

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

FIFTY-FIFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 8, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Keith Ainsley, Jackson Lake Lutheran Church, Amboy, Minnesota.

The roll was called and the following members were present :

Anderson, G.	Erickson	Kvam	Ozment	Skoglund
Anderson, R.	Fjoslien	Levi	Pappas	Solberg
Backlund	Forsythe	Lieder	Pauly	Sparby
Battaglia	Frederick	Long	Peterson	Stanius
Beard	Frederickson	Marsh	Piepho	Staten
Becklin	Frerichs	McDonald	Piper	Sviggum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Grucnes	McKasy	Price	Thorson
Bishop	Gutknecht	McLaughlin	Quinn	Tjornhom
Biatz	Halberg	McPherson	Quist	Tomlinson
Boerboom	Hartinger	Metzen	Redalen	Tompkins
Boo	Hartle	Miller	Rees	Tunheim
Brandl	Haukoos	Minne	Rest	Uphus
Brinkman	Heap	Munger	Rice	Valan
Brown	Himle	Murphy	Richter	Valento
Burger	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vellenga
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Voss
Carlson, L.	Johnson	Norton	Sarna	Waltman
Clark	Kahn	O'Connor	Schafer	Welle
Clausnitzer	Kalis	Ogren	Scheid	Wenzel
Cohen	Kelly	Olsen, S.	Schreiber	Wynia
Dempsey	Kiffmeyer	Olson, E.	Seaberg	Zaffke
DenOuden	Knickerbocker	Omann	Segal	Spk. Jennings, D.
Dimler	Knuth	Onnen	Shaver	
Dyke	Kostohryz	Osihoff	Sherman	
Ellingson	Krueger	Otis	Simoneau	

A quorum was present.

Schoenfeld was excused until 2:35 p.m. Elioff was excused until 4:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Halberg moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 88 and S. F. Nos. 583, 1067, 1187, 1458, 5, 401, 806 and 1049 have been placed in the members' files.

S. F. No. 1067 and H. F. No. 1409, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dempsey moved that S. F. No. 1067 be substituted for H. F. No. 1409 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1458 and H. F. No. 1457, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Blatz moved that S. F. No. 1458 be substituted for H. F. No. 1457 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 401 and H. F. No. 1097, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Levi moved that the rules be so far suspended that S. F. No. 401 be substituted for H. F. No. 1097 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 583 and H. F. No. 800, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Blatz moved that the rules be so far suspended that S. F. No. 583 be substituted for H. F. No. 800 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1049 and H. F. No. 1437, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Burger moved that the rules be so far suspended that S. F. No. 1049 be substituted for H. F. No. 1437 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1187 and H. F. No. 1282, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Blatz moved that the rules be so far suspended that S. F. No. 1187 be substituted for H. F. No. 1282 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 5 and H. F. No. 102, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Schafer moved that the rules be so far suspended that S. F. No. 5 be substituted for H. F. No. 102 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1499 and H. F. No. 1607, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Swiggum moved that the rules be so far suspended that S. F. No. 1499 be substituted for H. F. No. 1607 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 587, A bill for an act relating to agriculture; providing income tax incentives to landowners who sell or lease agricultural land to beginning farmers; amending Minnesota Statutes 1984, section 290.01, subdivisions 20a and 20b; proposing coding for new law in Minnesota Statutes, chapter 290.

Reported the same back with the following amendments:

Page 10, line 7, after the period insert *"In order to qualify as a landowner, the owner of the land or the shareholders of a family farm or authorized farm corporation or the partners of a partnership owning the land must have actively engaged in farming the land sold."*

Page 10, line 15, delete *"any"* and insert *"an individual"*

Page 10, line 15, after "*landowner*" insert "*or from gross income of a corporate landowner*"

Page 10, line 24, delete "*less*" and insert "*more*"

Page 11, line 21, before the comma insert "*or net income of a corporate landowner*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred :

H. F. No. 883, A bill for an act relating to unclaimed property ; extending coverage to corporate stock and other ownership interests ; amending Minnesota Statutes 1984, sections 345.35 ; 345.43 ; and 345.47.

Reported the same back with the following amendments :

Page 4, lines 14 to 19, delete section 4

Page 4, line 21, delete "*4*" and insert "*3*"

Renumber the remaining section

With the recommendation that when so amended the bill pass.

The report was adopted.

Levi from the Committee on Rules and Legislative Administration to which was referred :

H. F. No. 939, A bill for an act relating to solid waste and sewage sludge management ; restricting land disposal of solid waste in the metropolitan area ; providing for the financing of resource recovery facilities in the metropolitan area by local governments and the metropolitan council ; imposing restrictions on publicly funded resource recovery facilities ; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county plans and ordinances ; defining terms ; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds ; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27, and by adding subdivisions ; 115A.15, subdivision 2 ; 115A.81 ; 115A.84, subdivisions 3 and 4 ; 115A.85, subdivision 2, and by adding a subdivision ; 115A.86, subdivision 1 ; 115A.919 ; 116.07, subdivision 4h ; 400.04, subdivision 1 ; 473.149, by adding

a subdivision; 473.153, subdivisions 1, 2, 5, 6b, and 7; 473.803, subdivisions 1b and 3; 473.811, subdivisions 5, 5a, and by adding a subdivision; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Appropriations.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred :

H. F. No. 1581, A bill for an act relating to education; establishing a scholarship for excellence program; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 136A and 290.

Reported the same back with the following amendments :

Page 1, line 16, delete "*made by checkoff by*"

Page 1, line 17, delete "*state taxpayers*"

Page 1, line 23, delete "*April*" and insert "*February*"

Page 1, line 25, delete "*July*" and insert "*March*"

Page 2, line 7, delete "*August*" and insert "*April*"

Page 2, line 22, delete "*less than*" and insert "*to exceed*"

Page 2, line 23, delete "*section 2*" and insert "*subdivision 13*"

Page 2, line 27, delete "*section 2*" and insert "*subdivision 13*"

Page 3, after line 3, insert :

"Subd. 12. [ANTI-DISCRIMINATION REQUIREMENTS.]
In order to qualify as a high school eligible for payments under subdivision 7 or as an eligible Minnesota institution in which the recipient enrolls under subdivision 5, the school:

(a) *must meet all education, health, and safety standards required by law; and*

(b) *must not discriminate in the admission of students and the hiring of teachers on the basis of race, sex, disability, color,*

or economic status and must have filed a certificate with the state board of education, in the case of an elementary or secondary school, or with the higher education coordinating board, in the case of a post-secondary institution, that the school is in compliance with title VI of the Civil Rights Act of 1974.

Subd. 13. [CONTRIBUTIONS; APPROPRIATION.] The board may accept contributions for purposes of the scholarship for excellence program. The amounts contributed must be deposited in the general fund. The amounts so contributed are annually appropriated from the general fund to the board for purposes of the program."

Page 3, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1984, section 290.06, is amended by adding a subdivision to read:

Subd. 20. [CONTRIBUTIONS TO POST-SECONDARY EDUCATIONAL INSTITUTIONS.] (a) A credit of 50 percent of the amount contributed to a Minnesota post-secondary educational institution or to the Minnesota higher education coordinating board for purposes of the scholarship for excellence program may be deducted from the tax due under this chapter for the taxable year in which the contribution was made. The credit for an individual, estate, or trust may not exceed the lesser of: (1) \$100 and, for a married couple filing a joint return, \$200; or (2) the tax liability for the taxable year. The credit for a corporation may not exceed the lesser of \$1,000 or ten percent of the corporation's net income tax liability for the taxable year.

