

(8) An actuarial balance sheet shall not include as an asset any amount representing the present value of contributions to be made for the purpose of amortizing the present deficit in the fund.

(9) A statement of the average entry ages at which employment commences.

(a) For all those currently active members at the date of the actuarial valuation.

(b) Separately as to new entrants for each of the last five fiscal years.

(10) A statement of the average ages at which service retirements have taken place.

(a) For all service retirement annuitants living at the date of the actuarial valuation.

(b) Separately as to new retirements for each of the last five fiscal years.

(11) A separate item of administrative expense and a statement of level normal cost. The administrative expense and level normal cost shall also be expressed as a percentage of covered payroll.

(12) For each fund providing any benefit that is based entirely on the rate of compensation in the year of retirement or later years or on a limited period of years in which compensation was at its highest level, an assumption that in each future year the salary on which a retirement or other benefit is based is 1.035 multiplied by the salary for the preceding year.

Sec. 46. Section 45 of this act is effective June 30, 1973.

Sec. 47. Minnesota Statutes 1971, Sections 3A.02, Subdivision 1a; and 16.02, Subdivision 20a, are repealed.

Sec. 48. Except as otherwise specifically provided, the effective date of this act is July 1, 1973.

Approved May 24, 1973.

CHAPTER 654—H.F.No.1372

[Coded in Part]

An act relating to parole and probation; creating a single authority; transferring the powers and duties of the adult correc-

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tions commission and the youth conservation commission to the Minnesota corrections authority established hereby; abolishing the adult corrections commission and the youth conservation commission as now constituted; amending Minnesota Statutes 1971, Sections 242.03; 242.09; 242.10; 242.18; 242.19; 242.20; 242.21; 242.25; 242.27; 242.29; 242.32; 243.09; repealing Minnesota Statutes 1971, Sections 241.03; 241.04; 242.04; 242.05; 242.06; 242.07; 242.08; 242.11; 242.265; 242.54; 243.02; 243.03; and 243.04.

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

Section 1. [241.045] PAROLE AND PROBATION; MINNESOTA CORRECTIONS AUTHORITY. Subdivision 1. CREATION. There is hereby created the Minnesota corrections authority consisting of five full time members; four of whom shall be appointed by the governor, with the advice and consent of the senate. To assist in the selection of suitable persons to be members of the Minnesota corrections authority there is created an advisory committee consisting of the following persons or their designees: the attorney general, the corrections ombudsman, the commissioners of corrections, public welfare, and human rights, and the following persons to be appointed by the governor: one representative each from a private social agency and a Minnesota institution of higher learning, and two citizens from the community at large. The committee, whose recommendations are advisory only, shall prepare and submit to the governor one or more recommendations for each appointment to the authority. No more than two members appointed by the governor shall belong to the same political party. Appointments to a vacancy shall be made in the same manner as other appointments, and shall be for the unexpired term. The chairman of the authority shall be an officer of the department of corrections in the unclassified service of the state appointed by the commissioner of corrections to serve at his pleasure.

Subd. 2. QUALIFICATIONS. Candidates for appointment to the Minnesota corrections authority shall not be required to have specific academic or professional attainment, but shall have knowledge or experience in corrections or related fields and be selected on the basis of sound judgment and the ability to consider both the needs of persons over whom the authority has jurisdiction and the safety of the public. Among the members appointed by the governor, there shall be at least one woman, one man, and one member of a racial minority.

Subd. 3. TERM OF OFFICE. The members of the authority first appointed by the governor shall be appointed to serve for the following terms: one member for two years; one member for four years; and two members for six years. Thereafter, each gubernatorial appointment shall be for six years. Members shall be eligible for reappointment. Each term shall terminate on the first day of

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January; except that it shall continue until his successor has been duly appointed and qualified.

Subd. 4. COMPENSATION; EXPENSES. Each member of the authority other than the chairman shall receive as compensation the sum of \$20,000 per year, payable in the same manner as other employees of the state. The chairman of the authority shall receive as compensation his salary as an officer of the department of corrections, which shall not be less than the salary of the other members of the authority. In addition to the compensation herein provided, each member of the authority shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties in the same manner as other employees of the state. This compensation and these expenses shall be paid out of the general fund in the same manner as the salaries and expenses of other state officers are paid, except that the salary and expenses of the chairman of the authority shall be paid out of funds appropriated to the commissioner of corrections.

Subd. 5. REMOVAL. The governor may remove any member of the authority appointed by him for good cause shown after the submission of written charges and an opportunity to be heard.

