

CHAPTER 452—H. F. No. 1283

[Coded]

An act relating to county regional jails or work farms; authorizing counties to cooperate to establish, operate, and maintain such facilities; and providing for the issuance of bonds therefor and tax levies for such purposes.

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

Section 1. [641.261] **Regional jails.** Subdivision 1. **Purpose of act.** The purpose of this act is to enable counties to cooperate to provide adequate jail facilities with suitable work programs and rehabilitation and treatment services for persons whose commitment to a county jail is authorized by law.

Subd. 2. **Persons who may be committed.** The regional jail shall serve as a place of commitment for persons whose commitment to a county jail is authorized by law by a court having jurisdiction within the cooperating counties, subject to admission rules and charges for care as the regional jail board may prescribe. The regional jail board may also accept the commitment of persons whose commitment to a county jail is authorized by law by a court having jurisdiction outside the cooperating counties, subject to admission rules and charges for care as the regional jail board may prescribe.

Subd. 3. **Commissioner of corrections; powers, duties.** The commissioner of corrections shall promulgate, in the manner provided by law, rules and regulations relating to standards for county regional jails in the following matters:

(1) Minimum aggregate population base upon which a county regional jail may be practically operated;

(2) Site and buildings necessary for an adequate regional jail, considering such factors as inmate security, health, and work opportunities;

(3) Qualifications of staff, and ratio of staff to inmate population;

(4) Programs of work, rehabilitation, and treatment. When a county regional jail does not comply with the standards so promulgated, a judge of the district court or the commissioner of corrections may institute condemnation proceedings in the manner provided in Minnesota Statutes 1961, Section 641.26.

Sec. 2. [641.262] **Establishment of regional jails by contiguous counties.** Subdivision 1. **Action by county board.**

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Two or more contiguous counties may cooperate to establish, operate, and maintain a regional jail in the manner provided in this act. 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 4, subdivision 2, and which is paid over upon receiving notice from the regional jail board as provided in section 3, subdivision 1.

Subd. 2. Regional jail board; membership, term, compensation. The county board of each cooperating county shall appoint two members to a board to be known as the regional jail board. Members appointed to the board shall be county commissioners. One of the members first appointed to the regional jail board shall be appointed for a term expiring on June 30 next following his appointment, the other for a term expiring one year later. After the appointment of the first members, one succeeding member shall be appointed each year for a two year period beginning on July 1. Each appointee shall hold office until his successor is appointed and has qualified. Vacancies are filled by the appointing power. The members of the regional jail board serve without compensation but shall be reimbursed for all necessary expenses incurred by them in performance of their official duties. This reimbursement is payable by the county from which the member is appointed, until the regional jail fund is established. When the regional jail fund is established, reimbursement shall be made from that fund. Reimbursement authorized by this subdivision is in addition to any reimbursement received by a regional jail board member who is also a member of a county board.

Subd. 3. Board meetings. As soon as possible after the appointment of the members of the regional jail board by the cooperating counties, the regional jail board shall hold a joint meeting and shall elect a chairman, vice chairman, and secretary. The county board of the county first appointing members to the regional jail board shall call the first meeting of the board and shall designate the place of meeting. The regional jail board shall meet at least annually thereafter at a place designated by the regional jail board and may meet at such other times and places as it considers necessary.

Sec. 3. [641.263] Powers, duties of board. Subdivision 1. **Initial financing.** When the regional jail board is satisfied that each cooperating county has appropriated its share of the initial expenses of the regional jail, it shall so certify to the county board of each cooperating county. The county board of each cooperating county then shall order its county treasurer to pay over the authorized

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initial expense funds to the regional jail fund in the manner provided in section 4, subdivision 3.

Subd. 2. Acquisition of site, buildings. The regional jail board may lease suitable premises or acquire by gift, purchase, or condemnation 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.

Subd. 3. Operation of jail; superintendent. The regional jail board shall operate, control, manage, and maintain the jail, and set charges for the care of inmates. The regional jail board shall appoint a regional jail superintendent who serves at the pleasure of the board and receives compensation set by the board. The superintendent is the chief executive officer of the regional jail, and has the powers of a sheriff and such other powers and duties relating to the operation, management, and maintenance of the jail as the regional jail board may prescribe and as are prescribed by law. The superintendent, with the approval of the board, or as provided in subdivision 4, shall appoint additional employees necessary to operate and maintain the jail. The employees of a regional jail, including the superintendent, are public employees for the purposes of Minnesota Statutes 1961, Chapter 353.

