

CHAPTER 262—H. F. No. 327

An act relating to services to crippled children at Gillette State Hospital and duties of the commissioner of public welfare; amending Minnesota Statutes 1957, Section 250.02.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Minnesota Statutes 1957, Section 250.02, is amended to read :

250.02 Control and management; treatment of indigent children. The state hospital for indigent, crippled and deformed children shall be under the control and management of the commissioner of public welfare and he is hereby authorized and empowered to make provision for the care and treatment in such hospital of indigent children who may have resided within the state for not less than one year, who are crippled or deformed, or who are suffering from disease through which they are likely to become crippled or deformed, and to make the necessary contracts for the maintenance and care of such children in this hospital.

If a child, according to the rules and regulations of the commissioner of public welfare, is otherwise deemed indigent, he shall be entitled to care and treatment notwithstanding the existence of a policy of insurance covering either partially or totally the cost of such care and treatment provided by the commissioner in the Gillette State Hospital or other facility, but the commissioner shall require as a condition of admission that any amounts of money received by any person or by the Gillette State Hospital under such insurance policy but not in excess of the actual cost of caring for and treating the child, be paid over to the state treasurer and placed in the general revenue fund.

Approved April 16, 1959.

CHAPTER 263—H. F. No. 419

[Coded in Part]

An act relating to the organization of the state government, creating a department of corrections, transferring certain powers and duties from the commissioner of public welfare to the commissioner of corrections, changing the name of the state board of parole and probation to the adult corrections commission and amending Minnesota Statutes 1957,

Sections 637.02, 637.05, 637.10, 637.12, 610.37, 610.38, 242.03, 242.46, and 638.07.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. [243.01] Creation of department. Subdivision 1. Commissioner. *The department of corrections is hereby created under the control and supervision of the commissioner of corrections which office is hereby established. The commissioner of corrections shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate. The term of office of the commissioner shall be for six years except that the term of office of the commissioner first appointed shall expire February 1, 1965. The commissioner shall hold office until the appointment and qualification of his successor. Any vacancy in the office of commissioner of corrections shall be for the unexpired portion of the term. The governor may remove the commissioner of corrections only for cause upon written charges and opportunity for a public hearing. The salary of the commissioner shall be \$12,750.*

Subd. 2. Divisions; deputies. *The commissioner of corrections shall establish a division of youth conservation under the control and supervision of a deputy commissioner of corrections who shall be appointed by the commissioner, and who shall serve at the pleasure of the commissioner in the unclassified service of the state. The commissioner of corrections shall also establish a division of adult corrections which shall include probation, parole, and institutions, under the control and supervision of a deputy commissioner of corrections who shall be appointed by the commissioner, and who shall serve at the pleasure of the commissioner in the unclassified service of the state. The salary of each deputy commissioner shall be \$10,400. Each deputy may perform and exercise every duty, power, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified service of the state, and fix the salary of said secretary commensurate with salaries for similar services in the classified service.*

Subd. 3. Officers, employees and agents. *Subject to the provisions of this act and to other applicable laws, the commissioner of corrections is authorized to organize the department and to employ such officers, employees, and agents as he may deem necessary to discharge the functions of his de-*

partment; define the duties of such officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities, subject to his control and under such conditions as he may prescribe. When not prohibited by law, and when special circumstances warrant, the commissioner of corrections may direct that personnel, agents and facilities, of one division shall be utilized in carrying out the duties of the other division. He may obtain institutional consultant services from the commissioner of public welfare by agreement with the said commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Subd. 4. Bond and oath of commissioner. Before entering upon the duties of his office, the commissioner of corrections shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, in the sum of \$25,000, conditioned for the faithful performance of his duties.

Sec. 2. [243.02] Transfer of powers and duties.
Subdivision 1. State prisons and reformatories. All the powers and duties now vested in or imposed upon the commissioner of public welfare relating to the administration, management, and operation of the state prison, the state reformatory for men, and the state reformatory for women are hereby transferred to, vested in, and imposed upon the commissioner of corrections. All the powers and duties now vested in the commissioner of public welfare in relation to such institutions are hereby abolished.