Subd. 6. QUORUM. Except for the parole of persons serving life sentences under the provisions of section 609.185, persons serving extended terms of imprisonment as dangerous offenders under section 609.16, a transfer of a person in the care and custody of the authority under the provisions of section 242.27, or the discharge of such person pursuant to section 242.31, the authority may sit in units of two or three as designated by the chairman under rules prescribed by the authority, and such a unit shall constitute a quorum.

Subd. 7. TRANSFER OF POWERS AND DUTIES. 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.

Subd. 8. REFERENCES. All references in Minnesota Statutes to the youth conservation commission relating to persons committed

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to the commission by the district courts of this state shall, after the effective date of this act, be deemed to refer to the Minnesota corrections authority established by this act.

All references in Minnesota Statutes to the youth conservation commission or its director relating to juveniles adjudicated delinquent by the juvenile courts of this state shall, after the effective date of this act be deemed to refer to the commissioner of corrections.

Sec. 2. Minnesota Statutes 1971, Section 242.03, is amended to read:

242.03 MEMBERS; QUORUM; CHAIRMAN AND DIRECTOR, DUTIES; COMPENSATION. ~~The commission shall consist of six persons, including a deputy commissioner of corrections in control of and supervising the division of youth conservation, and five others, at least one of whom shall be a woman, appointed by the governor, with the consent of the senate. Four 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 chairman and director, may, with the approval of the commissioner of corrections, designate an officer of the department of corrections as deputy chairman to represent him as a voting member at meetings of the commission held for the purpose of section 242.10, and to perform ministerial duties as may be assigned by the chairman and director pursuant to section 242.10, subdivision 2. The director chairman of the Minnesota corrections authority as deputy commissioner of corrections in control of and supervising the division of youth conservation shall be responsible for the administration and enforcement development of sections 242.01 to 242.54 with the policy matters and decisions pertaining to the care, treatment, and disposition of persons committed to it determined by the commission the authority. The deputy commissioner of corrections shall serve without additional compensation. All other members shall serve on a per diem basis.~~

Sec. 3. Minnesota Statutes 1971, Section 242.09, is amended to read:

242.09 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 commission authority and the commissioner of corrections in carrying out the duties and responsibilities assigned to it by Minnesota Statutes, Chapter 242 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 commission authority and the commissioner of corrections upon such terms as the governor may direct.~~

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Sec. 4. Minnesota Statutes 1971, Section 242.10, is amended to read:

242.10 POWERS; PROBATION, COMMITMENT, PAROLE.

(1) 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 ~~commission~~ Minnesota corrections authority shall be made by the ~~commission~~ authority. The ~~commission~~ authority may not delegate the making of such decisions to any other body or person. When the ~~commission~~ authority acts under this section, ~~two~~ three members shall constitute a quorum.

(2) All other powers conferred on the ~~commission~~ authority may be exercised by the ~~director~~ chairman or through his subordinates under rules established by the ~~commission~~ authority. Any person subjected to an order of the ~~director~~ chairman or such subordinates may petition the ~~commission~~ authority 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 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. 5. Minnesota Statutes 1971, Section 242.18, is amended to read:

242.18 STUDY OF OFFENDER'S BACKGROUND; TREATMENT POLICY. When a person has been committed to the ~~commission~~ authority or the commissioner of corrections, the ~~commission~~ authority or the commissioner of corrections under its rules shall forthwith ~~examine and study him~~ cause him to be examined and studied, and investigate all of the pertinent circumstances of his life and the antecedents of the crime because of which he has been committed to it, and thereupon order such treatment as it shall determine to be most conducive to the accomplishment of the purposes of Minnesota Statutes, Chapter 242. For the study and examination of those persons committed to the authority of 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. Persons convicted of crimes shall not be detained in institutions for adjudicated delin-

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quents, 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 ~~commission~~ authority and the commissioner of corrections all pertinent data in their possession in respect to the case.

Sec. 6. Minnesota Statutes 1971, Section 242.19, is amended to read:

242.19 **METHODS OF CONTROL.** Subdivision 1. When a person has been committed to the ~~commission~~ Minnesota corrections authority it may

(a) place him on probation under such supervision and conditions as it believes conducive to law abiding conduct;

(b) if he has been committed to the ~~commission~~ authority upon conviction of a felony or gross misdemeanor, order his confinement to such reformatory, state prison, jail or other place of confinement to which he might have been sentenced by the court in which he was convicted except for chapter 242. Such reformatories, state prisons, jails or other places of confinement are hereby required to accept such persons in like manner as though they had been committed by such court;

~~(c) if he has been committed to the commission by a juvenile court upon a finding of his delinquency, order his confinement to the state training school for boys or the Minnesota home school and such schools shall accept such persons so committed to them, or to a group foster home under the control of the commissioner of corrections, or to private schools or institutions established by law or incorporated under the laws of this state that may care for delinquent children;~~

