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**CHAPTER 260—S.F.No.1077**

[Coded in Part]

*An act relating to the organization and operation of state government; creating a crime control planning board to supersede the governor's commission on crime prevention and control; requiring a statewide comprehensive plan for law enforcement and criminal justice administration; empowering the board to make grants to governmental agencies; designating the board as the state planning agency for purposes of federal legislation; prescribing other powers and duties; requiring annual reports; creating regional crime control advisory councils; requiring the preparation of regional plans.*

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

Section 1. **[299A.03] CRIME CONTROL PLANNING BOARD**, Subdivision 1. **POLICY.** The legislature declares that efforts to control crime in this state must begin with comprehensive and coordinated planning at the state and local levels. This planning must recognize the individual problems faced by jurisdictions in the state, but it must also recognize the necessity for direct and continuing cooperation among state and local law enforcement agencies, the judicial system and the federal government. Only through the creation of a representative statutory board empowered with broad planning, administrative and funding authority can this effort at improved crime control be successfully initiated.

Subd. 2. **CREATION; MEMBERSHIP.** There is created the crime control planning board in the executive branch of state government. The board shall be composed of the chairperson appointed by the governor and the following 18 members:

- (a) The chief justice of the Minnesota supreme court or, if he elects not to serve, a designee;
- (b) The attorney general or a member of his staff designated by him;
- (c) The commissioner of public safety or a member of his staff designated by him;
- (d) The commissioner of corrections or a member of his staff designated by him;
- (e) A district, county or municipal court trial judge;
- (f) The state court administrator; and
- (g) Twelve citizens of the state appointed by the governor.

The trial judge and the designee for the chief justice, if the chief justice elects not to serve, shall be appointed by the governor. In making these two appointments, the governor shall consider a list of at least three nominees for each position submitted to the governor by the chief justice within 30 days after the effective date of this section or the

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occurrence of a vacancy. The remaining members appointed by the governor shall include persons employed by agencies or political subdivisions engaged in activities relating to law enforcement or criminal justice, persons representing agencies engaged in providing youth services and preventing juvenile delinquency and persons who would not qualify for appointment under any of the preceding categories but who are interested in activities within the jurisdiction of the board.

Subd. 3. **MEMBERSHIP TERMS; REMOVAL; COMPENSATION.** The members specified in subdivision 2, clauses (a) to (f) shall serve for their current term of employment with the state or election, as appropriate. The remaining members, except for the initial members, shall serve for terms of four years in a manner as provided in section 15.0575, subdivision 2. Members appointed by the governor, except for the trial court judge and the designee for the chief justice, if the chief justice elects not to serve, must receive the advice and consent of the senate. Except for the chairperson, the compensation, removal and filling of vacancies of members appointed pursuant to clause (g), shall be as provided in section 15.0575. The terms of the initial members appointed pursuant to clause (g) shall be no more than four years and shall be determined by the governor so as to be consistent with the schedule of terms for subsequent members as provided in section 15.0575, subdivision 2.

Subd. 4. **ADVISORY TASK FORCES.** The crime control planning board may establish advisory task forces pursuant to section 15.059 to assist it in the performance of its duties; provided that if the federal crime control acts require a task force to have more than 15 members, that task force shall be exempt from the 15 member limitation contained in section 15.059.

Subd. 5. **CHAIRMAN; STAFF.** The chairperson of the crime control planning board shall serve at the pleasure of the governor and shall receive a salary as provided by law. The chairperson shall be experienced in the administration of programs related to law enforcement or criminal justice. The chairperson shall serve as executive director of the board, shall preside at board meetings, shall organize the work of the board and shall appoint all employees subject to the approval of the board. The commissioner of the state department of administration shall provide the crime control planning board with reasonable office space and administrative services requested by the board, and the board shall reimburse the commissioner of finance for the cost thereof.

Subd. 6. **PLANNING FUNCTIONS.** The crime control planning board shall serve as the state planning agency to administer the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Crime Control Act of 1973, Public Law 93-83, by the Crime Control Act of 1976, Public Law 94-503 and by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as amended, all of which acts are herein collectively referred to as "federal crime control acts". The board shall develop and revise as necessary a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the state. The comprehensive plan shall be deemed to include all individual plans submitted by the board as a prerequisite to the receipt of federal money and all other plans prepared by or under the direction of the board. These individual component plans shall be prepared so as to interrelate with each other and to provide for a unified and coherent statewide comprehensive plan. The plan

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shall include improvements in law enforcement and criminal justice systems which are designed to encourage interjurisdictional and interdisciplinary actions by affected governmental units. The plan and any revisions shall not be adopted as rules pursuant to chapter 15, but the board shall hold public hearings in respect to proposals for the plan and shall seek opinions of interested persons from outside the board as provided in section 15.0412, subdivision 6. To the extent that the plan or a component thereof is prepared in anticipation of the receipt of federal money, the plan or applicable component thereof shall be consistent with requirements of the federal crime control acts and shall accommodate where reasonable the form and content of regional plans for the improvement of law enforcement and criminal justice.