Subd. 2. Prisons, jails and lockups. All the powers and duties now vested in, or imposed upon the commissioner of public welfare relating to prisons, jails, and lockups, as contained in Minnesota Statutes 1957, Sections 256.02, 641.21, 641.22, 641.25, 641.26, 642.01, 642.02, 642.09, 642.10, and 642.11 are hereby transferred to, vested in, and imposed upon the commissioner of corrections. All the powers and duties now vested in the commissioner of public welfare in relation to such prisons, jails, and lockups, are hereby abolished.

Sec. 3. [243.03] Adult corrections commission.
Subdivision 1. Board of parole and probation, substitution. The name of the board of parole and probation is hereby changed to the adult corrections commission. The duties of chairman of the adult corrections commission are hereby imposed upon the deputy commissioner of corrections controlling and supervising the division of adult corrections in the department of corrections. Subject to the other provisions of this act and to

other applicable law, the adult corrections commission shall continue to exercise all powers and duties vested in or imposed upon the state board of parole and probation as heretofore constituted but in the department of corrections.

Subd. 2. Personnel, supplies, equipment, etc. Subject to the provisions of this act and other applicable laws, the commissioner of corrections shall provide the adult corrections commission with all personnel, supplies and equipment, and other administrative services as may be required to enable the commission to perform its duties.

Sec. 4. Minnesota Statutes 1957, Section 637.02, is amended to read:

637.02 Adult corrections commission; chairman. *A commission having power to parole and discharge prisoners confined in the state prison, the state reformatory for men, and the state reformatory for women or any other adult correctional facility as may be established is hereby created, to be known and designated as the adult corrections commission. This commission shall be composed of a chairman, who is the deputy commissioner of corrections controlling and supervising the division of adult corrections in the department of corrections, and two other members, who shall be appointed by the governor, with the advice and consent of the senate, and who, except as hereinafter provided, shall hold office for a term of six years from the first Monday in January next after such appointments are made and until their successors be appointed and have qualified. Each member appointed by the governor to the commission shall belong to a different political party. In case of a vacancy it shall be filled for the unexpired term in which the vacancy occurs as herein provided for original appointments. The commission shall keep a record of all its proceedings.*

Sec. 5. Minnesota Statutes 1957, Section 637.05, is amended to read:

637.05 Commission; compensation, expenses, estimates of expenses. *Each of the members of the commission other than the chairman shall receive as compensation the sum of \$25 per day for each day actually spent in the discharge of his official duties but for not to exceed 15 working days in any calendar month. The chairman of the commission shall receive as compensation his salary as deputy commissioner of corrections. In addition to the compensation so provided, each of the members of the commission shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties. This compensation and these expenses shall be*

paid out of the revenue fund in the same manner as the salaries and expenses of other state officers are paid. All of the other expenses of the *adult corrections commission* shall be audited and allowed by the commissioner of *corrections* and paid out of the funds appropriated for the maintenance of the *department* in such proportions as the commissioner of *corrections* shall determine. The *adult corrections commission* shall furnish such estimates of anticipated expenses and requirements as the commissioner of *corrections* may, from time to time, require.

Sec. 6. Minnesota Statutes 1957, Section 637.10, is amended to read:

637.10 Supervision by commission; agents. The *commissioner of corrections*, as far as possible, shall exercise supervision over paroled and discharged convicts and probationers and, when deemed necessary for that purpose, may appoint state agents, *who shall be in the classified service of the state civil service*. He may also appoint suitable persons in any part of the state for the same purpose. Every such agent or person shall perform such duties as the *commissioner* may prescribe in behalf of or in the supervision of probationers and prisoners paroled or discharged from the state prison, the state reformatory for men, or the state reformatory for women and any other adult correctional facilities, including assistance in obtaining employment and the return of paroled prisoners, and in addition thereto shall, when so requested by the commissioner, investigate the circumstances and conditions of the dependents of prisoners of the state penal institutions, and report his findings and recommendations to the warden and superintendent of the respective institutions.

