

CHAPTER 504—H.F.No. 521

An act relating to lake improvement districts; providing for notice of their annual meetings; amending Minnesota Statutes 1986, section 378.545, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 378.

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

Section 1. Minnesota Statutes 1986, section 378.545, subdivision 2, is amended to read:

Subd. 2. **NOTICE.** The annual meeting shall be preceded by two weeks published notice and written notice mailed at least ten days in advance of the meeting to all property owners within the district and to the county board or joint county authority, town boards and statutory and home rule charter cities wholly or partially within the district, the pollution control agency, and commissioner of natural resources and all property owners within the assessment area for any proposed project by the district having a cost in excess of \$5,000.

Sec. 2. [378.57] **ANNUAL REPORT.**

The board of directors shall annually make and file a report of the financial conditions of the district, the status of all projects therein, the business transacted by the district, other matters affecting the interests of the district, and a discussion of the directors intentions for the succeeding years. Copies of the report shall be transmitted to the county board or joint county authority, town boards and city councils of statutory and home rule charter cities wholly or partially within the district, the commissioner of natural resources, and the pollution control agency by four months after the annual meeting.

Sec. 3. **EFFECTIVE DATE.**

This act is effective June 1, 1988.

Approved April 13, 1988

CHAPTER 505—H.F.No. 2039

An act relating to corrections; making various housekeeping and technical changes; amending Minnesota Statutes 1986, sections 260.311, subdivisions 1, 2, 3, and 5; 401.01, subdivision 2; and 401.04.

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

Section 1. Minnesota Statutes 1986, section 260.311, subdivision 1, is amended to read:

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Subdivision 1. **APPOINTMENT; JOINT SERVICES; STATE SERVICES.** (a) If a county or group of counties has established a human services board pursuant to chapter 402, the juvenile district court may appoint one or more county probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the juvenile district court shall appoint one or more persons of good character to serve as county probation officers during the pleasure of the court. All other counties shall provide probation services to ~~county~~ district courts in one of the following ways:

(1) the court, with the approval of the county boards, may appoint one or more salaried county probation officers to serve during the pleasure of the court;

(2) ~~two or more county courts or county court districts when two or more counties offer probation services the district court through their the~~ county boards may appoint common salaried county probation officers to serve in the several counties;

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

(4) if a county or ~~county court~~ district court providing probation services under clause (1) or (2) asks the commissioner of corrections or the legislative body for the state of Minnesota mandates the commissioner of corrections to furnish probation services to the county district court, the probation officers and other employees displaced by the changeover may shall be given preference in employment employed by the commissioner of corrections. If employed by the commissioner, the employment, notwithstanding the provisions of other law to the contrary, is a transfer in grade with all of the benefits enjoyed by the employee while in the service of the county which do not exceed those provided for state civil service employees; Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes;

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

(b) The commissioner of employee relations shall place employees transferred to state service under paragraph (a), clause (4), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the

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state for the employee's position. An employee appointed under paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting labor contract remedies, a noncertified employee may appeal for a hearing within ten days to the commissioner of employee relations, who may uphold the decision, extend the probation period, or certify the employee. The decision of the commissioner of employee relations is final. The state shall negotiate with the exclusive representative for the bargaining unit to which the employees are transferred regarding their seniority. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

Sec. 2. Minnesota Statutes 1986, section 260.311, subdivision 2, is amended to read:

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

All probation officers appointed for any ~~county~~ district court or community corrections agency shall be selected from a list of eligible candidates who have minimally qualified according to the same or equivalent examining procedures as used by the commissioner of employee relations to certify eligibles to the commissioner of corrections in appointing parole agents, and the department of employee relations shall furnish the names of such candidates on request. This subdivision shall not apply to a political subdivision having a civil service or merit system unless the subdivision elects to be covered by this subdivision.

Sec. 3. Minnesota Statutes 1986, section 260.311, subdivision 3, is amended to read:

Subd. 3. **POWERS AND DUTIES.** All ~~county~~ district probation officers serving ~~county courts~~ a district court shall act under the orders of the court in reference to any person committed to their care by the court, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any person as may be required by the court before, during, or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any person before, during or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order.

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

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

All probation officers serving ~~county courts~~ a district court shall make monthly and annual reports to the commissioner of corrections, on forms furnished by the commissioner, containing such information on number of cases cited to the juvenile division of district court, offenses, adjudications, dispositions, and related matters as may be required by the commissioner of corrections.

Sec. 4. Minnesota Statutes 1986, section 260.311, subdivision 5, is amended to read:

Subd. 5. **REIMBURSEMENT OF COUNTIES.** In order to reimburse the counties for the cost which they assume under this section of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing in this section will invalidate any payments to counties made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even-numbered year each county or group of counties which provide their own probation services to the ~~county~~ district court under subdivision 1, clause (1) or (2) shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement to those counties shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of

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service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.

Sec. 5. Minnesota Statutes 1986, section 401.01, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** (a) For the purposes of sections 401.01 to 401.16, the following terms shall have the meanings given them:

(b) "Commissioner" means the commissioner of corrections or a designee;

(c) "Conditional release" means parole, supervised release, work release as authorized by sections 241.26 and 244.065, and includes probation;

(d) "Joint board" means the board provided in section 471.59;

(e) "Local correctional service" means those services authorized by and employees, officers, and agents appointed under section 260.311, subdivision 1.

Sec. 6. Minnesota Statutes 1986, section 401.04, is amended to read:

401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.

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

State or local employees displaced by county participation in the subsidy program provided by this chapter are on layoff status and, if not hired by a

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participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

State or local officers and employees displaced by a county's participation in the community corrections act and hired by the participating county shall retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state.

Sec. 7. EFFECTIVE DATE.

Section 1, paragraph (a), clause (4), is effective retroactive to January 1, 1987.

Approved April 13, 1988

CHAPTER 506—H.F.No. 2132

An act relating to human services; authorizing a representative payee for general assistance to drug dependent persons; amending Minnesota Statutes 1986, section 256D.09, by adding a subdivision.

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

Section 1. Minnesota Statutes 1986, section 256D.09, is amended by adding a subdivision to read:

Subd. 2a. REPRESENTATIVE PAYEE. Notwithstanding subdivision 1, the commissioner shall adopt rules, and may adopt emergency rules, governing the assignment of a representative payee and management of the general assistance grant of a drug dependent person as defined in section 254A.02, subdivision 5. The representative payee is responsible for deciding how the drug dependent person's benefits can best be used to meet that person's needs. The determination of drug dependency must be made by an assessor qualified under Minnesota Rules, part 9530.6615, subpart 2, to perform an assessment of chemical use. Upon receipt of the assessor's determination of drug dependency, the county shall determine whether a representative payee will be assigned to manage the person's benefits. The chemical use assessment and the county determination are subject to the administrative and judicial review provisions of section 256.045. If, at the time of application or at any other time, there is a reasonable basis for questioning whether a person can responsibly manage that person's money due to possible drug dependency, the person may be referred for a chemical health assessment, and only emergency assistance payments or general assistance vendor payments may be provided until the assessment is complete. The assignment to representative payee status must be reviewed at least every 12 months. The county shall designate the representative payee after consultation with the recipient. The designation of representative payee is subject to the administrative and judicial review provisions of section 256.045.

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