

its effective date and terminating automatically at 12:01 a.m. on September 1, 1978 1982, or sooner as provided in sections 62F.01 to 62F.14. The policy shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by section 62F.09. The policy shall be written to apply to injury which results from acts or omissions during the policy period. No policy form shall be used by the association unless it has been filed with the commissioner, and the commissioner may disapprove the form within 30 days if he determines it is misleading or violates public policy.

Sec. 10. Sections 1 to 5 are effective July 1, 1981. Section 7 is effective June 1, 1980. Section 6 is effective January 1, 1981. Sections 8 and 9 are effective the day following final enactment.

Approved April 23, 1980

CHAPTER 597—H.F.No. 1047

An act relating to county and county regional jails; providing for establishment and use of county jails and county regional jails and the financing thereof by county contributions and bonds and municipal revenue bonds and leases; amending Minnesota Statutes 1978, Sections 385.18, Subdivision 3; 474.01, Subdivisions 7a and 8, and by adding a subdivision; 474.02, by adding a subdivision; 641.23; 641.24; 641.262, Subdivision 1; 641.263, Subdivision 2; 641.264, Subdivision 1; 641.265; and 642.04.

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

Section 1. Minnesota Statutes 1978, Section 375.18, Subdivision 3, is amended to read:

Subd. 3. **COURTHOUSE, JAIL.** Each county board may erect, furnish, and maintain a suitable court house ~~and jail~~, but no indebtedness shall be created for such purpose in excess of one and two-thirds mills on each dollar of assessed valuation without the approval of a majority of the voters of the county voting on the question of issuing the obligation at an election.

Sec. 2. Minnesota Statutes 1978, Section 474.01, Subdivision 7a, is amended to read:

Subd. 7a. No municipality shall undertake any project authorized by this chapter, except a project referred to in section 474.02, subdivision 1d, until the commissioner of securities has approved the project, on the basis of preliminary information which the commissioner may require, as tending to further the purposes and policies of this chapter. Approval shall not be deemed to be an approval by the commissioner of securities or the state of the feasibility of the project or the terms of the revenue agreement to be executed or the bonds to be issued therefor, and the commissioner shall state this in communicating approval.

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Sec. 3. Minnesota Statutes 1978, Section 474.01, Subdivision 8, is amended to read:

Subd. 8. Each municipality and redevelopment agency upon entering into a revenue agreement, except one pertaining to a project referred to in section 474.02, subdivision 1d, shall furnish the department of economic development on such the forms as the department may prescribe the following information concerning the project: The name of the contracting party, the nature of the enterprise, the location, approximate number of employees, the general terms and nature of the revenue agreement, the amount of bonds or notes issued, and such other information as the department may deem advisable. The department shall keep a record of the information which shall be available to the public at such times as the department shall prescribe.

Sec. 4. Minnesota Statutes 1978, Section 474.01, is amended by adding a subdivision to read:

Subd. 10. The welfare of the state further requires the provision of county jail facilities for the purpose of providing adequately for the care, control, and safeguarding of civil rights of prisoners.

Sec. 5. Minnesota Statutes 1978, Section 474.02, is amended by adding a subdivision to read:

Subd. 1f. The term "project" shall also include any properties, real or personal, used or useful in connection with a county jail or county regional jail, the plans for which are approved by the commissioner of corrections; provided that the provisions of section 474.03, clauses (6) and (12) shall not apply to such projects.

