

demonstrate to the director that a smaller or larger board is more advantageous. At least 60 percent of the directors shall have low incomes and the remaining directors shall be members of the business or financial community and the community at large. To the greatest extent possible directors shall be residents of the designated community. The low income directors shall be elected by the members of the corporation, and the remaining directors may be elected by the members of the corporation or selected by the low income directors; and

(e) Hires low income residents of the designated community to fill non-managerial and non-professional positions.

Subd. 7. The director shall approve a grant to a community development corporation only for a project carried on within the designated community, except when the corporation demonstrates that a project carried on outside will have a significant impact inside the designated community.

Subd. 8. The director may approve a grant to a community development corporation for planning, including organization of the corporation, training of the directors, creation of a comprehensive community economic development plan, and development of a proposal for a venture grant, or for establishment of a business venture, including assistance to an existing business venture, purchase of partial or full ownership of a business venture, or development of resources or facilities necessary for the establishment of a business venture.

Subd. 9. Factors considered by the director in approving a grant to a community development corporation should include the creation of employment opportunities, the maximization of profit and the effect on securing funds from sources other than the state.

Subd. 10. Grants under this section shall not be available for programs conducted by churches or religious organizations or for securing or developing social services.

Subd. 11. A person shall not be excluded from participation in a program funded pursuant to this section because of race, color, religion, sex, age or national origin.

Sec. 2. EFFECTIVE DATE. This act is effective on the day following final enactment.

Approved June 2, 1977.

CHAPTER 392—H.F.No.728

[Coded in Part]

An act relating to corrections; prescribing powers of probation officers; providing for reimbursement to counties for probation services; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; authorizing the sealing of criminal records; authorizing certain investigations; authorizing accounts of funds of inmates;

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clarifying powers of counties under and procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.14; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 260.311, Subdivision 5; 401.02, by adding subdivisions; 401.04; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1976, Section 242.09, is amended to read:

242.09 CORRECTIONS; PROBATION OFFICERS; COOPERATION; OTHER AGENCIES. The commissioner of public welfare, the commissioner of education, and the state board of health through its executive officer shall advise, cooperate with and assist ~~the board and~~ the commissioner of corrections in carrying out the duties and responsibilities assigned to it by this chapter, and for these purposes they may attend meetings. Their facilities and services and those of other state agencies, particularly of the department of public welfare, shall be made available to ~~the board and~~ the commissioner of corrections upon ~~such~~ the terms as the governor may ~~direct~~ directs.

Sec. 2. Minnesota Statutes 1976, Section 242.10, is amended to read:

242.10 POWERS; PROBATION, COMMITMENT, PAROLE. ~~(+) Every order granting or revoking probation; committing to an institution; granting or revoking parole; or issuing final discharge to any person under the control of the corrections board shall be made by the board. The board may not delegate the making of such decisions to any other body or person. When the board acts under this section, three members shall constitute a quorum.~~

~~(2) All other powers conferred on the board may be exercised by the chairman or through his subordinates under rules established by the board. Any person subjected to an order of the chairman or such subordinates may petition the board for review.~~

~~(3) The commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them the authority to grant or revoke probation, commit to an institution, grant or revoke parole, or issue final discharge to any person under the control of the commissioner pursuant to a commitment to him by a juvenile court of this state. Any person aggrieved by an order issued by such a hearing officer may appeal to the commissioner or to a review panel established by the commissioner within his department pursuant to rules issued by the commissioner.~~

Sec. 3. Minnesota Statutes 1976, Section 242.14, is amended to read:

242.14 PLACEMENT IN PENAL INSTITUTION PROHIBITED. The ~~board~~ commissioner of corrections shall not have power by virtue of any commitment to it ~~him~~ by a juvenile court, as authorized by section 260.185, to place ~~such a~~ child ~~committed to him~~ in any a penal institution.

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Sec. 4. Minnesota Statutes 1976, Section 242.18, is amended to read:

242.18 STUDY OF OFFENDER'S BACKGROUND; TREATMENT POLICY.

When a person has been committed to the ~~board~~ or the commissioner of corrections, the ~~board~~ or the commissioner of corrections under its ~~his~~ rules shall forthwith cause him to be examined and studied, and investigate all of the pertinent circumstances of his life and the antecedents of the crime or other delinquent conduct because of which he has been committed to it the commissioner, and thereupon order ~~such~~ the treatment as it shall ~~determine~~ he determines to be most conducive to the accomplishment of the purposes of this chapter. For the study and examination of those persons committed to the board or the commissioner of corrections who are deemed to require custodial detention for their own protection or the protection of society during the diagnostic process, the commissioner shall make available suitable space at any institution under his control for the conduct of such study and examination rehabilitation. Persons convicted of crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent children be detained in institutions for persons convicted of crimes. The court and the prosecuting and police authorities and other public officials shall make available to the board and the commissioner of corrections all pertinent data in their possession in respect to the case.