Sec. 7. Minnesota Statutes 1957, Section 637.12, is amended to read:

637.12 Rules governing paroles. The *adult corrections commission* shall have power, from time to time, to make, alter, amend, and publish rules governing the granting of paroles and final discharges and the procedure relating thereto, and as to the conditions of parole and the conduct and employment of prisoners on parole, and such other matters touching the exercise of the powers and duties conferred upon the *commission* by sections 637.01 to 637.13 as to its agents and employees as the *commission* may deem proper.

Sec. 8. Minnesota Statutes 1957, Section 610.37, is amended to read:

610.37 Suspension of sentences. The several courts

of record of this state having jurisdiction to try criminal causes shall have power, upon the imposition of sentence by such court against any person who has been convicted of the violation of a municipal ordinance or by law, or of any crime for which the maximum penalty provided by law is not life imprisonment in the state prison, to stay the execution of such sentence which the court has imposed when the court shall be of the opinion that by reason of the character of the person, of the facts and circumstances of his case, the welfare of society does not require that he shall suffer the penalty imposed by law for such offense so long as he shall thereafter be of good behavior, and at any time after the imposition of sentence in all cases where the sentence imposed is to a county jail, work farm or workhouse, any such court of this state shall have like power upon application of a prisoner and after notice to the county attorney. Before suspending sentence in any such case the court may require an investigation and a written report concerning the previous history and conduct of the offender by the county probation officer where such officer is provided by law and, in those counties or districts having no county probation officer, but in which the services of state agents are available, by such state agent. For the information of the court the *commissioner of corrections* shall advise the clerk of court in each county in the district to which a *state agent* has been assigned, of such appointment and that services of such agent are available to the court.

Sec. 9. Minnesota Statutes 1957, Section 610.38, is amended to read:

610.38 Suspension of sentences and probation. Such stay shall be for the full period of sentence; and during such time the person so sentenced may be placed on probation under the supervision of a probation officer in counties where such officer is provided by law, and in other counties under the supervision of the *commissioner of corrections* or of some discreet person who will accept such supervision and serve without pay, making report to the court as required. Nothing herein contained shall prevent juvenile courts, in appropriate cases, from placing persons on probation to the *commissioner of corrections* for supervision. The court shall in each case set forth the reason for the order of probation and may make such terms and conditions of probation as are deemed suitable, and may require a recognizance or other surety, conditioned upon the performance of such terms and conditions and may enforce the same. Prior to the expiration of the sentence, but not until after one year from the time the person has been placed on probation, the court, or the *commission* where the case has been referred to such *commission*, shall have the

power, when in its judgment the facts in the case and the behavior of the probationer so warrants, to indefinitely suspend such sentence; provided, the period of suspension of sentence shall not exceed the maximum sentence imposed except where such maximum penalty is less than one year, when such stay may be for a period not exceeding one year, unless otherwise provided by law. The court may, in its discretion, suspend sentence indefinitely. The court may make such order in or out of term; and at any place within the judicial district in which the case was tried. When a person is placed on probation under the supervision of the *commissioner of corrections*, the clerk of the district court shall, immediately upon the entry of the order of probation, certify a copy of the record of the case upon the blanks supplied by the *commissioner of corrections*, set forth the reasons, terms, and conditions of probation, and deliver the same to the *commissioner of corrections*; whereupon the custody of the person so placed on probation shall vest in that *commissioner* with the same power as is exercised over persons on parole from the state prison or state reformatory. The *commissioner of corrections* shall act as director of probation and parole and, for the purpose of carrying out the provisions of sections 610.37 to 610.39, the *commissioner of corrections* is authorized and empowered to provide such state agents.

