

person knowledgeable in diagnosis of chemical dependency.

Subd. 4. The court before imposing sentence after conviction for one of the offenses described in subdivision 1 shall give due consideration to the agency's report.

Subd. 5. Whenever a person is convicted of a second or subsequent offense described in subdivision 1 and the court is either provided with an appropriate treatment or rehabilitation recommendation from sources other than the presentence investigation provided for in this section, or has sufficient knowledge both of the person's need for treatment and an appropriate treatment or rehabilitation plan, and the court finds that requiring a presentence investigation would not substantially aid the court in sentencing, such a presentence investigation need not be conducted.

Subd. 6. This section shall not apply to persons who are not residents of the state of Minnesota at the time of the offense and at the time of the presentence investigation.

Sec. 5. APPROPRIATIONS. There is hereby appropriated from the general fund to the commissioner of public safety such amounts as are necessary to administer the provisions of this act, not to exceed \$250,000.

The commissioner of public safety is directed to seek funding for this program under the provisions of the national law enforcement assistance act and the national traffic and highway safety act and this appropriation shall be decreased to the extent that such federal funding is provided.

Approved April 13, 1976.

CHAPTER 299—S.F.No.551

An act relating to correctional facilities; providing for the establishment of minimum standards for facility management and physical condition; providing the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1974, Sections 241.021, Subdivisions 1 and 3; 641.21; 641.26; 642.01; and 642.02, Subdivision 1.

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

Section 1. Minnesota Statutes 1974, Section 241.021, Subdivision 1, is amended to read:

241.021 CORRECTIONS; LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES. Subdivision 1. SUPERVISION

Changes or additions indicated by underline deletions by ~~strikeout~~

OVER CORRECTIONAL FACILITIES FOR DETENTION AND CONFINEMENT. (1) The commissioner of corrections shall investigate the whole system of correctional institutions in the state, especially prisons and jails, and examine their condition and management—inspect all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. He shall promulgate, by January 1, 1977, pursuant to chapter 15, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein. Notwithstanding the provisions of sections 15.0412 and 15.0413, these rules shall not take effect until June 15, 1977. To assist in the development of standards for jails and lockups the commissioner shall pursuant to section 15.059, subdivision 6, appoint a citizens advisory task force of nine persons, including five persons who have been elected to the office of county sheriff and four persons who have been elected to the office of county board of commissioners. The commissioner shall have access to the buildings, grounds, books, records, staff and to persons detained or confined in these facilities. He may require the officers in charge of any such institution—these facilities to furnish such—all information and statistics as he may deem—deems necessary, upon ~~blank~~ forms furnished by him.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1) of this subdivision, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not conform to the minimum standards established by law or by the commissioner, he shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, he may, at the request of the

Changes or additions indicated by underline deletions by ~~strikeout~~

appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year. He shall examine all plans for new jails and lockups, or for repairs at an estimated cost in excess of the limits set by sections 641.21, 642.01, and 642.02, before the same are adopted by the county or other municipal board, and have an advisory supervision over all such institutions. Upon the request of the governor, he shall specially investigate any penal or reformatory institution and report its condition; and for this purpose he is hereby authorized to send for persons and papers, administer oaths, and take testimony which he shall cause to be transcribed and included in his report.

Sec. 2. Minnesota Statutes 1974, Section 241.021, Subdivision 3, is amended to read:

Subd. 3. **REVOCAION OF LICENSE.** When after due notice and hearing the commissioner of corrections ~~shall determine~~ determines that any facility described in subdivision 2 does not substantially conform to the reasonable standards therein provided or is not making satisfactory progress toward substantial compliance therewith, he may, with the consent of the judge of the district court, issue his order revoking the license of such ~~such that~~ facility. After revocation of its license, ~~such that~~ facility shall not be used for the care and training of delinquent children ~~and youth~~, or for their detention ~~for more than 48 hours at one time~~ until ~~such its~~ its license is renewed.

Sec. 3. Minnesota Statutes 1974, Section 641.21, is amended to read:

641.21 JAILS, ADVICE AS TO CONSTRUCTION. When any county board determines to erect a new jail, or to repair an existing one at an expense of more than ~~\$2,000~~ \$5,000, it shall pass a resolution to that effect, and transmit a copy thereof to the commissioner of corrections, who, within 30 days thereafter, shall transmit to ~~such that~~ county board ~~such the~~ advice and suggestions in reference to the construction thereof as he deems proper.

Sec. 4. Minnesota Statutes 1974, Section 641.26, is amended to read:

641.26 CONDEMNATION OF JAILS. When the jail of any county is insecure or otherwise unfit for use, the judge of the district court therein, on the recommendation of the grand jury or of his own motion, may issue his written order condemning it; or, when the commissioner of corrections shall adjudge any county jail insecure or otherwise unfit for use, he may, with consent of the judge of the district court, issue his written order condemning it. After condemnation ~~such that~~ jail shall not be used for the detention of any prisoner ~~for more than 24 hours at one time, except pending preliminary examination, or while court is in session,~~ until the order of condemnation is rescinded.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 5. Minnesota Statutes 1974, Section 642.01, is amended to read:

642.01 LOCKUPS, ESTABLISHMENT. The governing body of any city may purchase, build, or lease, maintain and regulate, one or more lockups for the detention of persons charged with offenses against its ordinances and bylaws, or for the confinement of persons sentenced to imprisonment for violation of ~~such these~~ ordinances and bylaws; ~~and,~~ ~~Under regulations prescribed by such the~~ governing body, ~~it the~~ lockup may be used for temporary detention of any prisoner under arrest. No ~~such~~ purchase or lease, and no plans for building ~~any such a~~ lockup; ~~or no such~~ plans for repairing ~~any such a~~ lockup at an expense of more than ~~\$1000 \$5,000~~ shall be finally adopted until the same ~~shall have~~ ~~has~~ been approved by the commissioner of corrections; ~~and,~~ No contract for ~~such~~ erection or repair shall be valid unless the suggestions and advice of the commissioner ~~shall~~ have been filed with the clerk of ~~such the~~ municipality before its execution.

Sec. 6. Minnesota Statutes 1974, Section 642.02, Subdivision 1, is amended to read:

642.02 CONSTRUCTION, REPAIR; PRESENCE OF JAILER. Subdivision 1. **APPROVAL, STANDARDS REQUIRED.** The commissioner of corrections shall not approve any plan for the construction of a lockup, or repairs to an existing lockup at an estimated cost of more than ~~\$1000 \$5,000~~, unless ~~such the~~ plan meets the standards established by ~~rule and regulation the~~ commissioner's rules.

Sec. 7. This act is effective on July 1, 1976.

Approved April 13, 1976.

CHAPTER 300—S.F.No.556

An act relating to financial institutions and mortgagees; modifying the maximum interest rate that may be charged on certain loans; requiring interest to be paid on certain escrow accounts; providing penalties; amending Minnesota Statutes 1974, Sections 47.20; and 47.21.

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

Section 1. **FINANCIAL INSTITUTIONS; HOME LOANS; INTEREST RATE; CONVENTIONAL HOME LOAN ASSISTANCE AND PROTECTION ACT; CITATION.** Sections 1 to 4 may be cited as the Conventional Home Loan Assistance and Protection Act.

Sec. 2. Minnesota Statutes 1974, Section 47.20, is amended to read:

Changes or additions indicated by underline deletions by ~~strikeout~~