
CHAPTER 304—S.F.No.242

[Coded in Part]

An act relating to corrections; defining powers and duties of the commissioner of corrections; authorizing the appointment of an employee of the department of corrections to serve as a voting member of the Minnesota Corrections Authority on a temporary basis; authorizing the purchase of parole and probation services from public and private agencies; expanding provisions for the establishment of private industry on grounds of correctional institutions; providing for the employment of inmates at certain wages; providing for the designation of community corrections planning counties; providing employment for state correctional officers; expanding the composition of corrections advisory boards; permitting prospective payment of subsidies; changing the subsidy formula; amending Minnesota Statutes 1974, Sections 241.01, Subdivision 5a, and by adding a subdivision; 241.045, Subdivision 7; 243.09, Subdivisions 1 and 3; 243.88, Subdivisions 1 and 2; 401.02, by adding a subdivision; 401.04; 401.08; 401.10; 401.11; 401.14; 401.15. Subdivision 1; repealing Minnesota Statutes 1974, Section 241.01, Subdivision 3.

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

Section 1. Minnesota Statutes 1974, Section 241.01, is amended by adding a subdivision to read:

Subd. 3a. CORRECTIONS; OMNIBUS BILL. The commissioner of corrections shall have the following powers and duties:

(a) To accept persons committed to him by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional institution or other facility of the department of corrections and to prescribe reasonable conditions, rules, and regulations for their employment, conduct, instruction, and discipline within or without the facility.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional institutions.

(e) To transfer authorized positions and personnel between state correctional institutions as necessary to properly staff institutions and programs.

(f) To utilize state correctional institutions in the manner he determines to be most efficient and beneficial in the accomplishment of these purposes, but not to close the Minnesota state prison at Stillwater or the state reformatory for men at St. Cloud without legislative

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approval.

(g) To organize the department and employ personnel he deems necessary to discharge the functions of the department, including a chief executive officer for each institution under his control who shall serve in the unclassified civil service and may, under the provisions of section 43.24, be removed only for cause.

(h) To define the duties of these employees and to delegate to them any of his powers, duties and responsibilities, subject to his control and the conditions he prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor and the state legislature commencing January 1, 1976. The commissioner shall have the power to establish ad hoc advisory committees.

Sec. 2. Minnesota Statutes 1974, Section 241.01, Subdivision 5a, is amended to read:

Subd. 5a. **ACCEPTANCE OF GIFTS, GRANTS AND SUBSIDIES; PURPOSES.** For the purposes of subdivision 5 and to discharge the functions of the department through the establishment of additional facilities and services to persons committed to his care ~~and to the Minnesota corrections authority~~ the commissioner may, subject to the provisions of section 15.43, accept and expend on behalf of the state, gifts, grants and subsidies from any lawful source; all moneys and securities so received shall be deposited in the state treasury subject to the order of the commissioner. From the fund ~~or account in the state treasury~~ to which such receipts are credited there is hereby appropriated annually to the commissioner of corrections such gifts, grants and subsidies as are received under the provisions of this subdivision.

Sec. 3. Minnesota Statutes 1974, Section 241.045, Subdivision 7, is amended to read:

Subd. 7. **TRANSFER OF POWERS AND DUTIES.** (a) All the powers and duties now vested in and imposed upon the youth conservation commission and the adult corrections commission as now constituted, including but not limited to those relating to the disposition of persons committed to the youth conservation commission by the district courts of this state, the granting or revoking of probation or parole, issuing final discharge, and the power to grant or revoke parole and issue final discharge to persons convicted of crime and committed to the adult corrections commission as now constituted are hereby vested in and imposed upon the corrections authority, and the youth conservation commission and the adult corrections commission are hereby abolished. The authority may not delegate the making of such decisions to another body or person.

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(b) Whenever because of illness or vacation of a regular member there is a lack of a quorum, the chairman may appoint, with the approval of the commissioner of corrections, an employee of the department of corrections to sit as a voting member of the authority at a regularly scheduled hearing and to perform administrative duties as assigned by the chairman. The appointments shall be for no more than 30 days and are subject to the approval of the majority of the authority members.