Sec. 10. [243.04] **Youth conservation commission; personnel, supplies, equipment, etc.** *Subject to the provisions of this act and to other applicable laws, the commissioner of corrections shall provide the youth conservation commission with all personnel, supplies, equipment, and other administrative services as may be required to enable the youth conservation commission to perform the duties and obligations imposed by law. The youth conservation commission shall continue to exercise all powers and duties vested in or imposed upon such commission as heretofore constituted.*

Sec. 11. Minnesota Statutes 1957, Section 242.03; is amended to read:

242.03. **Members; quorum; chairman and director, duties; compensation.** The commission shall consist of five persons, including the commissioner of public welfare, a deputy commissioner of corrections in control of and supervising the division of youth conservation, and three others, at least one of whom shall be a woman appointed by the governor, with the consent of the senate. Three members shall constitute a quorum, except as otherwise provided in section 242.10. The deputy commissioner of corrections shall be the chairman and director of the commission. The director as

deputy commissioner of corrections in control of and supervising the division of youth conservation shall be responsible for the administration and enforcement of sections 242.01 to 242.54 with policy matters and decisions pertaining to the care, treatment, and disposition of persons committed to it determined by the commission. The commissioner of public welfare and the deputy commissioner of corrections shall serve without additional compensation. All other members shall serve on a per diem basis.

Sec. 12. Minnesota Statutes 1957, Section 242.46, is amended to read:

242.46 **Agents; duties; salaries.** *The commissioner of corrections may appoint agents, who, under regulations prescribed by the youth conservation commission, shall investigate the homes of inmates previous to their parole and have supervision over those out on parole and those apprenticed, and who shall perform such other duties as the commissioner of corrections may require. They shall hold office subject to the state civil service act, in the classified service of the state, and devote their entire time to such work. They may enter any dwelling house or other building when they have reasonable cause to believe that any ward of the state is detained or concealed therein and take possession of such ward when found. Every person who shall wilfully resist, obstruct, or interfere with them in the discharge of their duties shall be guilty of a misdemeanor.*

Sec. 13. Minnesota Statutes 1957, Section 638.07, is amended to read:

638.07 **Records; secretary.** *The board of pardons shall keep a record of every petition received, and of every pardon, reprieve, or commutation of sentence granted or refused, and the reasons assigned therefor, and shall have a seal, with which every pardon, reprieve, or commutation of sentence shall be attested. It may adopt such additional necessary and proper rules and regulations as are not inconsistent herewith. The commissioner of corrections or his designee shall be the secretary of the board. He shall have charge of and keep its records and perform such other duties as the board may from time to time direct. He is hereby authorized and empowered to serve subpoenas and other writs or processes necessary to return parole violators to prison, and to bring before the board witnesses to be heard in matters pending before it. The records and all the files shall be kept and preserved by the secretary, and shall be open to public inspection at all reasonable times.*

Sec. 14. *The provisions of this act are in force and ef-*

fect when the commissioner of corrections is appointed and qualifies. Until then the former departments or agencies vested with the functions, rights, powers, duties, and funds shall continue to exercise and perform such functions, rights, powers, and duties and to have charge of such funds.

Sec. 15. All unexpended funds appropriated to any department, board, or other agency for the purposes of any of its functions, powers, or duties which are or may be transferred by this act to another department, commission, or agency, are hereby transferred and reappropriated to such department or agency. Where unexpended funds appropriated to any department, board, or agency for the purposes of any of its functions, powers, or duties are changed by this act so that the functions, powers, or duties are or may be in more than one department, commission, or agency, the commissioner of administration shall allocate the appropriation between the state departments, commissions, or agencies concerned, and such unexpended funds are hereby appropriated for such purposes.

Sec. 16. Except as otherwise provided in this act, all persons in the classified or unclassified service of the state and employed by any department, board, or agency for the purposes of any of its functions, powers, or duties which are transferred by this act to another department, commission, or agency, are hereby transferred to such other department, commission, or agency.

Approved April 16, 1959.

CHAPTER 264—H. F. No. 547

An act relating to salaries of court reporters; amending Minnesota Statutes 1957, Section 486.05, Subdivision 1.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 486.05, Subdivision 1, is amended to read:

486.05 Salaries. The judge by an order filed with the county auditors annually on or before the first Monday in May, 1959, and on or before the first Monday in January, annually thereafter, shall fix and establish the salary of the court reporter at an amount not exceeding \$8,000 per year, and, in such order, shall apportion the salaries of the reporters in their respective districts among the several counties, and each