(b) For purposes of this subdivision, a "Minnesota post-secondary educational institution" is:

(1) an educational institution located in Minnesota that

(i) normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are conducted; and

(ii) regularly offers education at a level above the twelfth grade; and

(iii) regularly awards either associate, bachelors, masters, or doctoral degrees, or any combination thereof; and

(iv) is duly accredited by the North Central Association of Colleges and registered by the Minnesota higher education coordinating board; or

(2) *an area vocational technical institute subject to the provisions of chapter 136C.*

(c) *In the case of a taxpayer who takes a credit pursuant to this subdivision and has also deducted the amount of that contribution as a charitable contribution for federal income tax purposes, the amount of the contribution used to compute the credit must be subtracted from the taxpayer's excess itemized deductions under section 290.089, subdivision 2, or, in the case of a corporation, the deduction under 290.21, subdivision 3."*

Page 3, line 19, after the period insert "*Section 2 is effective for taxable years beginning after December 31, 1985.*"

Amend the title as follows:

Page 1, line 3, before "proposing" insert "amending Minnesota Statutes 1984, section 290.06, by adding a subdivision,"

Page 1, line 4, delete "chapters" and insert "chapter"

Page 1, line 5, delete "and 290"

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1627, A bill for an act relating to taxation; property; allowing certain property owners to appeal assessments directly to the tax or district court; amending Minnesota Statutes 1984, sections 271.01, subdivision 5; and 278.01, subdivision 1.

Reported the same back with the following amendments:

Page 2, lines 4 to 12, restore the stricken language

Page 2, line 12, after the period insert "*Notwithstanding the provisions of this section, if the market value of the property is increased or if the classification of the property is changed after the notice has been sent to the property owner, the property owner may appear before the tax court without an appearance in person or written communication to the county board of equalization.*"

Page 3, lines 7 to 16, restore the stricken language

Page 3, line 16, after the period insert *"Notwithstanding the provisions of this section, if the market value of the property is increased or if the classification of the property is changed after the notice has been sent to the property owner, the property owner may appear before the district court or tax court without an appearance in person or written communication to the county board of equalization."*

Page 3, after line 28, insert:

"Sec. 3. Laws 1984, chapter 502, article 11, section 6, is amended to read:

Sec. 6. [EFFECTIVE DATE.]

Sections 2 and 4 are effective for the (1985) 1986 assessment and thereafter, payable (1986) 1987 and thereafter. Sections 1, 3, and 5 are effective the day following final enactment."

Page 3, line 30, delete "1985" and insert "1986"

Page 3, line 31, after the period insert *"Section 3 is effective the day following final enactment."*

Renumber the section in sequence

Amend the title as follows:

Page 1, line 2, delete "allowing certain"

Page 1, line 3, delete "property owners to appeal assessments directly" and insert "clarifying the process for appealing certain assessments"

Page 1, line 4, after the semicolon, insert "delaying the effective date of the requirement of appearances before county board of equalization for tax appeals;"

Page 1, line 6, after "1" insert "; Laws 1984, chapter 502, article 11, section 6"

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1633, A bill for an act authorizing the city of Waseca to establish and provide taxes and service charges for a special service district.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.]

Subdivision 1. For the purpose of this act the terms defined in this section have the following meanings.

Subd. 2. "City" means the city of Waseca.

Subd. 3. "Special services" means all services rendered or contracted for by the city, including, but not limited to:

(a) the repair, maintenance, operation, and construction of any improvements authorized by Minnesota Statutes, section 429.021;

(b) parking services rendered or contracted for by the city; and

(c) any other service provided to the public by the city that is authorized by law or charter provision.

Special services do not include any service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

Subd. 4. "Special service district" means a defined area within the city where special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

Subd. 5. "Assessed value" means the assessed value as most recently certified by the commissioner of revenue before the effective date of the ordinance or resolution adopted pursuant to section 2 or 3.

Subd. 6. "Land area" means the land area in the district which is subject to property taxation.

Sec. 2. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a special service district. Only property which is zoned for commercial, business, or industrial use under a municipal zoning ordinance may be included in a district. The ordinance shall describe with particularity the area within the city to be included in the district

and the special services to be furnished in the district. The ordinance may not be adopted until after a public hearing has been held on the question. Notice of the hearing shall include:

- (a) the time and place of hearing;*
- (b) a map showing the boundaries of the proposed district; and*
- (c) a statement that all persons owning property in the proposed district will be given an opportunity to be heard at the hearing.*

Subd. 2. [NOTICE.] Notice of the hearing shall be given by publication in two issues of the official newspaper of the city. The two publications shall be a week apart and the hearing shall be held at least three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owner of each parcel within the area proposed to be included in the district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply the necessary information. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means and mailed notice given them. At the public hearing any person affected by the proposed district may be heard orally in respect to any issues relevant to the proposed district. The hearing may be adjourned from time to time and the ordinance establishing the district may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Sec. 3. [TAXING AUTHORITY; NOTICE AND HEARING REQUIREMENTS.]

Subdivision 1. [TAXES; HEARING.] Ad valorem taxes may be levied on taxable nonhomestead property or service charges may be imposed by the city within the special service district at a rate or amount sufficient to produce the revenues required to provide special services within the district. To determine the appropriate mill rate, nonhomestead taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76, or to the distribution or contribution value under Minnesota Statutes, section 473F.08. Taxes and service charges shall not be imposed to finance a special service if the service is ordinarily provided by the city from its general fund revenues unless the service is provided in the district at an increased level, in which case only an amount to pay for the increased level may be imposed. A service charge shall not be

imposed on the receipts from the sale of intoxicating liquor, food, or lodging. Before the levy of taxes or imposition of service charges in a district, for each calendar year, notice shall be given and hearing shall be held pursuant to section 2 and notice shall also be mailed to any individual or business organization subject to a service charge. For purposes of this section the notice shall also include:

(a) *A statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed tax levy or service charge.*

(b) *The estimated cost of improvements to be paid for in whole or in part by taxes or service charges imposed pursuant to this section, the estimated cost of operating and maintaining the improvements during the first year after completion of the improvements, the proposed method and source of financing the improvements and the annual cost of operating and maintaining the improvements.*

(c) *The proposed rate or amount of taxes to be extended or the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.*

(d) *A statement that the petition requirements of section 8 have either been met or do not apply to the proposed taxes or service charge.*

Within six months of the public hearing, the city may adopt a resolution levying a tax or imposing a service charge within the district not exceeding the amount or rate expressed in the notice issued pursuant to this section.

Subd. 2. [EXEMPTION OF CERTAIN PROPERTIES FROM TAXES.] *Property exempted from taxation by Minnesota Statutes, section 272.02, is exempt from any ad valorem taxes imposed pursuant to this act.*

Subd. 3. [LEVY LIMIT EXEMPTION.] *Taxes and service charges imposed pursuant to this act shall not be included in the calculation of levies or limits on levies provided by other law or home rule charter provision.*

Subd. 4. [EXCLUSION FROM HOMESTEAD CREDIT.] *Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivision 6, 7, 7d, or 14a.*

Sec. 4. [ENLARGEMENT OF SPECIAL SERVICE DISTRICTS.]

Boundaries of a special service district may be enlarged only after hearing and notice as provided in sections 2 and 3. Notice shall be served in the original district and in the area proposed to be added to the district. Property added to the district shall be subject to all taxes levied and service charges imposed within the district after the property becomes a part of the district. The petition requirement in section 8 and the veto power in section 9 shall only apply to owners, individuals, and business organizations in the area proposed to be added to the district.

Sec. 5. [COLLECTION OF TAXES.]

Ad valorem taxes levied within a special service district shall be collected and paid over as other ad valorem taxes, but shall be spread only upon the assessed value of property described in the ordinance. Service charges imposed shall be collected as provided by ordinance. Taxes collected pursuant to this act shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general ad valorem levies.

Sec. 6. [BONDS.]