Sec. 6. Minnesota Statutes 1978, Section 641.23, is amended to read:

641.23 FUNDS, HOW PROVIDED. Before ~~making~~ any contract is made for the erection of a county jail, sheriff's residence, or both, the county board shall either levy a sufficient tax to provide the necessary funds, or issue county bonds therefor ~~- but it shall create no bonded indebtedness for that purpose in excess of the limit now or thereafter established by law in accordance with the provisions of chapter 475, provided that the amount of all bonds issued for this purpose and interest on them which are due and payable in any year shall not exceed an amount equal to four mills times the assessed value of taxable property within the county, as last determined before the bonds are issued.~~

Sec. 7. Minnesota Statutes 1978, Section 641.24, is amended to read:

641.24 LEASING. ~~Such bonds shall be issued in sums of not less than \$100, nor more than \$1,000; each and bear interest at not more than six percent per annum, payable semiannually, and the principal payable at a time fixed by the county board, not more than 20 years from their date. The board shall, from time to time, levy a tax sufficient to meet the interest and principal as it becomes due; until their payment has been fully provided for. The county may, by resolution of the county board, enter into a lease agreement with any statutory or home rule~~

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charter city situated within the county, whereby the city will construct a county jail in accordance with plans approved by the commissioner of corrections and will finance it by the issuance of revenue bonds, and the county will lease the jail site and improvements for a term and upon rentals sufficient to produce revenue for the prompt payment of the bonds and all interest accruing thereon and, upon completion of payment, will acquire title thereto. The real and personal property acquired for the jail shall constitute a project and the lease agreement shall constitute a revenue agreement as contemplated in chapter 474, and all proceedings shall be taken by the city and the county in the manner and with the force and effect provided in chapter 474; provided that:

(1) No tax shall be imposed upon or in lieu of a tax upon the property;

(2) The approval of the project by the commissioner of securities shall not be required;

(3) The department of corrections shall be furnished and shall record such information concerning each project as it may prescribe, in lieu of reports required on other projects to the department of economic development;

(4) The rentals required to be paid under the lease agreement shall not exceed in any year four-tenths of one percent of the assessed value of property within the county, as last finally equalized before the execution of the agreement;

(5) The county board shall provide for the payment of all rentals due during the term of the lease, in the manner required in section 641.264, subdivision 2; and

(6) No mortgage on the jail property shall be granted for the security of the bonds, but compliance with clause (5) hereof may be enforced as a nondiscretionary duty of the county board.

Sec. 8. Minnesota Statutes 1978, Section 641.262; Subdivision 1, is amended to read:

641.262 ESTABLISHMENT OF REGIONAL JAILS BY CONTIGUOUS COUNTIES. Subdivision 1. **ACTION BY COUNTY BOARD.** Two or more contiguous counties, each contiguous at one or more points with one or more of the other counties, may cooperate to establish, operate, and maintain a regional jail in the manner provided in sections 641.261 to 641.266. A county may join with other counties in the establishment, operation, and maintenance of a regional jail by majority vote of its county board. A county board so voting shall also appropriate its approximate proportionate share of the initial expenses of the proposed county regional jail, which proportion is estimated in the manner provided in section 641.264, subdivision 2, and which is paid over upon receiving notice from the regional jail board as provided in section 641.263, subdivision 1.

Sec. 9. Minnesota Statutes 1978, Section 641.263, Subdivision 2, is amended to read:

Subd. 2. **ACQUISITION OF SITE, BUILDINGS.** The regional jail board may lease suitable premises or acquire by gift, purchase, or condemnation

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proceedings instituted in the name of the counties, a suitable site, and erect on the site buildings suitable for a regional jail. Condemnation proceedings shall be conducted in the manner provided in Minnesota Statutes 1961, chapter 117. No premises shall be leased, site acquired, or building erected without the approval of the county board of each cooperating county and the commissioner of corrections. The regional jail board may by resolution enter into a lease agreement with any statutory or home rule charter city situated within any of the counties, in the same manner and with the same force and effect as a county acting under the provisions of section 641.24; provided that any such lease agreement, and any amendment thereto, shall be approved by the county board of each cooperating county before it is executed.

