Overview

Provides that the state eventually will pay all costs, statewide, for the following court-related programs: court interpreter costs, guardian ad litem costs, rule 20 and mental commitment examination costs, and in forma pauperis costs. Employees associated with guardian ad litem programs become state employees. In addition, the bill provides for the state to take over all court administration employees and costs in the 5th, 7th, 8th, and 9th judicial districts.

Article 2 deducts from aids to counties amounts representing the costs to the state for assumption of district court costs. Article 2 also transfers fees and fines from counties to the state, in accordance with the changes in financial responsibility provided by this bill.

Article 3 sets forth collective bargaining rights and processes for court employees.

Article 1
State Funding of Programs and Judicial Districts

Key sections are 11 and 12, which provide for the state to pay certain court costs statewide, and which transfer to state employment court administrator employees in the 5th, 7th, 8th and 9th judicial districts.

1 Judicial Branch employees. Amends definition of "judicial branch" under laws dealing with state employment to refer to judicial district employees who are state employees under section 480.181, subdivision 1 and to all guardian ad litem program employees.

2 State insurance program. Amends laws dealing with eligibility for state employee insurance program to refer to judicial district employees who are state employees under section 480.181, subdivision 1 and to all guardian ad litem program employees. Clarifies insurance status of public defender employees.
3 Court reporter costs. Requires the state courts, instead of the county, to pay for transcripts and tapes furnished by court reporters in connection with commitment of persons to correctional facilities. Strikes reference to fees to be filed with county auditor.

4 Costs of examiners. Requires the state courts, instead of the county, to pay the costs of examiners in civil commitment proceedings.

5 Transcript costs. Requires the state courts to pay the cost of transcripts in civil commitment proceedings.

6 Guardian ad litem reimbursements. Requires that guardian ad litem reimbursements be deposited in the general fund and credited to a separate account with the trial courts. The balance in the account does not cancel. Expenditures from the account must be based on reimbursements received from the courts in each judicial district.

7 Guardian ad litem expenses. Provides that the state courts, not the county, will pay for guardian ad litem expenses. Strikes reference to travel and board expenses for district court judges.

8 Guardian ad litem reimbursements. Requires that guardian ad litem reimbursements be deposited in the general fund and credited to a separate account with the trial courts. The balance in the account does not cancel. Expenditures from the account must be based on reimbursements received from the courts in each judicial district.

9 Counsel for juveniles; guardian ad litem. Requires cost of guardian ad litem for juveniles to be paid by the state courts, instead of the county. Counsel costs would continue to be paid by the county.

10 Municipal tort immunity law. Removes from the municipal tort liability law guardians ad litem and other judicial employees who become state employees under this bill.

11 State employees. Makes the following people state employees: guardian ad litem program coordinators and staff; and the court administrator and employees of the court administrator who are in the fifth, seventh, eighth, or ninth judicial district.

12 State assumption of court costs. Provides that the state will pay for the following court-related programs and costs:
   (1) court interpreter programs;
   (2) guardian ad litem programs and personnel;
   (3) examinations, not including hospitalization or treatment, for mental commitments and related proceedings under chapter 253B;
   (4) examination under Rule 20 of the Rules of Criminal Procedure;
   (5) in forma pauperis costs;
   (6) costs of transcripts mandated by statute, except in appeal and post-conviction cases handled by the board of public defense;
   (7) jury program costs, not including personnel.

13 Ramsey County. Amends law governing Ramsey County to require state to provide guardian ad litem program coordinators and staff.

14 Hennepin County. Amends law governing Hennepin County to require state to provide guardian ad litem program coordinators and staff.
15 **Salary set by county board.** Provides that the law requiring county boards to set court administrator salaries does not apply in counties where the state pays court administrator costs.

16 **Salary set by county board.** Provides that the law requiring county boards to set certain court salaries does not apply in counties where the state pays court administrator costs.

17 **Salary set by county board.** Provides that the law requiring county boards to set certain court salaries does not apply in counties where the state pays court administrator costs.

18 **Duties; assignment.** Provides for functions relating to vital statistics, notaries public, hospital liens, and marriage licenses to become county functions when there is full state funding of court administrator offices in a judicial district.

19 **County taxes.** Provides that county board may not levy taxes for courts in judicial districts that are state-funded.

20 **County employees.** Provides that law requiring county board to determine number and compensation of court employees does not apply in state-funded judicial districts.