At any time after a contract for the construction of all or part of an improvement authorized pursuant to this act has been entered into or the work has been ordered done by day labor, the governing body of the city may issue obligations in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing. The obligations shall be payable primarily out of the proceeds of the tax levied pursuant to section 3, or from any other special assessment or non-tax revenues available to be pledged for their payment under charter or other statutory authority, or from any two or more of such sources. The governing body may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the municipality to assure payment of the principal and interest if the proceeds of the tax levy in the district are insufficient to pay the principal and interest. The obligations shall be issued in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required, and the amount of the obligations shall not be included in determining the net debt of the city under the provisions of any law or charter limiting debt.

Sec. 7. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for each special service district in the city to advise the governing body in connection with the construction,

maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose taxes or service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

Sec. 8. [PETITION REQUIRED.]

No action may be taken pursuant to section 2 unless owners of ten percent or more of the land area of the proposed special service district and owners of ten percent or more of the assessed value of the proposed district file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 3 to impose an ad valorem tax unless owners of ten percent or more of the land area subject to a proposed tax and owners of ten percent or more of the assessed value subject to a proposed tax file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 3 to impose a service charge unless ten percent or more of the individual or business organizations subject to the proposed service charge file a petition requesting a public hearing on the proposed action with the city clerk. If the boundaries of a proposed district are changed or the land area or assessed value subject to a tax or the individuals or business organizations subject to a service charge are changed after the public hearing, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax or service charge may become effective.

Sec. 9. [VETO POWER OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] Except as provided in section 10, the effective date of any ordinance or resolution adopted pursuant to sections 2 and 3 shall be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a copy of the ordinance or resolution shall be mailed to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge in the same manner that notice is mailed pursuant to section 2. The mailing shall include a notice that owners subject to a tax and individuals and business organizations subject to a service charge have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution.

Subd. 2. [REQUIREMENT FOR VETO.] If owners of 35 percent of the land area in the district and owners of 35 percent

of the assessed value in the district file an objection to the ordinance adopted by the city pursuant to section 2 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 35 percent of the land area subject to a tax and owners of 35 percent of the assessed value subject to a tax file an objection to the resolution adopted levying an ad valorem tax pursuant to section 3 with the city clerk before the effective date of the resolution, the resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge pursuant to section 3 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 10. [EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.]

The petition requirement of section 8 and the right of owners and those subject to a service charge to veto a resolution in section 9 do not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 8 and which has not been vetoed under section 9 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 3 and the notice mailed with the adopted resolution pursuant to section 9 include the following information:

(a) In the case of improvements, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 11. [REPORT TO LEGISLATURE.]

The city of Waseca shall file a written report with the chairman of the house local and urban affairs committee and the chairman of the senate local and urban government committee on or before January 31, 1986. The report shall apprise the com-

mittee as to the activities undertaken pursuant to this act and recommend any changes that should be considered if the legislature were to enact statewide legislation for the establishment of special service districts.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 10 are effective for the city of Waseca the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Waseca."

With the recommendation that when so amended the bill pass.

The report was adopted.

Levi from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 30, A house resolution commending and congratulating Arnold T. Baland for his longtime contribution to public awareness in Minnesota of the nature and importance of our freedoms under our democratic system of government.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 587, 883, 1581, 1627 and 1633 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1067, 1458, 401, 583, 1049, 1187, 5 and 1499 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

McLaughlin, Vellenga, Scheid, Backlund and Minne introduced:

H. F. No. 1658, A bill for an act relating to elections; changing certain election day registration requirements; amending Minnesota Statutes 1984, section 201.061, subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Gutknecht, Simoneau, Knickerbocker, Tjornhom and Hartinger introduced:

H. F. No. 1659, A bill for an act relating to employee relations; establishing a fund and program for the payment of health care benefits of certain retired governmental employees; appropriating funds; proposing coding for new law in Minnesota Statutes, chapter 43A.

The bill was read for the first time and referred to the Committee on Governmental Operations.

HOUSE ADVISORIES

The following House Advisory was introduced:

Heap, Miller, Gutknecht, Sviggum and Erickson introduced:

H. A. No. 41, A proposal to study the benefits of early intervention with employees that are receiving workers' compensation or unemployment insurance.

The advisory was referred to the Committee on Labor-Management Relations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 649, A bill for an act relating to St. Louis county; fixing the maximum amount of the county emergency fund; amending Minnesota Statutes 1984, section 383C.016.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from

small businesses; modifying geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

McLaughlin moved that the House refuse to concur in the Senate amendments to H. F. No. 1109, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the McLaughlin motion and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Krueger	Pappas	Stanis
Anderson, R.	Fjoslien	Levi	Peterson	Staten
Backlund	Forsythe	Lieder	Piepho	Sviggum
Battaglia	Frederick	Long	Piper	Thiede
Beard	Frederickson	Marsh	Poppenhagen	Thorson
Becklin	Frerichs	McDonald	Price	Tjornhom
Begich	Greenfield	McLaughlin	Quinn	Tomlinson
Bennett	Gruenes	McPherson	Redalen	Tompkins
Bishop	Gutknecht	Metzen	Rees	Tunheim
Blatz	Halberg	Miller	Rest	Uphus
Boerboom	Hartinger	Munger	Richter	Valan
Boo	Hartle	Murphy	Riveness	Valento
Brandl	Haukoos	Nelson, D.	Rodosovich	Vanasek
Brinkman	Hcap	Neuenschwander	Rose	Vellenga
Brown	Jacobs	Norton	Sarna	Voss
Burger	Jaros	O'Connor	Schafer	Waltman
Carlson, D.	Jennings, L.	Ogren	Scheid	Welle
Carlson, L.	Johnson	Olsen, S.	Seaberg	Wenzel
Clark	Kahn	Olson, E.	Segal	Wynia
Clausnitzer	Kalis	Omann	Shaver	Zaffke
Cohen	Kelly	Onnen	Sherman	Spk. Jennings, D.
DenOuden	Kiffmeyer	Osthoff	Simoneau	
Dinler	Knuth	Otis	Skoglund	
Dyke	Kostohryz	Ozment	Solberg	

The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 966.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 352 and 1431.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 966, A bill for an act relating to health; requiring a study and a report on the needs of persons with brain impairments.

The bill was read for the first time.

Riveness moved that S. F. No. 966 and H. F. No. 1541, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 352, A bill for an act relating to taxation; providing for an annual compressed natural gas user permit; establishing compressed natural gas user permit fees in lieu of gas taxes; requiring a report to the legislature; providing a penalty; amending Minnesota Statutes 1984, sections 296.01, by adding a subdivision; 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

The bill was read for the first time.

McKasy moved that S. F. No. 352 and H. F. No. 323, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1431, A resolution memorializing the negotiators for the United States at the Geneva arms talks to demand Soviet action to stop anti-Jewish discrimination and to allow Jews to emigrate.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1382

A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

May 6, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1382, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: RICHARD J. COHEN, CHARLES C. HALBERG and TERRY DEMPSEY.

Senate Conferees: RON SIELOFF, TAD JUDE and BOB LESSARD.