**Subd. 7. LEGISLATIVE REVIEW OF PLANS.** Prior to the final adoption of the statewide comprehensive plan or a component plan by the crime control planning board, the draft of the plan shall be submitted to the appropriate standing committee of the legislature for review and comment. The board may not adopt a plan without considering any legislative comments or recommendations received thereon within 45 days of submission of the draft plan to the legislature. Any legislative comments and recommendations which are not incorporated in the plan and which are received within 45 days of submission shall be forwarded with the plan to the appropriate federal agencies. The crime control planning board shall advise the legislature in writing of its intended response to the legislative comments and recommendations.

**Subd. 8. DISTRIBUTION OF GRANTS; APPROPRIATION.** The crime control planning board shall distribute money given to it for distribution for law enforcement or criminal justice purposes. All moneys received by the state from the federal government or any other sources for distribution by the crime control planning board are appropriated to the board. The board shall distribute money to state, regional and local agencies consistent with procedures, criteria and priorities which are promulgated by rule. To the extent that moneys to be distributed are federal moneys, the procedures, criteria and priorities shall be consistent with federal crime control acts and guidelines in respect to distribution of federal money. Before distributing money to a regional or local agency, the crime control planning board shall have determined that the activities to be funded will not be contrary to the statewide comprehensive plan. Individual activities may be funded by the board, or it may elect to distribute money in a block grant to an agency for use in more than one approved activity. The board shall not fund an activity until it has approved a procedure for evaluation of the recipient agency's use of the money.

**Subd. 9. ADDITIONAL POWERS AND DUTIES.** The crime control planning board, in cooperation with regional crime control advisory councils established pursuant to subdivisions 12 to 14 and any other regional or local crime control planning units, shall:

(a) Assist state, regional and local agencies in the development of activities or proposed activities designed to improve law enforcement and the administration of justice;

(b) Assist recipient agencies in the implementation of activities funded by the board;

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(c) Serve as liaison between agencies of all levels of government involved in law enforcement and criminal justice activities;

(d) Provide for the performance of fiscal audits, evaluations and monitoring of recipient agencies in respect to activities funded pursuant to subdivision 8;

(e) Encourage and assist governmental agencies and courts in law enforcement and criminal justice planning activities;

(f) Study and recommend to the governor, the legislature and appropriate federal agencies methods for (1) controlling juvenile criminal activities, (2) improving juvenile rehabilitation efforts, and (3) establishing suitable juvenile detention facilities;

(g) Study and recommend to the governor, the legislature, the state crime victims reparations board and appropriate federal agencies methods for compensating victims of crime in this state;

(h) Study and recommend to the governor and the legislature methods for improving the criminal justice system including methods to improve cross-jurisdictional enforcement;

(i) Solicit recommendations from appropriate standing committees of the legislature on methods to improve law enforcement and the administration of criminal justice in this state;

(j) Distribute to law enforcement and criminal justice agencies information on proposed, existing and completed activities funded or otherwise supported by the crime control planning board;

(k) Periodically analyze and distribute statistical data which indicates the current status and trends of criminal justice activities; and

(l) Perform other functions directly related to the study and improvement of criminal justice activities including those permitted or required by federal crime control acts to the extent that those functions are not otherwise inconsistent with this section; provided that this section shall not be construed to authorize the crime control planning board to undertake direct law enforcement activities or to engage in law enforcement or criminal justice activities which are specifically assigned or delegated to other state or local agencies.

Subd. 10. **GIFTS; GRANTS.** The crime control planning board may apply for, accept and expend gifts and grants from the federal government and from other public and private sources in order to assist the board in carrying out the duties as provided in subdivisions 6 to 10.

Subd. 11. **REPORT.** Prior to December 15 of each year the board shall prepare and submit to the governor and the appropriate standing committees of the legislature a report summarizing its activities for the year ending the preceding September 30. The

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report shall include at least the following information:

(a) A summary of crime control planning board activities including the listing of and justification for all rules promulgated by the board during the year;

(b) A description of all grant applications and plans submitted by the crime control planning board to federal agencies and other sources;

(c) A listing by categories of all grant applications received by the crime control planning board from state, local and regional agencies together with the disposition of the applications;

(d) A description of all activities funded by the crime control planning board together with the board's rationale for funding each activity;

(e) Audit summaries for completed activities funded by the crime control planning board together with the board's evaluation of the activity and its estimation of future effects resulting from the funded activities;

(f) The number and locations of public hearings held by the crime control planning board, a statement of methods used to announce the hearings, and the number of citizens attending each hearing;

(g) A statement of receipts and disbursements of the crime control planning board funds;

(h) The names, addresses and occupations of the crime control planning board members, and their dates of appointment and reappointment to the board;

(i) Recommendations to the crime control planning board from the appropriate standing committees of the legislature on matters relating to law enforcement and criminal justice, and the responses of the board thereto;

(j) Recommendations from the crime control planning board to the governor, the legislature and appropriate federal agencies on desirable changes in law or appropriations which will significantly improve law enforcement and criminal justice administration;

(k) Priorities which the crime control planning board employed in funding activities for the year following the year covered in the report; and

(l) Any other information which the board believes will be useful in reviewing board activities.