21 **Guardian ad litem fees.** Requires that guardian ad litem reimbursements be deposited in the general fund and credited to a separate account with the trial courts. The balance in the account does not cancel. Expenditures from the account must be based on reimbursements received from the courts in each judicial district.

22 **Jurors.** Requires state courts, not county, to pay certain jury food and lodging costs.

23 **Interpreters.** Requires state courts to pay fees and expenses of qualified per diem interpreter for a court.

24 **In forma pauperis expenses.** Requires the state to pay in forma pauperis expenses.

25 **In forma pauperis deposits.** Provides that when court directs a party to pay costs when permission to proceed in forma pauperis is rescinded, the money will be deposited in the state general fund.

26 **In forma pauperis deposits.** Provides that when person proceeding in forma pauperis recovers certain costs, the money will be deposited in the state general fund.

27 **Interpreters.** Requires the state courts to pay fees and expenses of interpreters. However, interpreters requested by law enforcement, the board of public defense, prosecutors, or corrections agents for purposes other than court appearances will be paid by the agency requesting services.

28 **Study.** Requests the Supreme Court to establish a task force to make recommendations on funding and administering court-appointed attorney functions in civil cases in which indigent persons are entitled to court-appointed counsel. States that the goal is to design a system that is independent from court and county administration and funding, and that promotes equal access to justice and equal representation for indigent persons across the state. Requires the task force to consider: (1) creation of an independent court-appointed attorney board; and (2) other options identified by the task force. Requests a report by January 15, 2001.

29 **Transition.**

   **Subd. 1. Hiring and salary moratorium.** Forbids a county from increasing the number of employees in a position that is being transferred to the state without approval of the Supreme Court, unless the increase was authorized before January, 1999. Forbids salary increases for these employees without Supreme Court approval, unless under a plan adopted before January, 1999.

   **Subd. 2. Property.** Transfers to the state property used by employees who are transferred to state employment.

   **Subd. 3. Rules.** Authorizes Supreme Court, in consultation with conference of chief judges, to adopt rules to implement this article.

   **Subd. 4. Budgets.** Requires court administrators for offices being transferred to the state to submit budgets to Supreme Court.
30 **Repealer.** Repeals sections 357.021, subdivision 2a (portion of marriage dissolution fee to be paid to the state); and 563.01 (definition of "proper governing body" for in forma pauperis action fees.

31 **Effective dates.** Provisions relating to the 8th judicial district are effective January 1, 2000. Provisions relating to the 5th, 7th, and 9th judicial districts are effective July 1, 2000. Provisions relating to court reporter transcript and jury costs are effective July 1, 2000. Provisions relating to court interpreter costs, guardian ad litem costs, rule 20 and mental commitment examination costs, and in forma pauperis costs are effective January 1, 2000 in the 8th judicial district, July 1, 2000 in the 5th, 7th, and 9th judicial districts, and July 1, 2001 in remaining districts.

**Article 2**

Transfer of fines, fees, and other money to state

1 **Fines and forfeited bail.** Provides that in counties where the state has full responsibility for court administration costs, certain natural resources fines and forfeited bail that would otherwise go to the county will be deposited in the state's general fund.

2 **Aid offset for counties.** Deducts from homestead and agricultural aid (HACA) payments to counties, an amount representing the cost to the state for assumption of district court costs. Requires the Supreme Court to certify to the commissioner of revenue the county's share of costs assumed under this bill for the fiscal year beginning July 1, 2000, minus the county's share of transferred fines collected by trial courts in the county during calendar year 1998. Provides that in the years 2000 to 2009, 95 percent of this amount must be deducted each year. In 2010 and after, the entire amount is deducted each year.

3 **Fines and forfeited bail.** Provides that in counties where the state has full responsibility for court administration costs, fines and forfeited bail collected by the state patrol that would otherwise go to the county will be deposited in the state's general fund.

4 **Screener-collector.** Provides that in counties where the state has full responsibility for court administration costs, screener-collector fees shall be deposited in the state's general fund.

5 **Court fees.** Strikes reference to certain court administration and forfeited bail fees being deposited in county general funds.

6 **County court; forfeitures.** In law dealing with county courts, provides for sums forfeited to be paid to the state's general fund.

7 **County court; fines and penalties.** Provides that in counties where the state has full responsibility for court administration costs, fines and fees that currently go to counties, will instead go to the state and be credited to the general fund.

8 **Bonds; fines and forfeitures.** Provides that in counties where the state has full responsibility for court administration costs, bond fines and fees that currently go to counties, will instead go to the state and be credited to the general fund.