Cohen moved that the report of the Conference Committee on H. F. No. 1382 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1382, A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Hartle	Marsh	Omann
Anderson, R.	Clark	Haukoos	McDonald	Onnen
Backlund	Clausnitzer	Heap	McEachern	Otis
Battaglia	Cohen	Jacobs	McLaughlin	Ozment
Beard	DenOuden	Jaros	McPherson	Pappas
Becklin	Dimler	Jennings, L.	Meitzen	Pauly
Begich	Dyke	Johnson	Miller	Peterson
Bennett	Ericksen	Kahn	Minne	Piepho
Bishop	Fjoslien	Kalis	Munger	Piper
Blatz	Forsythe	Kelly	Murphy	Poppenhagen
Boerboom	Frederick	Kiffmeyer	Nelson, D.	Price
Boo	Frederickson	Knickerbocker	Nelson, K.	Quinn
Brandl	Frerichs	Knuth	Neuenschwander	Quist
Brinkman	Greenfield	Kostohryz	Norton	Redalen
Brown	Gruenes	Krueger	O'Connor	Rees
Burger	Gutknecht	Levi	Ogren	Rest
Carlson, D.	Hailberg	Lieder	Olsen, S.	Rice
Carlson, J.	Hartinger	Long	Olson, E.	Richter

Riveness	Shaver	Staten	Tunheim	Waltman
Rodosovich	Sherman	Sviggum	Uphus	Welle
Rose	Simoneau	Thiede	Valan	Wenzel
Sarna	Skoglund	Thorson	Valento	Wynia
Schafer	Solberg	Tjornhom	Vanasek	Zaffke
Seaberg	Sparby	Tomlinson	Vellenga	Spk. Jennings, D.
Segal	Stanius	Tompkins	Voss	

The bill was repassed, as amended by Conference, and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi from the Committee on Rules and Legislative Administration to which was referred :

Senate Concurrent Resolution No. 9, A Senate concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

Reported the same back with the recommendation that the resolution be adopted.

SENATE CONCURRENT RESOLUTION NO. 9

A Senate concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring :

The Joint Rules of the Senate and House of Representatives for the 74th Legislature shall read as follows :

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES

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ARTICLE I: JOINT CONVENTIONS

HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in prefer-

ence to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be per-

mitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

“Minnesota Statutes, section”

Bills shall refer to the session laws as follows:

“Laws, chapter, section”

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the

latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least twenty calendar days prior to the last day the Legislature can meet in regular session [April 30, 1985], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, eight separate appropriation bills as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government for the succeeding two fiscal years including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare, health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational for the two succeeding fiscal years;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for semi-state activities;

(f) A bill covering all appropriations for construction and major rehabilitation of public buildings to be financed by issuance of bonds;

(g) A bill covering all appropriations for maintenance, repair, and minor rehabilitation and construction of public buildings; and

(h) A bill covering appropriations for the department of transportation.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. (a) In odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after (THE SIXTH FRIDAY PRIOR TO THE LAST FRIDAY ON WHICH THE LEGISLATURE CAN MEET IN REGULAR SESSION) April 4, 1985, and committee reports on

bills originating in the other house favorably acted upon by a committee after (THE MONDAY BEFORE THE THIRD FRIDAY PRIOR TO THE LAST FRIDAY ON WHICH THE LEGISLATURE CAN MEET IN REGULAR SESSION) April 19, 1985, shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference Committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [May 16, 1985]. After the last Friday on which the Legislature can meet in regular session [May 17, 1985], neither house shall act on bills other than those contained in:

- (1) Reports of Conference Committees;
 - (2) Messages from the other house;
 - (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
 - (4) Messages from the Governor.
- (b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines based on the date intended to be the date of adjournment sine die.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05. Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement. If an agreement is reported, the house of origin shall act first upon the report. If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

All Conference Committees shall be open to the public. Meetings of Conference Committees shall be announced as far in advance as practical.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 16, 1985], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for

a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8 1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

ARTICLE III: GENERAL PROVISIONS

SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and

exhibits. If the report contains legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

Levi moved that the report from the Committee on Rules and Legislative Administration relating to Senate Concurrent Resolution No. 9 and the proposed permanent Joint Rules of the Senate and House of Representatives be now adopted.

The question was taken on the Levi motion and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Levi	Pappas	Solberg
Backlund	Forsythe	Lieder	Pauly	Sparby
Battaglia	Frederick	Long	Peterson	Stanius
Beard	Frederickson	Marsh	Piepho	Staten
Becklin	Frerichs	McDonald	Piper	Sviggum
Begich	Greenfield	McEachern	Poppenhagen	Thiede
Bennett	Gruenes	McLaughlin	Price	Thorson
Bishop	Gutknecht	McPherson	Quinn	Tjornhom
Blatz	Halberg	Metzen	Quist	Tomlinson
Boerboom	Hartinger	Miller	Redalen	Tompkins
Boo	Hartle	Minne	Rees	Tunheim
Brandl	Haukoos	Munger	Rest	Uphus
Brinkman	Heap	Murphy	Rice	Valan
Brown	Jacobs	Nelson, D.	Richter	Valento
Burger	Jaros	Nelson, K.	Riveness	Vanasek
Carlson, J.	Jennings, L.	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Johnson	Norton	Rose	Voss
Clark	Kahn	O'Connor	Sarna	Waltman
Clausnitzer	Kalis	Olsen, S.	Schafer	Welle
Cohen	Kelly	Olson, E.	Scheid	Wenzel
DenOuden	Kiffmeyer	Omann	Seaberg	Wynia
Dimler	Knickerbocker	Onnen	Segal	Zaffke
Dyke	Knuth	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Kostohryz	Otis	Simoncau	
Erickson	Krueger	Ozment	Skoglund	

The motion prevailed and the Joint Rules for the Seventy-Fourth Session were adopted.

Nelson, K., was excused for the remainder of today's session.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. No. 1458 and S. F. No. 1525.

H. F. No. 1458, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Long	Piepho	Stanias
Backlund	Forsythe	Marsh	Piper	Staten
Battaglia	Frederick	McDonald	Poppenhagen	Sviggum
Beard	Frederickson	McEachern	Price	Thiede
Becklin	Frerichs	McLaughlin	Quinn	Thorson
Begich	Greenfield	McPherson	Quist	Tjornhom
Bennett	Gruenes	Metzen	Redalen	Tomlinson
Bishop	Gutknecht	Miller	Rees	Tompkins
Blatz	Hartinger	Minne	Rest	Tunheim
Boerboom	Hartle	Munger	Rice	Uphus
Boo	Haukoos	Murphy	Richter	Valan
Brandl	Jacobs	Nelson, D.	Riveness	Valento
Brinkman	Jaros	Neuenschwander	Rodosovich	Vanasek
Brown	Jennings, L.	Norton	Sarna	Vellenga
Burger	Johnson	O'Connor	Schafer	Voss
Carlson, J.	Kahn	Ogren	Scheid	Waltman
Carlson, L.	Kalis	Olsen, S.	Schoenfeld	Welle
Clark	Kelly	Olson, E.	Seaberg	Wenzel
Clausnitzer	Kiffmeyer	Omann	Segal	Wynia
Cohen	Knickerbocker	Onnen	Shaver	Zaffke
DenOuden	Knuth	Otis	Sherman	Spk. Jennings, D.
Dimler	Kostohryz	Ozment	Simoneau	
Dyke	Krueger	Pappas	Skoglund	
Ellingson	Levi	Pauly	Solberg	
Erickson	Lieder	Peterson	Sparby	

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

CALL OF THE HOUSE

On the motion of Levi and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, G.	DenOuden	Kiffmeyer	Olsen, S.	Rodosovich
Anderson, R.	Dimler	Knickerbocker	Olson, E.	Sarna
Backlund	Erickson	Knuth	Omann	Schafer
Battaglia	Erickson	Kostohryz	Onnen	Scheid
Beard	Fjoslien	Krueger	Osthoff	Schoenfeld
Becklin	Forsythe	Levi	Otis	Seaberg
Begich	Frederick	Lieder	Ozment	Segal
Bennett	Frederickson	Long	Pappas	Shaver
Bishop	Frerichs	Marsh	Pauly	Simoneau
Blatz	Greenfield	McDonald	Peterson	Skoglund
Boerboom	Gruenes	McEachern	Piepho	Solberg
Boo	Gutknecht	McLaughlin	Piper	Sparby
Brandl	Hartinger	McPherson	Poppenhagen	Stanias
Brinkman	Hartle	Metzen	Price	Staten
Brown	Haukoos	Miller	Quinn	Sviggum
Burger	Heap	Minne	Redalen	Thiede
Carlson, J.	Jacobs	Murphy	Rees	Thorson
Carlson, L.	Jaros	Nelson, D.	Rest	Tjornhom
Clark	Johnson	Neuenschwander	Rice	Tomlinson
Clausnitzer	Kahn	O'Connor	Richter	Tompkins
Cohen	Kalis	Ogren	Riveness	Tunheim
	Kelly			

Uphus
Valan
Valento

Vanasek
Vellenga
Voss

Waltman
Welle

Wenzel
Wynia

Zaffke
Spk. Jennings, D.