Subd. 4. Employees merit system. A regional jail merit system may be established under the provisions of this subdivision and Minnesota Statutes 1961, Chapter 44. Consistent with standards promulgated by the commissioner of corrections for qualifications of regional jail employees, the cooperating counties, by vote of each county board, may establish, modify, or abandon a merit system for the employment, promotion, discipline, and dismissal of all regional jail employees except the superintendent. Questions relating to the establishment, modification, or abandonment of the merit system shall not be submitted to the voters for their approval. The following words and phrases defined in Minnesota Statutes 1961, Section 44.01, have the meanings given in this subdivision for the purposes of a regional jail merit system:

(1) "Appointing authority" means the regional jail superintendent;

(2) "Board" means the "personnel board" consisting of the chairman, vice chairman, and secretary of the regional jail board;

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(3) "Council" means the county boards of the cooperating counties.

Sec. 4. **[641.264] Financing.** Subdivision 1. **Capital improvements; bond issues.** 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 in the manner provided in Minnesota Statutes 1961, Chapter 475. Proceedings for the issuance of the 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 to be raised by the county.

Subd. 2. **Tax levies; apportionment of costs.** The county board of each cooperating county shall annually levy a tax in an amount necessary to defray its proportion of the net costs of maintenance and operation of the regional jail after deduction of payments for the care of inmates, and in addition shall levy a tax to repay the cost of construction or acquisition, equipping, and any subsequent improvement of the regional jail and for the retirement of any bonds issued for these purposes. The county board may levy these taxes without limitation as to the rate or amount, and the levy of these taxes shall not cause the amount of other taxes levied or to be levied by the county, which are subject to any such limitation, to be reduced in any amount whatsoever. The regional jail board shall apportion the costs of maintenance and operation, and of construction or acquisition, equipping, and improvement of the jail to each county on the basis of the proportion that the population in that county bears to the total population in all of the cooperating counties, the population figures to be determined by the last previous federal or state census.

Subd. 3. **Regional jail fund.** The initial expense funds, the proceeds from the sale of bonds, and the proceeds of taxes for costs of maintenance and operation shall be paid by the county by which they are appropriated or collected into a county regional jail fund, which shall be kept in the treasury of the county in which the jail is located. The county treasurer of the county in which the regional jail is located shall make payments out of the county regional jail fund on properly authenticated vouchers of the county regional jail board.

Subd. 4. **Expenditures.** The regional jail board shall approve by majority vote all expenditure vouchers and the chairman of

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the board shall transmit them to the county auditor of the county in which the regional jail is located for payment by the county treasurer, accompanied by the chairman's certification that the expenditure vouchers have been approved by a majority of the regional jail board.

Subd. 5. **Charges for care of inmates.** The regional jail board shall fix the rates to be charged for the care of inmates and shall submit a statement of charges to the governmental unit from which an inmate is committed. The charge for care of an inmate shall be paid by the governmental unit to the county treasurer of the county in which the regional jail is located, and shall be deposited in the regional jail fund.

Subd. 6. **Gifts, acceptance by board.** The regional jail board may accept gifts or donations from any source, which gifts or donations shall be deposited in the regional jail fund and disbursed by the regional jail board in the manner in which other expenditures are made.

Sec. 5. [641.265] **Admission, withdrawal of counties.** Subdivision 1. **Admission.** A county which is not a participant in a regional jail system may purchase an interest in a regional jail if the county boards of each of the cooperating counties owning the jail decide, 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 in the regional jail, which sum shall be deposited in the regional jail fund. A county admitted to ownership has all of the rights, privileges, duties, and obligations provided by this act.

Subd. 2. **Withdrawal.** A county board may withdraw its interest in a regional jail if the county boards of each 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 to be paid to the county withdrawing, which sum shall be paid from the regional jail fund.

Sec. 6. [641.266] **Reports.** The regional jail board shall annually, and at such other times as required by the county board of a cooperating county, make a complete report regarding the cost of operation of the jail, its inmate population, and its work, treatment, and rehabilitation programs. The regional jail board shall furnish such other information as the county boards or the commissioner of corrections may require.

Approved May 2, 1963.

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