9 **Appropriation.** Appropriates money (amount is left blank) from the state's general fund to the Supreme Court for funding trial court expenses under this act.

10 **Effective dates.** Section 2 is effective July 1, 1999. Other provisions are effective January 1, 2000 with respect to counties in the 8th judicial district, and July 1, 2000 with respect to counties in the 5th, 7th, and 9th judicial districts.

**Article 3**

Collective Bargaining

This article amends the Public Employment Relations Act (PELRA) to describe collective bargaining rights and procedures for court employees. For purposes of this article "court employees" are employees of the Supreme Court, Court of Appeals, and employees in state-funded judicial districts.
1 Essential employee. States that employees from whom the state court administrator is the negotiating employer are not essential employees (Under the collective bargaining law, essential employees cannot strike, but have the right to binding arbitration to determine contract provisions.).

2 Exclusion from PELRA. Lists court employees who are excluded from coverage under PELRA: personal secretaries to judges, court reporters, law clerks, managerial employees, confidential employees, and supervisory employees.

3 Public employer. Defines the state court administrator as the "public employer" for court employees for purposes of collective bargaining under PELRA.

4 Court employee. Defines "court employee" for purposes of PELRA, as a public employee employed by the Supreme Court, Court of Appeals or a state-funded judicial district.

5 Exclusions. Excludes confidential, supervisory and managerial court employees from bargaining.

6 Court employee classifications. Refers to the commissioner of mediation services assign court employee job classifications to appropriate bargaining units where this is not assigned by law.

7 Court units.

   Subd. 1. Employee Units. Provides that the bargaining units provided in this section are the only appropriate units for court employees. Establishes a process for initial assignment of classifications to bargaining units. Sets three units:

   The judicial district unit, consisting of clerical, administrative and technical employees of a state-funded judicial district (or of more than one judicial district if the districts are represented by the same employee organization).

   The appellate courts unit, consisting of clerical, administrative, and technical employees of the court of appeals and the supreme court.

   The court employees professional unit, consisting of appellate and trial court professional employees

   Subd. 2. Exclusions. Provides exclusions from bargaining units, parallel to the exclusions from PELRA in section 2.

   Subd. 3. Employee organizations representing more than one district. If an employee organization is the exclusive representative of employees in more than one judicial district, the judicial district units are combined.

8 Transition to new units.

   Subd. 1. Application. This section applies to the initial certification and decertification of exclusive representatives for court units.

   Subd. 2. Existing majority. An employee organization that currently represents a majority of employee within a unit will be certified as the exclusive representative for the unit. Two or more employee organizations may petition jointly.

   Subd. 3. No existing majority. If no exclusive representative is certified under subdivision 2, a group certified as the representative of fewer than a majority of employees in a unit will be certified if no other employee organization files a petition and if a majority of the employees in the unit are represented by more than one employee organization.

       Provides further processes for certifying an exclusive representative, either by petition indicating that a majority wish representation, or by an election.

   Subd. 4. Decertification. Provides that an exclusive representative certified under this section may not be decertified for a year.

   Subd. 5. Existing agreements. Provides for terms and conditions of existing collective bargaining agreements to remain in effect until successor agreements become effective.
Subd. 6. Contract and representation duties. Provides continuing representation and contract administration responsibilities for current exclusive representatives until new contracts are agreed upon.

9 General provisions for court employees.

Subd. 1. Contracts. Contracts for the period beginning July 1, 2000 for state funded judicial districts must be negotiated with the state court administrator.

Subd. 2. Date of employment. The date of first employment by the state court system is the date on which services were first performed for the employer from which the employee is transferred.

Subd. 3. Probationary periods. Except as provided in a successor contract, probationary periods are not affected by the transfer.

Subd. 4. Wage protection. Employees transferred to state service may not have a decrease in wages as a result of the transfer.

10 Unit elections. Amends law dealing with state unit elections to refer to the judicial branch.

11 Employer. Clarifies that for PELRA purposes, the commissioner of employee relations is the "employer"only of executive branch employees.

12 Duties. Clarifies that for PELRA purposes, the commissioner of employee relations is the "employer"only of executive branch employees.

13 Court employees; negotiations. Provides that for purposes of PELRA, the state court administrator or designated representatives is the employer of court employees. Requires specified judicial branch officials to cooperate with the administrator in labor negotiations. Authorizes the state court administrator to enter into agreements with exclusive representatives.