied, its funding source has been drying up. The bill makes POST Board funding a general fund line-item, so it will no longer have to rely on the shrinking court fines and surcharges.

Yet the POST Board was a loser, too. The House-only proposal to extend a \$6 million appropriation for police training into the next biennium was denied.

In the end, many DFL priorities fell off the table in late negotiations. “I can’t really quarrel with any of the policy pieces that are in there,” said Sen. Ron Latz, the conference committee’s only Senate Democrat. “My big quarrel is what’s not in there.”

Mariani said he intends to press on for criminal justice reforms that have support even from the likes of President Donald Trump. “Falling off the table does not mean it falls off the face of the Earth,” he said.

In the end, Limmer said that he is comfortable both with the money in the bill, and with the Senate’s role in fulfilling its constitutional duties.

“My response,” Mariani said when informed Limmer had said that, “is, ‘You’re welcome. We got you to do the right thing minimally.’”

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