Sec. 5. Minnesota Statutes 1976, Section 242.31, is amended to read:

242.31 RESTORATION OF CIVIL RIGHTS. Subdivision 1. Whenever a person who has been committed to the board commissioner of corrections upon conviction of a crime following reference for prosecution under the provisions of section 260.125 is finally discharged from its his control other than by expiration of the maximum term of commitment as provided in this chapter, or by termination of its control under the provisions of section 242.27, such by order of the Minnesota corrections board, that discharge shall; when so ordered by the board, restore such that person to all civil rights and, if so ordered by the Minnesota corrections board, also shall have the effect of setting aside the conviction and, nullifying the same and of purging such that person thereof. The Minnesota corrections board shall file a copy of the order with the district court of the county in which the conviction occurred, whereupon the court shall order the conviction set aside.

Subd. 2. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section ~~242.13~~ 609.135 and, after satisfactory fulfillment thereof, is discharged ~~therefrom from probation~~, the court; shall issue an order of discharge pursuant to section 609.165. On application of the defendant or on its own motion and after notice to the county attorney, the court in its discretion may ~~likewise so~~ also order that the defendant's conviction be set aside with the same effect as such an order under subdivision 1.

Such ~~These~~ orders restore the defendant to his civil rights and purge and free ~~him~~ the defendant from all penalties and disabilities arising from ~~such~~ his conviction and it shall not thereafter be used against him, except in a criminal prosecution for a subsequent offense if otherwise admissible therein.

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Subd. 3. The Minnesota corrections board shall file a copy thereof with the district court of the county in which the conviction occurred, whereupon the court shall order the conviction set aside and all records pertinent to the conviction sealed. These records shall only be reopened in the case of a judicial criminal proceeding thereafter instituted.

The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, complaint, trial, appeal, dismissal and discharge, which relate to the conviction for which the order was issued.

Sec. 6. Minnesota Statutes 1976, Section 242.46, Subdivision 3, is amended to read:

Subd. 3. The corrections board commissioner shall provide probation services to juvenile courts in counties that request it or as required by section 260.311; it. He shall in cooperation cooperate with the judges concerned to provide supervision to probation officers in all counties of not more than ~~100,000~~ 200,000 population, in order to insure high uniform standards of operation. The costs of administrative and supervisory services shall be borne by the state. The commissioner shall give newly employed probation and parole agents appropriate orientation training and shall provide systematic inservice training to all such agents thereafter, and for that purpose may assign agents to appropriate short courses at the University of Minnesota and necessary conferences and meetings held within the state.

Sec. 7. Minnesota Statutes 1976, Section 243.23, is amended to read:

243.23 COMPENSATION PAID TO INMATES. Subdivision 1. Notwithstanding any law to the contrary, the commissioner of corrections is authorized and empowered to may provide for the payment to inmates of correctional institutions under his management and control of such any pecuniary compensation as he may deem deems proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner of corrections and the warden or superintendent; provided that such. Inmates who because of illness or physical disability cannot work may be paid a minimal amount per day as determined by the commissioner. Such These earnings shall be paid out of the fund provided for the carrying on of the work in which the inmate is engaged when employed on state account, or from the current expense fund of the institution as the commissioner of corrections shall determine determines.

Subd. 2. The commissioner may promulgate rules requiring the inmates of adult correctional institutions under his control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional institutions pursuant to section 243.88.

Subd. 3. Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional institution under the

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control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

Sec. 8. Minnesota Statutes 1976, 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 Laws 1959, Chapter 698, of providing probation and parole services to wards of the commissioner of corrections and the Minnesota corrections board 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 ~~such~~ the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing herein shall be deemed to invalidate any payments to counties made pursuant to this section before the effective date of Laws 1963, Chapter 694. ~~Reimbursement shall be made only for probation officers' salary costs.~~ 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 October 30 of each year each county or group of counties shall submit to the commissioner of corrections an estimate of its costs hereunder. Reimbursement shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. 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 judge of juvenile court based on the officer's length of service and performance. The judge of juvenile court 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.

Sec. 9. Minnesota Statutes 1976, Section 401.02, is amended by adding subdivisions to read:

Subd. 3. Any county or group of counties which have qualified for participation in the community corrections subsidy program provided by this chapter may reorganize its administrative structure, including but not limited to court services and probation, to conform with the requirements of subdivision 1 notwithstanding any inconsistent special law.