(d) ~~(c)~~ order his release on parole from confinement under such supervision and conditions as it believes conducive to law-abiding conduct;

~~(e)~~ (d) order reconfinement or renewed parole as often as ~~commission~~ authority believes to be desirable;

~~(f)~~ (e) revoke or modify any order, except an order of discharge, as often as the ~~commission~~ authority believes to be desirable;

~~(g)~~ (f) discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public;

~~(h) if it finds him eligible for probation or parole, and it appears from the commission's investigation that conditions in the home of his parents or guardian are not conducive to law-abiding~~

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~~conduct, refer the child, together with its findings, to a county welfare board or a licensed child placing agency for placement in foster care or when appropriate, for initiation of dependency or neglect proceedings as provided in sections 260.011 to 260.301. The commission shall reimburse county welfare boards for foster costs it incurs for such children while on probation or parole to the extent that funds for this purpose are made available to the commission by the legislature.~~

Subd. 2. When a child has been committed to the commissioner of corrections by a juvenile court, upon a finding of his delinquency, the commissioner may for the purposes of treatment and rehabilitation:

(a) order his confinement to the state training school, Minnesota home school or the Minnesota metropolitan training center, and such institutions shall accept such persons so committed to them, or to a group foster home under the control of the commissioner of corrections, or to private schools or institutions established by law or incorporated under the laws of this state that may care for delinquent children;

(b) order his release on parole under such supervisions and conditions as the commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

(c) order reconfinement or renewed parole as often as the commissioner believes to be desirable;

(d) revoke or modify any order, except an order of discharge, as often as he believes to be desirable;

(e) discharge the child from his control when he is satisfied that the child has been rehabilitated and that such discharge is consistent with the protection of the public;

(f) if the commissioner finds that the child is eligible for probation or parole and it appears from the commissioner's investigation that conditions in the child's home or guardian are not conducive to the child's treatment or rehabilitation or to his law-abiding conduct, refer the child, together with his findings, to a county welfare board or a licensed child placing agency for placement in a foster care or when appropriate, for initiation of dependency or neglect proceedings as provided in sections 260.011 to 260.301. The commissioner of corrections shall reimburse county welfare boards for foster costs they incur for such children while on probation or parole to the extent that funds for this purpose are made available to the commissioner by the legislature.

Sec. 7. Minnesota Statutes 1971, Section 242.20, is amended to read:

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242.20 TRAINING. As a means of correcting the socially harmful tendencies of a person committed to ~~it~~ the authority or the commissioner of corrections, ~~the commissioner authority or the commissioner~~ may, subject to the provisions of section 242.24, require participation by him in vocational, physical, educational and corrective training and activities and such conduct and modes of life as seem best adapted to fit him for return to full liberty without danger to the public welfare. ~~The commissioner commissioner of corrections~~ may receive money from the sale of articles ~~made manufactured~~ by a person committed to ~~it~~ the authority and confined in an institution under the control of the commissioner and expend such money so received for the purchase of materials to be made into other articles for sale.

Sec. 8. Minnesota Statutes 1971, Section 242.21, is amended to read:

242.21 COOPERATION; STATE INSTITUTIONS, LOCAL POLICE OFFICERS. The commissioner of corrections may enter into agreement with the commissioner of public welfare, ~~the adult corrections commission~~, with local probation officers or other public officials and with public or private agencies, schools or institutions, for custody, separate care, special treatment, training, or diagnostic services of persons committed to his care or subject to the control of the commissioner authority. The commissioner of corrections may pay any costs incurred by such agreements to the extent that funds for such purposes are made available to the commissioner by the legislature.

Sec. 9. Minnesota Statutes 1971, Section 242.25, is amended to read:

242.25 RE-EXAMINATIONS, PERSONS COMMITTED. ~~The director chairman of the Minnesota corrections authority and the commissioner of corrections~~ shall make or cause to be made periodic re-examinations of all persons under control of the ~~commissioner authority or under commitment to the commissioner of corrections~~ for the purpose of determining whether existing orders in individual cases should be modified or continued in force. Those examinations may be made as frequently as the ~~commissioner authority~~ directs and shall be made with respect to every person at least once annually.