Sec. 4. Minnesota Statutes 1974, Section 243.09, Subdivision 1, is amended to read:

243.09 SUPERVISION BY COMMISSIONER OF CORRECTIONS; AGENTS. Subdivision 1. The commissioner of corrections, as far as possible, shall exercise supervision over persons released on parole or probation by the authority pursuant to sections 242.19 or 243.05.

Sec. 5. Minnesota Statutes 1974, Section 243.09, Subdivision 3, is amended to read:

Subd. 3. For the purposes of subdivisions 1 and 2, and ~~section 242.19 sections 609.115 and 609.135, subdivision 1~~, the commissioner shall 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 or enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements. Every such agent or person shall perform ~~such~~ the duties as the commissioner may prescribe in behalf of or in the supervision of those persons described in subdivision 2; ~~and~~. In addition, every agent or person shall act under the orders of the Minnesota corrections authority or the commissioner in the supervision of those persons conditionally released as provided in subdivision 1; ~~including providing~~. Agents shall provide assistance to such conditionally released persons in obtaining employment, and the shall conduct of such relevant investigations into the circumstances and conditions and social histories of persons subject to the control of the commissioner or the authority, and their dependents as may be directed by the commissioner or the authority and studies of persons under supervision upon the request of the commissioner or the authority.

Sec. 6. Minnesota Statutes 1974, Section 243.88, Subdivision 1, is amended to read:

243.88 PRIVATE INDUSTRY ON GROUNDS OF CORRECTIONAL INSTITUTIONS. Subdivision 1. Notwithstanding the provisions of any law to the contrary, the commissioner of administration, with the approval of the governor, may lease one or more buildings or portions thereof on the grounds of any state adult correctional institution, together with the real estate needed for reasonable access to and egress from the leased buildings, for a term not to exceed 20 years, to a private corporation for the purpose of establishing and operating a

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factory for the manufacture and processing of goods, wares or merchandise, or any other business or commercial enterprise deemed by the commissioner of corrections to be consistent with the proper training and rehabilitation of inmates.

Sec. 7. Minnesota Statutes 1974, Section 243.88, Subdivision 2, is amended to read:

Subd. 2. ~~The~~ Any corporation operating a factory or other business or commercial enterprise under this section may employ selected inmates of the correctional institution upon whose grounds it operates and persons conditionally released subject to the provisions of section 241.26; ~~and such persons~~. Persons conditionally released as provided in this subdivision shall be deemed to be parolees within the purview of 49 United States Code, Section 60.

Except as prohibited by applicable provisions of the United States Code, inmates of state correctional institutions may be employed in the manufacture and processing of goods, wares and merchandise for introduction into interstate commerce, provided that they are paid no less than the prevailing minimum wages for work of a similar nature performed by employees with similar skills in the locality in which the work is being performed.

Sec. 8. Minnesota Statutes 1974, Section 401.02, is amended to read:

401.02 COUNTIES OR REGIONS; SERVICES INCLUDIBLE. Subdivision 1. QUALIFICATION OF COUNTIES. One or more contiguous counties, having an aggregate population of 30,000 or more persons or comprising all the counties within a region designated pursuant to sections 462.381 to 462.396 or chapter 473B, situated within the same region designated pursuant to sections 462.381 to 462.396, or chapter 473B, may qualify for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating and establishing a corrections advisory board and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section 401.01, including the assumption of those correctional services other than the operation of state institutions presently provided in such counties by the department of corrections, and providing for centralized administration and control of those correctional services described in section 401.01.

Where counties combine as authorized in this section, they shall comply with the provisions of section 471.59.

Subd. 2. PLANNING COUNTIES; HOW DESIGNATED; TRAVEL EXPENSES OF CORRECTIONS ADVISORY BOARD MEMBERS. To assist counties which have complied with the provisions of subdivision 1 and require financial aid to defray all or a part of the expenses incurred by corrections advisory board members in discharging their of-

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ficial duties pursuant to section 401.08, the commissioner may designate counties as "planning counties", and, upon receipt of resolutions by the governing boards of the counties certifying the need for and inability to pay the expenses described in this subdivision, advance to the counties an amount not to exceed five percent of the maximum quarterly subsidy for which the counties are eligible. The expenses described in this subdivision shall be paid in the same manner and amount as for state employees.