Levi moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

S. F. No. 1525 was reported to the House.

Forsythe moved to amend S. F. No. 1525, as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

Section 1. [HUMAN SERVICES, CORRECTIONS, HEALTH; APPROPRIATIONS.]

The sums shown in the columns marked “APPROPRIATIONS” are appropriated from the general fund, or any other fund named, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1986,” and “1987,” where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1986, or June 30, 1987, respectively.

SUMMARY BY FUND

	1986	1987	TOTAL
General	\$961,790,800	\$986,857,500	\$1,948,648,300
Trunk Highway	\$ 461,600	\$ 484,600	\$ 946,200
Total	\$962,252,400	\$987,342,100	\$1,949,594,500

APPROPRIATIONS Available for the Year Ending June 30,

1986	1987
\$	\$

Sec. 2. COMMISSIONER OF HUMAN SERVICES

Subdivision 1. Total Appropriation	801,939,300	844,910,600
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	1986	1987
	\$	\$

Notwithstanding any law to the contrary, the salary for the commissioner of human services shall be reduced by 40 percent.

The amounts that may be spent from this appropriation for each program and activity are more specifically described in the following subdivisions.

Federal money received in excess of the estimates shown in the 1985 department of human services budget document reduces the state appropriation by the amount of the excess receipts, unless otherwise directed by the governor, after he has consulted with the legislative advisory commission.

Positions and administrative money may be transferred within the department of human services as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

Subd. 2. Human Services		
Management	1,450,800	1,450,800

Estimates of federal money that will be earned by the various accounts of the department of human services and deposited in the general fund are detailed on the worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance. If federal money anticipated is less than that shown on the official worksheets, the commissioner of finance shall reduce the amount available from the direct appropriation a corresponding amount. The reductions must be noted in the budget document submitted to the 75th legislature in addition to an estimate of similar federal money anticipated for the 1987-1989 biennium.

Subd. 3. Support Services	14,041,000	13,256,600
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	1986	1987
	\$	\$

Notwithstanding any law to the contrary, there shall be appropriated for the biennium ending June 30, 1987, a total of \$711,700 for equalization aid to counties to be distributed as follows: For the fiscal year 1986, each county shall receive \$130,000 less than the average of its appropriations for equalization aid for the five-year period 1981 to 1985. For the fiscal year 1987, each county shall receive \$45,000 less than its 1986 appropriation.

The commissioner of human services may transfer up to seven positions from the department's existing staff complement to the licensing budget activity in order to reduce licensing examiner case-loads and strengthen investigative efforts.

Subd. 4. Social Services	68,994,100	71,497,800
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The amounts that may be spent from this appropriation for each activity are as follows:

(a) Community Social Services
Subsidies

\$51,222,100	\$51,222,100
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(b) Aging, Blind, and Deaf Services

\$ 7,099,500	\$ 7,134,500
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(c) Social Services Support

\$10,672,500	\$13,141,200
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\$200,000 of this appropriation is for the following purposes: For fiscal year 1986, \$25,000 is appropriated for a deaf and blind service planning position and \$75,000 to provide services to persons who are both deaf and blind. For fiscal year 1987, \$100,000 is for services to persons who are both deaf and blind.

	1986	1987
	\$	\$
Subd. 5. Income Maintenance	518,862,700	561,223,800

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Aid to Families with Dependent Children, General Assistance, Minnesota Supplemental Assistance

\$117,085,900 \$126,039,200

If the appropriation for aid to families with dependent children, general assistance, and Minnesota supplemental assistance is insufficient for either year, the appropriation for the other year is available by direction of the governor after consulting with the legislative advisory commission.

During the biennium ending June 30, 1987, the commissioner of human services shall provide supplementary grants, not to exceed \$666,800 per year, for aid to families with dependent children and shall include the following costs in determining the amount of the supplementary grants: major home repairs, repair of major home appliances, utility recaps, supplementary dietary needs not covered by medical assistance, replacement of essential household furnishings, essential major appliances, and child care, transportation, and educational expenses for parents who are seeking work, or who are in an approved job training program.

Notwithstanding the provisions of Minnesota Statutes 1984, sections 256D.06, subdivision 4, and 256D.44, or any other law to the contrary, counties are directed to maintain services for adult mentally ill persons in community residential facilities at the level required by licensure standards.

	1986	1987
	\$	\$

For the biennium ending June 30, 1987, all taxes paid to the county treasurer on or after July 1, 1985, under Minnesota Statutes, sections 287.01 to 287.12 shall be credited to the county revenue fund.

On or before the tenth day of each month the county treasurer shall determine the receipts from the mortgage registration tax during the preceding month. The treasurer shall report to the county welfare agency on or before the tenth day of each month 95 percent of the receipts attributable to the statutory rate in Minnesota Statutes, section 287.05. That amount, in addition to the amount determined under Minnesota Statutes, section 287.29, must be shown as a deduction from the report filed with the department of human services as required by Minnesota Statutes, section 256.82.

(b) Medical Assistance, General
Assistance Medical Care

\$380,717,300 \$412,037,700

The cost of a nursing home preadmission screening may not exceed \$140.

The commissioner of human services shall not adopt emergency rules to implement the provisions of Minnesota Statutes, section 256B.02, subdivision 8, clause (11), related to the drug formulary.

\$282,000 of this appropriation is for the purpose of administering the special performance based contracting study, the program supervision, and administration study in article 2 of this act. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Notwithstanding any law requiring deposit of receipts in the general fund,

1986

1987

\$

\$

all receipts from collection efforts for the state hospitals and state nursing homes must be deposited in the medical assistance account and are appropriated for that purpose. The commissioner shall make changes in the departmental financial reporting systems and internal accounting procedures as necessary to ensure compliance with federal standards for reimbursement for program and administrative expenditures and to fulfill the purpose of this paragraph.

For the biennium ending June 30, 1987, the amended governor's change request for medical assistance grants is reduced by \$20,000,000. Notwithstanding any other law to the contrary, if a deficiency occurs, the amount shall be transferred from other areas of the biennial budget appropriated to the commissioner of human services. The transfer shall not be made without the prior review of the chairs of the health and human services subcommittee of the senate finance committee and the human services division of the house appropriations committee.

If the appropriation for medical assistance and general assistance medical care is insufficient for either year, the appropriation for the other year is available by direction of the governor after consulting with the legislative advisory commission.

The five positions to staff the prepayment initiatives under medical assistance and general assistance medical care are approved only for the biennium ending June 30, 1987.

For the biennium ending June 30, 1987, all payments for vendors of medical care under medical assistance for physician services, dental care, vision care, podiatric services, chiropractic care, physical therapy, occupational therapy, speech pathologists, audiologists, mental

	1986	1987
	\$	\$

health centers, psychologists, public health clinics, and independent laboratory and X-ray services shall be limited to the 50th percentile of the usual and customary fees based upon billings during calendar year 1983. The maximum pharmacy dispensing fee shall be \$4.70.

Neither the counties nor the commissioner shall authorize or provide medical assistance funding for services rendered to persons residing in community-based intermediate care facilities for the mentally retarded unless those persons meet the criteria specified in the Code of Federal Regulations, title 42, sections 430 to 431.804. The commissioner shall conduct a review of all persons residing in or applying to community-based intermediate care facilities for the mentally retarded using the standards set out in the Code of Federal Regulations, title 42, sections 430 to 431.804, to determine whether medical assistance payments should be authorized for their cost of care.