Subd. 12. **CRIME CONTROL PLANNING REGIONS.** For the purposes of coordinating local law enforcement and criminal justice activities and planning, the governor shall divide the state into crime control planning regions. Each region shall encompass one or more of the economic development regions authorized to be established by section 462.385, provided that one region shall encompass the territory defined by

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## Laws 1967, Chapter 896.

Subd. 13. **REGIONAL ADVISORY COUNCILS.** There shall be in each criminal justice planning region a regional crime control advisory council of no more than 25 members appointed by regional development commissions, except that the metropolitan council shall be the regional crime control advisory council in the territory defined by Laws 1967, Chapter 896. Any regional crime control advisory council shall function as a committee of the regional development commission or contract with the regional development commission as a consultant. The members shall serve for two year terms. Each county shall be represented on the council by at least one member. Composition of each regional crime control advisory council shall be in conformity with the federal crime control acts. The staff of each regional crime control advisory council, shall be appointed in the manner prescribed by the regional development commission or the metropolitan council. The regional crime control advisory council shall organize itself and elect a chairperson. Nothing in this section shall be construed to prohibit the establishment of local crime control planning units where required or permitted by federal crime control acts and when not in violation of other law.

Subd. 14. **PLANNING FUNDS.** The crime control planning board shall make available planning funds to regional development commissions, the metropolitan council and eligible local units of government or combinations thereof for the purpose of assisting the crime control planning board in the development of its annual statewide comprehensive plan. The board shall take into consideration in the distribution of the planning funds such combinations of regions as may have been established for criminal justice planning purposes. Each regional development commission or the metropolitan council shall adopt after public hearing a regional criminal justice plan which shall comply with board guidelines. A regional plan may not be in conflict with the statewide plan. The board shall provide for procedures to insure that:

(a) A plan submitted by a regional development commission or the metropolitan council to the crime control planning board shall be approved or disapproved in whole or in part no later than 90 days after receipt by the board;

(b) Any part of a plan not so disapproved within 90 days of submission shall be deemed approved;

(c) The reasons for disapproval of the plan or any part of it shall contain a detailed explanation of the reasons for which the plan or part was disapproved, and an explanation of what supporting material is necessary for the board to reconsider the plan; and

(d) Disapproval of any plan or part of it shall not preclude the resubmission of the plan or part to the board at a later date.

Sec. 2. **TRANSITION PROVISIONS.** Subdivision 1. **SUPERSEDES GOVERNOR'S COMMISSION.** The crime control planning board created pursuant to section 1 supersedes and replaces the governor's commission on crime prevention and control created pursuant to executive order. The governor's commission shall cease to

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exist on and after August 1, 1977.

Subd. 2. **EFFECT OF CURRENT PROCEDURES.** Until rules and procedures are promulgated by the board as required by section 1, rules and procedures of the governor's commission shall remain in force and effect until superseded by board rules and procedures; provided, that the board shall have promulgated required new rules and procedures no later than July 1, 1978.

Subd. 3. **TRANSFER OF PERSONNEL; DOCUMENTS.** All employees of the governor's commission are transferred to the employ of the board without loss of compensation, seniority or other benefits. The governor's commission on crime prevention and control shall transfer to the board its books, records, other documents and equipment.

Approved May 25, 1977.

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**CHAPTER 261—S.F.No.1087**

*An act relating to nonprofit health service plan corporations; modifying retained surplus requirements; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.*

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

Section 1. Minnesota Statutes 1976, Section 62C.09, Subdivision 3, is amended to read:

Subd. 3. **NONPROFIT HEALTH SERVICE PLAN; RETAINED SURPLUS.** If organized on a capital stock basis, a service plan corporation shall never reduce its capital, and both capital stock and membership corporations shall maintain a surplus, in addition to all reserves established, of not less than the greater of the initial surplus reduced by \$100,000 or ~~25~~ 16 2/3 percent of the sum of all health service claims incurred, and administrative expenses in connection therewith, during the ~~previous most recent~~ calendar year. The surplus shall not exceed ~~50~~ 33 1/3 percent of the sum of all health service claims incurred, and administrative expenses in connection therewith, during the ~~previous most recent~~ calendar year unless such amount is less than the initial surplus reduced by \$100,000. The percentage amounts shall be determined from a financial statement and certified audit filed annually and subject to verification of an examination by the commissioner.

Approved May 25, 1977.

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