Sec. 9. Minnesota Statutes 1974, 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, ~~preference-~~employment shall be given to ~~the employment of~~ 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.

Sec. 10. Minnesota Statutes 1974, Section 401.08, 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 ~~no more than 17~~ 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) the prosecution representative shall be either the county attorney or his designee;

(3) the judiciary representatives shall be designated by the chief

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judge of each district and county court district, and shall include judges representative of courts having felony, misdemeanor and juvenile jurisdiction respectively;

(4) 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 members of the board;

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

(6) the public defender or his designee;

(7) 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) one parole or probation officer;

(b) one correctional administrator;

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

(d) an ex-offender;

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

(f) 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.

Subd. 2. Members of the corrections advisory board appointed by the chairman of the board of county commissioners shall serve for terms of two years from and after the date of their appointment, and shall , subject to the approval of the county board or county boards of commissioners of the participating counties, remain in office until their successors are duly appointed. The other members of the corrections advisory board shall hold office at the pleasure of the appointing authority. The board may elect its own officers.

Subd. 3. Where two or more counties combine to come within the provisions of sections 401.01 to 401.16 the joint corrections advisory board shall contain representation as provided in subdivision 1, but the members comprising the board may come from each of the participat-

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ing counties as may be determined by agreement of the counties. ~~The board may elect its own officers.~~

Subd. 4. The corrections advisory board provided in sections 401.01 to 401.16 shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the correctional program and services described in section 401.01, and shall make a formal recommendation to the county board or joint board at least annually concerning the comprehensive plan and its implementation during the ensuing year.

Subd. 5. If a corrections advisory board carries out its duties through the implementation of a committee structure, the composition of each committee or subgroup shall generally reflect the membership of the entire board. All proceedings of the corrections advisory board and any committee or other subgroup of the board shall be open to the public; and all votes taken of members of the board shall be recorded and shall become matters of public record.

Subd. 6. The corrections advisory board shall promulgate and implement rules concerning attendance of members at board meetings.

Sec. 11. Minnesota Statutes 1974, Section 401.10, is amended to read:

401.10 CORRECTIONS EQUALIZATION FORMULA. To determine the amount to be paid participating counties ~~during the biennium ending June 30, 1975~~; the commissioner of corrections will apply the following formula:

(1) All 87 counties will be ~~ranked~~ scored in accordance with a formula involving four factors:

(a) per capita income;

(b) per capita taxable value;

(c) per capita expenditure per 1,000 population for correctional purposes, and;

(d) percent of county population aged six through 30 years of age according to the most recent federal census, and, in the intervening years between the taking of the federal census, according to the state demographer.

“Per capita expenditure per 1,000 population” for each county is to be determined by multiplying the number of ~~adults and “youthful offenders”~~ persons convicted of a felony under supervision in each county at the end of the current year by \$350. To the product thus obtained will be added:

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(i) the number of presentence investigations completed in that county for the current year multiplied by \$50;

(ii) the annual cost to the county for county probation officers' salaries for the current year; and

(iii) 33 1/3 percent of such annual cost for probation officers' salaries.

The total figure obtained by adding the foregoing items is then divided by the total county population according to the most recent federal census, or, during the intervening years between federal censuses, according to the state demographer.

(2) The percent of county population aged six through 30 years shall be determined according to the most recent federal census, or, during the intervening years between federal censuses, according to the state demographer.

(3) Each county is then ~~ranked~~scored as follows:

(a) ~~on the basis of per capita income the ranking is from the lowest to the highest~~Each county's per capita income is divided into the 87 county average;

(b) ~~per capita taxable value is ranked from lowest to highest~~Each county's per capita taxable value is divided into the 87 county average;

(c) ~~per capita expenditure is ranked from highest to lowest~~Each county's per capita expenditure for correctional purposes is divided by the 87 county average;

(d) ~~percent of county population aged six through 30 years is ranked from highest to lowest~~Each county's percent of county population aged six through 30 is divided by the 87 county average.

(4) The ~~ranking~~scores given each county on each of the foregoing four factors ~~is~~are then totaled and the counties ranked in numerical order according to score divided by four.