(c) Catastrophic Health
Expense Protection Program

\$3,000,000 \$5,000,000

This sum is appropriated to the commissioner of human services to be transferred to the commissioner of commerce for the biennium ending June 30, 1987, for the purposes of article 10, sections 1 to 10. The approved complement of the department of commerce is increased by one position.

(d) Income Maintenance Support

\$18,059,500 \$18,146,900

For the child support enforcement activity, during the biennium ending June 30, 1987, money received from the counties for providing data processing services must be deposited in that activ-

	1986	1987
	\$	\$

ity's account. The money is appropriated to the commissioner of public welfare for the purposes of the child support enforcement activity.

In determining the income contribution of parents of children in out-of-home placement, the state agency shall use the standard in Minnesota Rules, parts 9515.1200 to 9515.2600 until the adoption of the rules required by Minnesota Statutes, section 256B.14, subdivision 2.

If the provisions of Laws 1983, chapter 312, article 1, section 2, subdivision 5, paragraph 13, resulted in an increase in the parents' responsibility for the cost of their child's out-of-home placement, the county shall not be authorized to require the increase in payment until 30 days after the parents receive notice of the amount of the increase.

Subd. 6. Mental Health	198,590,700	197,481,600
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Notwithstanding any other law to the contrary, there is no appropriation in the budget for the department of human services for the position of assistant commissioner with responsibilities for state institutions and reimbursements.

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Hospitals

(1) Salaries

\$144,436,600	\$143,933,800
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(2) Current Expense

\$ 14,850,900	\$ 14,777,400
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(3) Repairs and Betterments

\$ 1,773,700	\$ 1,875,100
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	1986	1987
	\$	\$

(4) Special Equipment

\$ 680,100

Notwithstanding any law to the contrary, and provided that there is no conflict with any collective bargaining agreement, any state hospital or state nursing home position reduction shall only be accomplished through attrition, transfers, and retirements and shall not be accomplished through layoffs.

Notwithstanding any law to the contrary, any state hospital employee position identified as being vacant by the state hospital and the commissioner of human services may only be declared so after review of the chair of the house human services division of appropriations and the chair of the senate health and human services subcommittee of finance.

Review by the chair of the house human services division of appropriations and the chair of the senate health and human services subcommittee of finance must precede closure of any unit in any state hospital or state nursing home.

(b) Nursing Homes

(1) Salaries

\$16,056,300 \$16,069,800

(2) Current Expense

\$ 2,155,100 \$ 2,203,200

(3) Repairs and Betterments

\$ 219,800 \$ 232,300

(4) Special Equipment

\$ 73,900

1986

\$

1987

\$

(c) Mental Health Support

\$18,137,300 \$18,390,000

This appropriation includes \$50,000 to be transferred to the director of the state planning agency to conduct an assessment of opportunities for the generation of heat and electricity from the burning of refuse at state correctional, education, and medical facilities. The study must include, but is not limited to, review of energy audits previously made, development of cost estimates, analysis of available sources of refuse, types of mechanical changes needed in existing heating plants, and appropriate payback schedules. The assessment must be completed no later than September 30, 1985, and copies of the report shall be distributed to the governor and the chairs of the health and human services subcommittee of the senate finance committee, and the human services division of the house appropriations committee.

This appropriation includes \$100,000 to be transferred to the director of the state planning agency for site-specific analyses of the potential for refuse burning and cogeneration at two state facilities. No later than October 15, 1985, the director shall submit two proposed sites for these analyses to the chairs of the health and human services subcommittee of the senate finance committee and the human services division of the house appropriations committee for their review and comment. If no responses are received by the director within ten days after submission, the chairs shall be deemed to have consented to the selection of the two sites. In selecting specific sites, the director shall consider the opportunities for receipt of matching funds to perform the analyses. Funds so received shall serve to reduce the appropriation made by this subdivision. The specific site analyses must assess market, cost, and other relevant factors. The

	1986	1987
\$		\$

analyses shall be completed no later than January 31, 1986, and copies shall be distributed to the governor and the chairs of the health and human services subcommittee of the senate finance committee and the human services division of the house appropriations committee.

\$207,000 is appropriated for fiscal year 1986 for the operation of the Mash-Ka-Wisen Residential Treatment Center.

Notwithstanding any law to the contrary, no reallocation of chemical dependency funds may occur without the review of the chairs of the health and human services subcommittee of the senate finance committee and the human services division of the house appropriations committee.

Notwithstanding any law to the contrary, for the biennium ending June 30, 1987, the mental retardation activity is increased over the department of human services' 1985 projected expenditures by \$65,800 in fiscal year 1986, and by \$138,800 in fiscal year 1987 for the purpose of expanding the mental retardation family subsidy program.

Any unencumbered balance remaining in the first year for special equipment and repairs and betterments does not cancel but is available for the second year of the biennium.

If earnings under the various shared services agreements authorized are less than appropriated, the appropriation is reduced by the amount of the earnings deficiency. If a shared service agreement is reduced or terminated, the approved complement related to that shared service agreement must be reduced accordingly.

Sec. 3. COMMISSIONER OF
ECONOMIC SECURITY

	1986	1987
	\$	\$
Subdivision 1. Total		
Appropriation	44,267,400	23,534,900

The amounts that may be spent from this appropriation for each program are more specifically described in the following subdivisions.

Subd. 2. Jobs Program

\$20,000,000

Any unencumbered balance remaining in the first year for the Minnesota employment and economic development program does not cancel but is available for the second year of the biennium. To the extent permissible under federal and state law, the commissioner shall use money available from the federal government and the private sector to fund the program.

Subd. 3. Employment Programs

\$4,562,700 \$3,062,700

The commissioner may spend up to one percent of the appropriation for each fiscal year for the department's administrative costs and for program operators' administrative costs.

Of the money appropriated for the summer youth employment program for fiscal year 1986, \$750,000 is immediately available. If that amount is insufficient for the costs incurred, an additional amount may be transferred upon the advance approval of the commissioner of finance. Any unencumbered balance of the immediately available money is available for the year in which it is appropriated. Contracts for the calendar year 1985 program must be written for the entire period of the calendar year 1985 program.

	1986	1987
	\$	\$

Of the money appropriated for the summer youth employment program, \$250,000 each year is for youth intervention programs.

The amount transferred from the department of human services to the department of economic security from appropriations for the biennium ending June 30, 1985, for the WIN program match, may be transferred from grants to salaries to meet the ten percent match requirement by the federal government for fiscal year 1985.

Subd. 4. Vocational Rehabilitation Services

\$18,336,700 \$19,104,000

Subd. 5. Training and Community Services

\$1,368,000 \$1,368,200

Notwithstanding any law to the contrary, for the biennium ending June 30, 1987, the commissioner of economic security shall transfer to the low-income home weatherization program seven percent of funds received under the low-income home energy assistance block grant in each year of the biennium and shall expend all of the transferred funds during the year of the transfer. The commissioner shall also transfer to the low-income home weatherization program any funds remaining from the low-income home energy assistance block grant at the end of each program year.

Notwithstanding any law to the contrary, the commissioner of economic security shall transfer to the community services block grant program no less than six percent of funds received under the low-income home energy assistance block grant in each year of the biennium, and shall expend all of the transferred

	1986	1987
\$		\$

funds during the year of the transfer. No more than one percent of these transferred funds may be used by the department of economic security for its administrative costs.

In determining eligibility for the low-income home energy assistance program, the commissioner of economic security shall consider the total home energy needs of applicants for assistance. To the extent possible within federal regulations governing each program, the commissioner of economic security shall ensure that the same income eligibility criteria govern both the low-income home weatherization program and the low-income home energy assistance program.