Sec. 10. Minnesota Statutes 1978, Section 641.264, Subdivision 1, is amended to read:

641.264 **FINANCING, Subdivision 1. CAPITAL IMPROVEMENTS; BOND ISSUES AND LEASES.** The construction or acquisition, the equipping, and subsequent improvement of a county regional jail may be financed in whole or in part by the issuance of general obligation bonds of the cooperating counties in the manner provided in Minnesota Statutes 1961, chapter 475 section 641.23 or by the issuance of revenue bonds of a city situated in one of the counties, secured by a lease agreement in the manner provided in chapter 474 and in sections 641.24 and 641.263, subdivision 2. Proceedings for the issuance of the general obligation bonds shall be instituted by the board of county commissioners of each cooperating county. The regional jail board, with the approval of the county board of each cooperating county, shall fix the total amount necessary to be raised for the construction or acquisition, the equipping, and subsequent improvement of a regional jail, and shall apportion to each county in the manner provided in subdivision 2 the share of this amount, or of annual debt service or lease rentals required to pay this amount with interest, which is to be raised by the county.

Sec. 11. Minnesota Statutes 1978, Section 641.265, is amended to read:

641.265 **ADMISSION, WITHDRAWAL OF COUNTIES.** Subdivision 1. **ADMISSION.** A county which is not a participant could cooperate in a regional jail system under the provisions of section 641.262, subdivision 1, but has not cooperated in its formation, may purchase acquire an interest in a the regional jail if the county boards board of each of the cooperating counties owning the jail decide decides, by majority vote, to admit the county. With the approval of the county board of each cooperating county, the regional jail board shall fix the sum to be paid for admission to ownership terms and conditions upon which an additional county may acquire an interest in the regional jail, which sum shall be deposited in the regional jail fund. A county admitted to ownership acquiring such an interest has all of the rights, privileges, duties, and obligations provided by sections 641.261 to 641.266 , provided that as a condition for admission the county may be required to pay initially or annually a sum sufficient to reimburse to the other cooperating counties part or all of the additional county's proportionate share of amounts theretofore paid by the other counties with respect to capital cost, debt service, or lease rentals, based on the relative populations of the

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respective counties according to the last federal or state census preceding admission.

Subd. 2. **WITHDRAWAL.** A county board may withdraw its interest from cooperation in a regional jail system if the county boards of each all of the other cooperating counties decide, by majority vote, to allow the withdrawal. With the approval of the county board of each cooperating county, the regional jail board shall fix the sum, if any, to be paid to the county withdrawing, which sum to reimburse it for capital cost, debt service, or lease rental payments made by the county prior to withdrawal, in excess of its proportionate share of benefits from the regional jail prior to withdrawal, and the time and manner of making the payments. The payments shall be deemed additional payments of capital cost, debt service, or lease rentals to be made proportionately by the remaining counties and, when received, shall be deposited in and paid from the regional jail fund; provided that:

(a) Payments shall not be made from any amounts in the regional jail fund which are needed for maintenance and operation expenses or lease rentals currently due and payable; and

(b) The withdrawing county shall remain obligated for the payment of its proportionate share of any lease rentals due and payable after its withdrawal, in the event and up to the amount of any lease payment not made when due by one or more of the other cooperating counties.

Sec. 12. Minnesota Statutes 1978, Section 642.04, is amended to read:

642.04 **CITIES MAY SEND PRISONERS TO JAILS OUTSIDE.** When, in any statutory or home rule charter city of the fourth class, no jail exists, which in the judgment of the city council, or other governing body, is sufficient or suitable for the detention of persons lawfully under arrest in the city, the council, or other governing body, may cause persons lawfully arrested to be detained in any city or county or county regional jail or lockup in the same or in an adjoining county; provided, that such that detention shall be with the consent of the city or county or regional jail board operating the jail where such the persons are detained, and that there shall be paid to such the city or county or regional jail board the necessary cost and expense which may be incident to taking care of such persons while they are lawfully detained or imprisoned.

Approved April 23, 1980

CHAPTER 598—H.F.No. 1095

An act relating to courts; providing for venue for child custody proceedings; authorizing the appointment of a law clerk for each district court judge in the tenth judicial district; authorizing certain actions against state officers to be tried in a county other than where the cause of action arose; providing for procedure for removal; providing

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