

MINNESOTA STATUTES 1977 SUPPLEMENT

COMMUNITY CORRECTIONS 401.08

CHAPTER 401. COMMUNITY CORRECTIONS

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401.02 Counties or regions; services includible.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. **Reorganization of administrative structure.** Any county or group of counties which have qualified for participation in the community corrections subsidy program provided by this chapter may reorganize its administrative structure, including but not limited to court services and probation, to conform with the requirements of subdivision 1 notwithstanding any inconsistent special law.

Subd 4. **Detaining probationer or parolee.** Probation officers serving the district courts of counties participating in the subsidy program established by this chapter may, without order or warrant, when it appears necessary to prevent escape or enforce discipline, take and detain a probationer or parolee and bring him before the court or the Minnesota corrections board respectively, for appropriate action by the court or the board. No probationer or parolee shall be detained more than 72 hours, exclusive of legal holidays, Saturdays and Sundays, pursuant to this subdivision without being provided with the opportunity for a hearing before the court or the board.

[1977 c 392 s 9]

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 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 counties, employment shall be given to those state officers, employees and agents thus displaced; if hired by a county, 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.

State employees displaced by county participation in the subsidy program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.

[1977 c 392 s 10]

401.08 Corrections advisory board; members; duties.

Subdivision 1. The corrections advisory board provided in section 401.02, subdivision 1 shall consist of 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 prosecution representative shall be either the county attorney or his designee;

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(2) the judiciary representatives shall be designated by the chief judge of each district and county court district, and shall include judges representative of courts having felony, misdemeanor and juvenile jurisdiction respectively;

(3) 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;

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

(5) the public defender or his designee;

(6) 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) two representatives of law enforcement agencies or their designees, at least one of whom shall be from an agency headed by an elected official;

(b) one parole or probation officer;

(c) one correctional administrator;

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

(e) an ex-offender;

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

(g) 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.

[For text of subds 2 to 6, see M.S.1976]

[1977 c 392 s 11]

401.13 Charges made to counties.

Each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to the commissioner after August 1, 1973, and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds five years, nor shall the amount charged a participating county for the costs of confinement exceed the amount of subsidy to which the county is eligible. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties, making necessary adjustments to reflect the actual costs of confinement. However, in no case shall the percentage increase in the amount charged to the counties exceed the percentage by which the appropriation for the purposes of sections 401.01 to 401.16 was increased over the preceding biennium. All charges shall be a charge upon the county of commitment.

[1977 c 392 s 12]

401.16 Withdrawal from program.

Any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.16, and the withdrawal shall be effective the last day of the last month of the quarter in which the notice was given. Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions,

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may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.

[1977 c 392 s 13]

CHAPTER 402. HUMAN SERVICES ACT

Sec.		Sec.	
402.01	Agreement.	402.046	Repository of original files; continuation of administrative function. [New]
402.02	Local boards; composition; powers; funding.	402.05	Employees.
402.03	Advisory committee.	402.06	Implementation.
402.04	Delegation of functions; financial aid; standards; reports.	402.065	Budget, levy; audit. [New]
402.045	Function of state planning officer. [New]	402.08	Repealed.
		402.09	Repealed.
		402.095	Reports to legislature. [New]

402.01 Agreement.

[For text of subs 1 and 2, see M.S.1976]

Subd. 3. Counties intending to designate a human services board, pursuant to subdivision 1, may send written notification to each state agency that will be affected, stating the intent to organize and develop a human services board. After the notification, the county board or county boards may act jointly under the provisions of this chapter for a period not to exceed six months from the date of the notification. The county board or county boards are eligible for planning grants, not to exceed \$25,000, as may be available to develop human services programs. Applications for grants shall be made on forms approved by the state planning officer.

[1977 c 411 s 6]

402.02 Local boards; composition; powers; funding.

Subdivision 1. Human services boards shall be composed as follows:

(a) Not less than one county commissioner from each county party to the agreement, the commissioner or commissioners to be selected by the county board of the participating county; and

(b) Optional citizen members who in number shall not comprise more than one-third of the membership of the human services board, one of whom shall be the chairman of the human services advisory committee, appointed in a manner determined by the county boards which are party to the agreement.

Board members shall serve for terms of three years, so arranged that as nearly as practicable, the terms of one-third of the members shall expire each year. Vacancies shall be filled in the same manner as original appointments.

Subd. 2. A human services board shall possess all the powers and duties now assigned by law to:

(a) Manage the existing public resources devoted to human services delivered or purchased by the counties, which are subsidized or regulated by the departments of corrections, health, and public welfare;

(b) Employ staff to carry out the purposes of sections 402.01 to 402.10;

(c) Deliver services directly, or through contract with other governmental or nongovernmental providers;

(d) Develop a plan for the delivery of human services, which shall include corrections services, public health services, public assistance, mental retardation services, social services, mental health services, and others of similar classification, and shall show evidence of participation in the development of the plan by major private sector providers of related services;

(e) Perform all clerical and accounting functions for the receipt and expenditure of funds for the purposes of sections 402.01 to 402.10;