

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 4218

(SENATE AUTHORS: MATHEWS)

DATE
03/23/2022

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OFFICIAL STATUS
Introduction and first reading
Referred to Human Services Reform Finance and Policy

1.1 A bill for an act

1.2 relating to taxation; aid to Tribal governments; aid to local governments; increasing

1.3 state aid to reimburse counties for the nonfederal share of the cost for out-of-home

1.4 placement of Indian children; establishing a Tribal resiliency aid program;

1.5 establishing a juvenile safety and placement working group; requiring a report;

1.6 appropriating money; amending Minnesota Statutes 2020, section 477A.0126,

1.7 subdivisions 3, 7; proposing coding for new law in Minnesota Statutes, chapter

1.8 477A.

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

1.10 Section 1. Minnesota Statutes 2020, section 477A.0126, subdivision 3, is amended to

1.11 read:

1.12 Subd. 3. **Aid for counties.** (a) For aids payable in calendar year 2018 ~~and thereafter~~

1.13 through 2022, the Department of Revenue shall reimburse each county an amount equal to

1.14 the product of: (1) the ratio of the county's proportionate share of initial aid amount to the

1.15 total statewide initial aid amount, times (2) the appropriation in subdivision 7 that remains

1.16 after the aid for Tribes in subdivision 4 has been paid. For aids payable in calendar year

1.17 2023 and later, the Department of Revenue shall reimburse each county 100 percent of the

1.18 county's initial aid amount.

1.19 (b) Each county's ~~proportionate share is based on~~ initial aid amount is equal to the

1.20 county's nonfederal share of the cost for out-of-home placement of Indian children for the

1.21 calendar year that was certified by the commissioner of human services under subdivision

1.22 2, paragraph (b), provided that:

1.23 (1) the commissioner of human services certifies to the commissioner of revenue that

1.24 accurate data are available to make the aid determination under this section; and

2.1 (2) the commissioner of human services certifies to the commissioner of revenue that
2.2 the county is in substantial compliance with the compliance review system developed in
2.3 accordance with subdivision 6.

2.4 (c) If the commissioner of human services determines that a county is substantially out
2.5 of compliance with the Indian Child Welfare Act or the Minnesota Indian Family Preservation
2.6 Act, as determined under subdivision 6, the commissioner of human services shall provide
2.7 written notice to the county of its noncompliance, and what actions are necessary by the
2.8 county to improve and maintain compliance.

2.9 (d) If the county remains substantially out of compliance with the Indian Child Welfare
2.10 Act or the Minnesota Indian Family Preservation Act as determined by the commissioner
2.11 of human services under subdivision 6 for a second consecutive year, the county ~~shall be~~
2.12 ~~eligible for 50 percent of the aid under this section beginning with the next certification and~~
2.13 must develop and implement a plan under paragraph (e). The plan must remain in effect
2.14 until the commissioner of human services certifies to the commissioner of revenue determines
2.15 that the county is in substantial compliance and is eligible for the aid payment. The
2.16 ~~commissioner of human services shall certify to the commissioner of revenue by July 1 of~~
2.17 ~~each year which counties are eligible for an aid reduction in the following year.~~

2.18 (e) A plan under this paragraph must require the county to use up to 50 percent of the
2.19 aid under this section to bring the county into substantial compliance. The plan must be
2.20 approved by the commissioner of human services. The commissioner of human services
2.21 must provide support and technical assistance to a county required to develop and implement
2.22 a plan under this paragraph. Activities required under the plan may include:

2.23 (1) training for county staff on the requirements of the Indian Child Welfare Act and
2.24 the Minnesota Indian Family Preservation Act;

2.25 (2) collaboration with Tribal communities;

2.26 (3) administrative reviews of case files;

2.27 (4) completion of case worker checklists;

2.28 (5) data entry or other information technology activities that support the requirements
2.29 of this section;

2.30 (6) genogram development;

2.31 (7) active inquiry and outreach to impacted communities; or

2.32 (8) other activities agreed to by the county and the commissioner of human services.

3.1 **EFFECTIVE DATE.** This section is effective July 1, 2022.

3.2 Sec. 2. Minnesota Statutes 2020, section 477A.0126, subdivision 7, is amended to read:

3.3 Subd. 7. **Appropriation.** (a) For aids payable in 2022, \$5,000,000 is annually
3.4 appropriated to the commissioner of revenue from the general fund to pay aid under this
3.5 section. For aids payable in 2023 and later, an amount sufficient to pay aid under this section
3.6 is annually appropriated from the general fund to the commissioner of revenue.