Notwithstanding any other law to the contrary, no more than 1.11 percent of funds received under the total low-income home energy assistance program may be used by the department of economic security for its administrative costs.

The displaced homemaker program includes money for the purpose of making grants to programs to provide employment, training, and support services to displaced homemakers.

Sec. 4. COMMISSIONER OF CORRECTIONS

Subdivision 1. Total		
Appropriation	84,924,100	88,519,400

The amounts that may be spent from the appropriation for each program and activity are more specifically described in the following subdivisions.

Positions and administrative money may be transferred within the department of corrections as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

	1986	1987
	\$	\$
Subd. 2. Management Services	3,349,000	3,459,300
Subd. 3. Community Services	20,799,800	21,273,700

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Support

\$ 8,230,000 \$ 8,539,900

Of this appropriation, \$20,000 for fiscal year 1986, and \$20,000 for fiscal year 1987 are for nonadjudicated community corrections programs serving White Bear Lake.

Notwithstanding the provisions of any law to the contrary, \$400,000 in fiscal year 1986 and \$400,000 in fiscal year 1987 of the unencumbered balances remaining from fiscal year 1985 money in Wisconsin dedicated receipts are appropriated to fund battered women services.

(b) Community Corrections Act

\$12,569,800 \$12,733,800

Notwithstanding the provisions of Minnesota Statutes, chapter 401, no county or group of counties participating in the community corrections act shall be charged any per diem cost of confinement for adults sentenced to the commissioner of corrections for crimes committed on or after January 1, 1981.

Any unencumbered balances for department of corrections services currently provided to any county not included in the community corrections act shall be transferred to the community corrections act appropriation when that county is included in the community corrections act. A list of those counties scheduled to come under the community corrections act during the biennium ending

	1986	1987
\$		\$

June 30, 1987, is identified in the working papers of the human services division of the house appropriations committee.

Subd. 4. Correctional Institutions	60,775,300	68,786,400
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(a) Salaries

\$46,560,000 \$47,557,700

(b) Current Expense

\$ 9,319,300 \$11,431,100

(c) Repairs and Betterments

\$ 1,064,600 \$ 817,800

(d) Special Equipment

\$ 131,300 \$ 195,600

Any unencumbered balances in special equipment, repairs and betterments, and industry remaining in the first year do not cancel but are available for the second year of the biennium.

The commissioner of corrections may enter into an agreement with the appropriate Wisconsin officials for housing Wisconsin prisoners in Minnesota correctional institutions. Money received from Wisconsin pursuant to the contract is appropriated to the commissioner of corrections for correctional purposes. Any unencumbered balances within correctional institutions in current expense and salaries remaining in the first year do not cancel but are available for the second year of the biennium if receipt projections in the first year show a deficit for the biennium.

(e) Institution Support

\$3,700,100 \$3,784,200

	1986	1987
	\$	\$
Sec. 5. SENTENCING GUIDELINES COMMISSION	187,100	187,100
Sec. 6. CORRECTIONS OMBUDSMAN	299,700	299,700
Sec. 7. COMMISSIONER OF HEALTH		
Subdivision 1. Total Appropriation	28,297,400	27,525,300

Of this appropriation, \$461,600 for fiscal year 1986 and \$484,600 for fiscal year 1987 are appropriated from the trunk highway fund for emergency medical services activities.

The amounts that may be spent from this appropriation for each program and activity are more specifically described in the following subdivisions.

Positions and administrative money may be transferred within the department of health as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

Subd. 2. Preventive and Personal Health Services	5,205,100	5,804,500
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Notwithstanding any other law, the commissioner of health shall charge a fee of at least \$5 for medical laboratory services.

The commissioner of health may charge a fee for voluntary certification of medical laboratories and environmental laboratories. The fee may be established without complying with chapter 14.

The commissioner of health may charge fees for environmental and medical laboratory services in amounts approximately equal to the costs of pro-

	1986	1987
\$		\$

viding the services. The fees may be established without complying with chapter 14.

Subd. 3. Health Delivery Systems ..	20,442,200	19,547,700
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Of this appropriation, \$1,500,000 is for the Minnesota emergency medical services system support act, to be available until June 30, 1987.

\$11,743,300 for fiscal year 1986 and \$12,309,700 for fiscal year 1987 are for the community health services subsidy.

For the purposes of the community health services subsidy, the commissioner of finance may authorize the transfer of money to the community health services activity from the other programs in this section.

If the appropriation for community health services or services to children with handicaps is insufficient for either year, the appropriation for the other year is available by direction of the governor after consulting with the legislative advisory commission.

Subd. 4. Health Support Services	2,529,500	2,529,500
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Subd. 5. General Budget Reduction

The general fund appropriations in this section have been reduced by \$341,000 for fiscal year 1986 and \$341,000 for fiscal year 1987.

Sec. 8. HEALTH RELATED BOARDS

Subdivision 1. Total for this section	2,337,400	2,365,100
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Subd. 2. Board of Chiropractic Examiners	65,600	66,800
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	1986	1987
	\$	\$
Subd. 3. Board of Dentistry	233,700	237,500
Subd. 4. Board of Medical Examiners	557,900	564,100
Subd. 5. Board of Nursing	775,500	786,700
Subd. 6. Board of Examiners for Nursing Home Administrators	113,700	115,400
Subd. 7. Board of Optometry	44,000	45,000
Subd. 8. Board of Pharmacy	349,900	353,400
Subd. 9. Board of Podiatry	5,700	5,900
Subd. 10. Board of Psychology	123,000	120,400
Subd. 11. Board of Veterinary Medicine	68,400	69,900
Subd. 12. Revenue		

The commissioner of finance shall not permit the allotment, encumbrance, or expenditure of money appropriated in this section in excess of the anticipated biennial revenues from fees collected by the boards. Neither this provision nor Minnesota Statutes, section 214.06, applies to transfers from the general contingent account, if the amount transferred does not exceed the amount of surplus revenue accumulated by the transferee during the previous five years.

Sec. 9. GOODS AND EQUIPMENT EXCEPTION.

The appropriations contained in this act do not include any funds for purchase of goods or equipment under a master lease-purchase program except for those items with a total cost exceeding \$100,000 and with a projected useful life of at least ten years.

	1986	1987
	\$	\$

Sec. 10. PROVISIONS.

For the biennium ending June 30, 1987, money appropriated to the commissioner of corrections and the commissioner of human services in this act for the purchase of provisions within the item "current expense" must be used solely for that purpose. Money so provided and not used for purchase of provisions must be canceled into the fund from which appropriated, except that money so provided and not used for the purchase of provisions because of population decreases may be transferred and used for the purchase of medical and hospital supplies with the approval of the governor after consulting with the legislative advisory commission. The allowance for food may be adjusted annually according to the United States department of labor, bureau of labor statistics publication, producer price index, upon the approval of the commissioner of finance. Adjustments for fiscal year 1986 and fiscal year 1987 shall be based on the June 1985 and June 1986 producer price index respectively, but the adjustment shall be prorated if the wholesale food price index adjustment would require money in excess of this appropriation.

Sec. 11. TRANSFERS OF MONEY.

Subdivision 1. Governor's Approval Required.

For the biennium ending June 30, 1987, the commissioners of human services, corrections, economic security, and health shall not transfer money to or from the object of expenditure "personal services" to or from the object of expenditure "claims and grants," as shown on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner

	1986	1987
	\$	\$

of finance, except for services for the blind and for those transfers that have the written approval of the governor after consulting with the legislative advisory commission.

Subd. 2. Transfers of
Unencumbered Appropriations.

For the biennium ending June 30, 1987, the commissioners of human services, corrections, and health, by direction of the governor after consulting with the legislative advisory commission, may transfer unencumbered appropriation balances and positions among all programs.