Sec. 10. Minnesota Statutes 1971, Section 242.27, is amended to read:

242.27 DISCHARGE. Unless previously discharged ~~or transferred to the adult corrections commission~~ under the provisions of ~~chapter 242~~ section 242.19, a person who has been committed to the ~~commissioner~~ Minnesota corrections authority upon conviction of a

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crime as provided in section 242.13 shall be discharged by the ~~director~~ chairman and be given his liberty on his twenty-fifth birthday, unless the ~~commission~~ authority shall determine that such discharge at that time would be dangerous to the public in which event the ~~commission~~ authority shall ~~terminate its control in the following manner:~~

(1) ~~If he be then on probation under the supervision of the probation officer of a district court, the future control and disposition of the case shall be in all respects as though such probation were under the order of said court.~~

(2) ~~If he be then on probation, but not under the supervision of a local probation officer, or if he be on parole, control of him shall be transferred to the adult corrections commission who shall thereupon assume like control over him as though he were on parole following sentence of a court of a maximum term provided by law for the crime for which he was committed.~~

(3) ~~If he be then confined in a penal institution, the control of the commission shall cease and such confinement shall be upon like terms and conditions as though it had been under sentence of court for the maximum term provided by law for the crime for which he was committed.~~

transfer him to adult status, whereupon such person shall continue to serve the sentence theretofore imposed upon him (1) as a probationer or parolee if transferred while on probation or parole, or (2) in confinement if transferred while confined; subject, however, to be retaken and confined in the event of violation of parole or probation, or conditionally released on parole or discharged at the discretion of the authority.

Sec. 11. Minnesota Statutes 1971, Section 242.29, is amended to read:

242.29 PROBATE COURT PROCEEDINGS; INSANITY, PSYCHOPATHIC PERSONALITY. Whenever the ~~director~~ chairman is of the opinion that there are grounds for believing that a person committed to the ~~commission~~ Minnesota corrections authority is insane, or a psychopathic personality, as defined in Minnesota Statutes, Section 526.09, the ~~director~~ chairman may institute proceedings in the probate court of the county in which such person then resides or is confined to determine whether he is insane or a psychopathic personality. If the court shall so find, he shall be transferred by the order of the court to the Minnesota security hospital or to a state hospital for the insane at the discretion of the court, there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent of the asylum or hospital, his sanity is restored before the period of his

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commitment to the ~~commission~~ authority has expired, he shall be returned by the commissioner of public welfare to the ~~commission~~ authority for further disposition or treatment under Minnesota Statutes, Chapter 242.

Sec. 12. Minnesota Statutes 1971, Section 242.32, is amended to read:

242.32 CONSTRUCTIVE PROGRAMS; COOPERATION, OTHER AGENCIES. The ~~commission~~ commissioner of corrections shall be charged with the duty of developing constructive programs for the prevention and decrease of delinquency and crime among youth and to that end shall cooperate with existing agencies and encourage the establishment of new agencies, both local and state-wide, having as their object the prevention and decrease of delinquency and crime among youth; and the ~~commission~~ commissioner shall assist local authorities of any county or municipality when so requested by the governing body thereof, in planning, developing and coordinating their educational, welfare, recreational and health activities or other constructive community programs, which have as their object the conservation of youth.

Sec. 13. Minnesota Statutes 1971, Section 243.09, 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 probationers, probation and those state-correctional institution inmates who are granted paid work placement or vocational training privileges on a voluntary basis by the adult corrections commission and the youth conservation commission, by the authority pursuant to Minnesota Statutes, Section 242.19 or 243.05 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 Minnesota correctional institution 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.

Subd. 2. The commissioner of corrections shall exercise supervision over probationers as provided in Minnesota Statutes, Section

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609.135, and over persons conditionally released pursuant to Minnesota Statutes, Section 241.26.

Subd. 3. For the purposes of subdivisions 1 and 2, and section 6 of this act, 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 for the same purposes. Every such agent or person shall perform such duties as the commissioner may prescribe in behalf of or in the supervision of those persons described in subdivision 2, and, in addition shall act under the orders of the authority in the supervision of those persons conditionally released as provided in subdivision 1, including providing assistance to such conditionally released persons in obtaining employment and the conduct of such 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.

Subd. 4. The commissioner of corrections shall provide the authority with all other personnel, supplies, equipment, office space, and other administrative services necessary and incident to the discharge of the functions of the authority.

Sec. 14. Minnesota Statutes 1971, Sections 241.03; 241.04; 242.04; 242.05; 242.06; 242.07; 242.08; 242.11; 242.265; 242.54; 243.02; 243.03; and 243.04, are hereby repealed.

Sec. 15. In the next and subsequent editions of the Minnesota Statutes the revisor of statutes shall make such changes in terminology as may be necessary to record the functions, powers and duties of the Minnesota corrections authority and the commissioner of corrections as created and established by this act.

Sec. 16. This act shall become effective as soon as the members of the authority herein created and established are duly appointed and qualified.

Approved May 24, 1973.

CHAPTER 655—H.F.No.1399

An act relating to occupations and professions; regulating registration renewals of pharmacists by requiring continuing educa-

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