3.7 (b) \$390,000 is appropriated annually from the general fund to the commissioner of
3.8 human services to implement subdivision 6.

3.9 **EFFECTIVE DATE.** This section is effective July 1, 2022.

3.10 Sec. 3. **[477A.31] TRIBAL RESILIENCY AID.**

3.11 Subdivision 1. **Definition.** For purposes of this section, "eligible Tribal government"
3.12 has the meaning given to Minnesota Tribal governments in section 10.65, subdivision 2.

3.13 Subd. 2. **Tribal resiliency aid.** (a) The total annual amount of Tribal resiliency aid
3.14 available under this section equals \$..... The aid must be allocated among eligible Tribal
3.15 governments according to the formula in paragraph (b).

3.16 (b).....

3.17 Subd. 3. **Eligible uses.** A Tribal government that receives aid under this section must
3.18 use the aid to increase Tribal resiliency including but not limited to activities to:

3.19 (1) strengthen family and kinship supports;

3.20 (2) address substance abuse prevention and care;

3.21 (3) build capacity to support child well-being and child protection services within the
3.22 Tribe;

3.23 (4) improve access to timely and appropriate services through the social service
3.24 information system (SSIS); or

3.25 (5) increase access to other resources for families.

3.26 Subd. 4. **Commissioner's duties; payment schedule.** (a) The commissioner of revenue
3.27 must calculate the amount of Tribal resiliency aid payable to each eligible Tribal government
3.28 under this section.

3.29 (b) The commissioner shall certify the amount to be paid to each eligible Tribal
3.30 government by August 1. The full aid payment to each eligible Tribal government must be

4.1 made at the time provided in section 477A.015 for the second installment of local government
4.2 aid.

4.3 Subd. 5. **Appropriation.** An amount sufficient to pay aid under this section is annually
4.4 appropriated from the general fund to the commissioner of revenue.

4.5 **EFFECTIVE DATE.** This section is effective for aid payable in 2022 and thereafter.

4.6 Sec. 4. **WORKING GROUP TO STUDY JUVENILE SAFETY AND PLACEMENT.**

4.7 Subdivision 1. **Membership.** The commissioner of human services must convene a
4.8 working group for the purpose of proposing legislative reforms to Minnesota Statutes,
4.9 chapter 260C. The working group must consist of 15 members who will provide equal
4.10 representation from:

4.11 (1) counties, with representation from the seven-county metropolitan area and greater
4.12 Minnesota, appointed by the Association of Minnesota Counties;

4.13 (2) Minnesota's Tribal nations, appointed by the American Indian Child Welfare Advisory
4.14 Council;

4.15 (3) county attorneys, with representation from the seven-county metropolitan area and
4.16 greater Minnesota, appointed by Minnesota County Attorneys Association;

4.17 (4) county social services workers, with representation from the seven-county
4.18 metropolitan area and greater Minnesota, appointed by the Minnesota Social Service
4.19 Association; and

4.20 (5) private individuals affected by Minnesota Statutes, chapter 260C, appointed by the
4.21 commissioner.

4.22 Subd. 2. **Duties; report.** The working group must submit a report and provide draft
4.23 legislation to the commissioner by November 30, 2023. The report must recommend reforms
4.24 to Minnesota Statutes, chapter 260C. The commissioner must submit the report and draft
4.25 legislation to the chairs and ranking minority members of the legislative committees with
4.26 jurisdiction over civil law and human services by December 15, 2023.

4.27 Subd. 3. **First meeting; chair.** The commissioner must convene the first meeting of the
4.28 working group by August 1, 2022. At the first meeting, the members must elect a chair.
4.29 The working group may conduct meetings remotely.

4.30 Subd. 4. **Compensation; lobbying; retaliation.** (a) Members will serve without
4.31 compensation.

5.1 (b) Participation in the working group is not considered lobbying under Minnesota
5.2 Statutes, chapter 10A.

5.3 Subd. 5. **Administrative support.** The commissioner must provide administrative
5.4 support for the working group.

5.5 Subd. 6. **Expiration.** The working group expires upon submission of the report and draft
5.6 legislation to the legislature required under this section.

5.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.8 Sec. 5. **APPROPRIATION.**

5.9 \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner of
5.10 human services for the juvenile safety and placement working group established in section
5.11 4. The general fund base for this appropriation is \$..... in fiscal year 2024 and \$0 in fiscal
5.12 year 2025.