Subd. 4. Probation officers serving the district courts of counties participating in the subsidy program established by this chapter may, without order or warrant, when it appears necessary to prevent escape or enforce discipline, take and detain a probationer or parolee and bring him before the court or the Minnesota corrections board respectively, for appropriate action by the court or the board. No probationer or parolee

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shall be detained more than 72 hours, exclusive of legal holidays, Saturdays and Sundays, pursuant to this subdivision without being provided with the opportunity for a hearing before the court or the board.

Sec. 10. Minnesota Statutes 1976, 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 ~~such~~ 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 correctional services presently provided in ~~such~~ counties, employment shall be given to those state officers, employees and agents thus displaced; if hired by a county, ~~such~~ 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.

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

Sec. 11. Minnesota Statutes 1976, Section 401.08, Subdivision 1, is amended to read:

401.08 CORRECTIONS ADVISORY BOARD; MEMBERS; DUTIES. Subdivision 1. The corrections advisory board provided in section 401.02, subdivision 1 shall consist of at least 18 but not more than 20 members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the lay citizen, and shall be appointed as follows:

(1) ~~the law enforcement representation shall consist of a sheriff, and a chief of police (selected by the chiefs of police of the county); or their respective designees;~~

(2) (1) the prosecution representative shall be either the county attorney or his designee;

(3) (2) the judiciary representatives shall be designated by the chief judge of each district and county court district, and shall include judges representative of courts having felony, misdemeanor and juvenile jurisdiction respectively;

(4) (3) education shall be represented by an academic administrator appointed by the chairman of the board of county commissioners with the advice and consent of the

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members of the board;

(5) (4) the director of a county welfare board or his designee;

(6) (5) the public defender or his designee;

(7) (6) with the advice and consent of the other members of the county board, the chairman shall appoint the following additional members of the corrections advisory board:

(a) two representatives of law enforcement agencies or their designees, at least one of whom shall be from an agency headed by an elected official;

(a) (b) one parole or probation officer;

(b) (c) one correctional administrator;

(c) (d) a representative from a social service agency, public or private;

(d) (e) an ex-offender;

(e) (f) a licensed medical doctor or other representative of the health care professions;

(f) (g) at least four, but no more than six citizens, provided, however, that if the ethnic minorities resident in the county exceed the percentage of ethnic minorities in the state population, at least two of the citizen members shall be members of an ethnic minority group.

If two or more counties have combined to participate in the subsidy authorized by this chapter, the commissioner of corrections may increase the size of the community corrections advisory board to include one county board member from each participating county.

Sec. 12. Minnesota Statutes 1976, Section 401.13, is amended to read:

401.13 CHARGES MADE TO COUNTIES. Each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to the commissioner or the youth ~~conservation commission~~ after August 1, 1973, and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds five years, nor shall the amount charged a participating county for the costs of confinement exceed the amount of subsidy to which the county is eligible. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties, making necessary adjustments to reflect the actual costs of confinement. However, in no case shall the percentage increase in the amount charged to the counties exceed the percentage by which the appropriation for the purposes of sections 401.01 to 401.16 was increased over the preceding biennium. All charges shall be

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a charge upon the county of commitment.

Sec. 13. Minnesota Statutes 1976, Section 401.16, is amended to read:

401.16 WITHDRAWAL FROM PROGRAM. Any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.16, and ~~such the~~ withdrawal shall be effective the last day of the last month of the quarter in which ~~such the~~ notice was given. Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.

Sec. 14. Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2, are repealed.

Approved June 2, 1977.

CHAPTER 393—H.F.No.756

[Not Coded]

An act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

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

Section 1. CONVEYANCE OF STATE OWNED LANDS; RESERVE MINING; TACONITE TAILINGS; DISPOSAL FACILITIES. Subdivision 1. Before February 1, 1978, and after the issuance of all necessary permits for the construction and operation of a taconite tailings disposal facility for Reserve Mining Company, the commissioner of natural resources may sell at public auction in the manner specified in Minnesota Statutes, Sections 92.12 to 92.16, any state owned lands located within the counties of Lake and St. Louis, including school trust fund lands and lands bordering on or adjacent to meandered lakes and other public waters and watercourses, located within the site which the state of Minnesota and Reserve Mining Company agree is suitable for disposal of the latter's taconite tailings.

Subd. 2. Notwithstanding Minnesota Statutes, Sections 94.09 to 94.16, before February 1, 1978, and after the issuance of all necessary permits for the construction and operation of a taconite tailings disposal facility for Reserve Mining Company, the commissioner of natural resources may sell at public auction in the manner specified in

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