(5) The total score for each county thus determined is then divided into a median total score. The median total score is the score obtained by that county ranked number 44 in the final ranking. The quotient thus obtained then becomes the computation factor for the county. This computation factor is then multiplied by a "dollar value", as fixed by the appropriation pursuant to sections 401.01 to 401.16, times the total county population. The resulting product is the amount of subsidy to which the county is eligible under sections 401.01 to 401.16. Notwithstanding any law to the contrary, the commissioner of corrections, after notifying the committees on finance of the senate

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and appropriations of the house of representatives, may, at the end of any fiscal year, transfer any unobligated funds in any appropriation to the department of corrections to the appropriation under sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes of sections 401.01 to 401.16.

Sec. 12. Minnesota Statutes 1974, Section 401.11, is amended to read:

401.11 ITEMS INCLUDED IN PLAN PURSUANT TO REGULATION. The comprehensive plan submitted to the commissioner for his approval shall include those items prescribed by regulation of the commissioner, which may require the inclusion of the following: (a) the manner in which presentence and postsentence investigations and reports for the district courts and social history reports for the juvenile courts will be made; (b) the manner in which probation and parole services to the courts and persons under jurisdiction of the ~~youth conservation commission and the adult corrections commission~~ commissioner of corrections and the Minnesota corrections authority will be provided; (c) a program for the detention, supervision and treatment of persons under pre-trial detention or under commitment; (d) delivery of other correctional services defined in section 401.01; (e) proposals for new programs, which proposals must demonstrate a need for the program, its purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation and duration of program.

In addition to the foregoing requirements made by this section, each participating county or group of counties shall be required to develop and implement a procedure for the review of grant applications made to the corrections advisory board and for the manner in which corrections advisory board action shall be taken thereon. A description of this procedure shall be made available to members of the public upon request.

Sec. 13. Minnesota Statutes 1974, Section 401.14, is amended to read:

401.14 PAYMENT OF SUBSIDY. Subdivision 1. Upon compliance by a county or group of counties with the prerequisites for participation in the subsidy prescribed by sections 401.01 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner shall determine whether funds exist for the payment of the subsidy and proceed to pay same in accordance with applicable rules and regulations.

Subd. 2. Based upon the comprehensive plan as approved, the commissioner may estimate the amount to be expended in furnishing the required correctional services during each calendar quarter and cause the estimated amount to be remitted to the counties entitled thereto in the manner provided in section 401.15, subdivision 1.

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Sec. 14. Minnesota Statutes 1974, Section 401.15, Subdivision 1, is amended to read:

401.15 PROCEDURE FOR DETERMINATION AND PAYMENT OF AMOUNT; BIENNIAL REVIEW. Subdivision 1. On or before the end of each calendar quarter, participating counties which have received the payments authorized by section 401.14 shall submit to the commissioner certified statements detailing the amounts expended and costs incurred in ~~providing~~ furnishing the correctional services provided in sections 401.01 to 401.16. Upon receipt of certified statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12, determine the amount each participating county is entitled to receive, ~~and certify same to making any adjustments necessary to rectify any disparity between the amounts received pursuant to the estimate provided in section 401.14 and the amounts actually expended. If the amount received pursuant to the estimate is greater than the amount actually expended during the quarter, the commissioner may withhold the difference from any subsequent quarterly payments made pursuant to section 401.14. Upon certification by the commissioner of the amount a participating county is entitled to receive under the provisions of section 401.14 or of this subdivision the commissioner of finance who shall thereupon draw his issue a state warrant upon the state treasurer in favor of~~ to the chief fiscal officer of each participating county for the amount ~~shown to be due each county. Thereafter, the commissioner of finance shall transmit the warrant to the appropriate fiscal officer,~~ together with a copy of the certificate prepared by the commissioner.

Sec. 15. Minnesota Statutes 1974, Section 241.01, Subdivision 3, is repealed.

Sec. 16. This act is effective July 1, 1975.

Approved June 4, 1975.

CHAPTER 305—S.F.No.244

[Not Coded]

An act relating to the city of Minneapolis; authorizing the issuance of on-sale liquor licenses to certain establishments.

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

Section 1. **MINNEAPOLIS, CITY OF; ON-SALE LIQUOR LICENSES.** The governing body of the city of Minneapolis may in its discretion issue on-sale licenses for the sale of intoxicating liquor:

(1) To any nonprofit corporation which has a fee or leasehold

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