Sec. 12. APPROVED
COMPLEMENT.

For the biennium ending June 30, 1987, the approved complements for which funds are appropriated in this act are full-time equivalent positions.

Additional employees may be employed on the basis of public necessity or emergency with the written approval of the governor, but the governor shall not approve the additional personnel until he has consulted with the legislative advisory commission. Requests for increases in the approved complement must be forwarded to the appropriate committees on finance of the legislature at least 30 days before the legislative advisory commission meeting.

Sec. 13. Minnesota Statutes 1984, section 129A.03, is amended to read:

129A.03 [POWERS AND DUTIES.]

The commissioner shall:

(a) Develop and administer the long-term sheltered workshops and work activity programs and perform the duties as specified in section 129A.08;

(b) Provide vocational rehabilitation services such as: diagnostic and related services incidental to determination of eligibility for services to be provided, including medical diagnosis and vocational diagnosis; vocational counseling, training and instruction, including personal adjustment training; physical restoration, including corrective surgery, therapeutic treatment, hospitalization and prosthetic devices, all of which shall be obtained from appropriate established agencies; transportation; occupational and business licenses or permits, customary tools and equipment, maintenance, books, supplies and training materials; initial stocks and supplies; placement; acquisition of vending stands or other equipment, initial stocks and supplies for small business enterprises; supervision and management of small business enterprises, merchandising programs or services rendered by severely disabled persons; establishment, improvement, maintenance or extension of public and other nonprofit rehabilitation facilities, centers, workshops, demonstration projects and research. These services shall be provided for handicapped persons in the state whose capacity to earn a living has in any way been destroyed or impaired through industrial accident or otherwise; these persons are entitled to free choice of vendor for any medical or dental services provided under this paragraph;

(c) Formulate plans of cooperation with the commissioner of labor and industry for providing services to workers covered under the workers' compensation act. Those plans are effective only if approved by the governor;

(d) Maintain a contractual relationship with the United States as authorized by the act of congress approved September 1, 1954, known as the "Social Security Amendments of 1954," Public Law 761, Section 221, and the act approved October 30, 1972, known as the Social Security Amendments of 1972, Public Law 92-603, and subsequent amendments. Under the contract, the state will undertake to make determinations referred to in those public laws with respect to all individuals in Minnesota, or with respect to a class or classes of individuals in this state that is designated in the agreement at the state's request. It is the purpose of this relationship to permit the citizens of this state to obtain all benefits available under federal law;

(e) Provide an in-service training program for department employees by paying for its direct costs with state and federal funds;

(f) Conduct research and demonstration projects; provide training and instruction, including establishment and maintenance of research fellowships and traineeships, along with all necessary stipends and allowances; disseminate information to the handicapped and general public; and provide technical assistance relating to vocational rehabilitation;

(g) Receive and disburse pursuant to law money and gifts available from governmental and private sources for the purpose of vocational rehabilitation. *Money received from workers' compensation carriers for vocational rehabilitation services to injured workers must be deposited in the general fund;*

(h) Design all state plans of vocational rehabilitation services required as a condition to the receipt and disbursement of any money available from the federal government;

(i) Cooperate with other public or private agencies or organizations for the purpose of vocational rehabilitation. Money received from school districts, governmental subdivisions, mental health centers or boards, and private nonprofit organizations is appropriated to the commissioner for conducting joint or cooperative vocational rehabilitation programs;

(j) Enter into contractual arrangements with instrumentalities of federal, state, or local government and with private individuals, organizations, agencies or facilities with respect to providing vocational rehabilitation services;

(k) Take other actions required by state and federal legislation relating to vocational rehabilitation and disability determination programs;

(l) Hire staff and arrange services and facilities necessary to perform the duties and powers specified in this section; and

(m) Adopt, amend, suspend or repeal rules necessary to implement or make specific programs that the commissioner by sections 129A.01 to 129A.09 is empowered to administer.

Sec. 14. Minnesota Statutes 1984, section 171.29, subdivision 2, is amended to read:

Subd. 2. (ANY) (a) A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before his drivers license is reinstated.

(b) A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a (\$100) \$150 fee before his or her drivers license is reinstated; (75) 50 percent of this fee shall be credited to the trunk highway fund and (25) 50 percent shall be credited to (THE GENERAL FUND) a separate account to be known as the county probation reimbursement account. Funds in this account are appropriated to the commissioner of corrections for the costs that counties assume under Laws 1979, chapter

698, of providing probation and parole services to wards of the commissioner of corrections. These funds are provided in addition to any funds which the counties currently receive under section 260.311, subdivision 5.

Sec. 15. [129A.061] [REQUIREMENTS FOR CERTIFICATION.]

Subdivision 1. [BENEFITS.] A long-term sheltered workshop must, as a condition for receiving program certification, provide participants in a long-term employment program the personnel benefits prescribed in rules adopted by the commissioner of the department of economic security.

Subd. 2. [GRIEVANCE PROCEDURE.] A long-term sheltered workshop must, as a condition for receiving program certification, provide to participants in a long-term employment program a grievance procedure which has as its final step provisions for final and binding arbitration.

Sec. 16. Minnesota Statutes 1984, section 129A.07, subdivision 1, is amended to read:

Subdivision 1. Every city, town, county, nonprofit corporation, or combination thereof establishing a community long-term sheltered workshop or work activity program shall appoint a long-term sheltered workshop board of no fewer than nine members before becoming eligible for the assistance provided by sections 129A.06 to 129A.08. When any city, town, or county singly establishes such a workshop or work activity program, the board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the county or town. When any combination of cities, towns, counties or nonprofit corporations establishes a workshop or work activity program, the chief executive officers of the cities, nonprofit corporations and the chairmen of the governing bodies of the counties or towns shall appoint the board. If a nonprofit corporation singly establishes a workshop or work activity program, the corporation shall appoint the board of directors. Membership on a board shall be representative of the community served and shall include a handicapped person. One-third to one-half of the board shall be representative of industry or business. The remaining members should be representative of lay associations for the handicapped, labor, the general public, and education, welfare, medical, and health professions. Nothing in sections 129A.06 to 129A.08 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to the board, so long as representation described above is preserved. *If a county establishes a workshop or work activity program and manages the workshop with county employees, the gov-*

erning board shall be the county board of commissioners and other provisions of this chapter pertaining to membership on the governing board shall not apply.

Sec. 17. Minnesota Statutes 1984, section 129A.08, subdivision 5, is amended to read:

Subd. 5. [RULE AUTHORITY.] In addition to the powers already conferred on him by law, the commissioner shall promulgate rules on:

(a) state certification of all long-term sheltered workshops and work activity programs;

(b) eligibility of community long-term sheltered workshops and work activity programs to receive state grants;

(c) standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;

(d) eligibility for service so that no person will be denied service on the basis of race, creed or color;

(e) regulatory fees for consultation services;

(f) standards and criteria by which handicapped persons are to be judged eligible for the services;

(g) evaluation criteria for long-term sheltered workshops; and

(h) program evaluation criteria for work activity programs in order to determine the extent to which these programs meet the goals and objectives established in state and federal law relating to work activity programs.

The rules on evaluation criteria for long-term sheltered workshops must be in effect by July 1, (1985) 1986. The rules must be used in making allocations for fiscal years beginning after June 30, (1986) 1987.

Sec. 18. Minnesota Statutes 1984, section 241.71, is amended to read:

241.71 [CREATION OF ADVISORY TASK FORCE.]

The commissioner of corrections may appoint an advisory task force on the woman offender in corrections. The task force shall have no more than 20 members and shall reflect a statewide geographical representation. The provisions of

section 15.059, subdivision 6, shall govern the (EXPIRATION,) terms, expenses, and removal of members of the advisory task force.

Sec. 19. Minnesota Statutes 1984, section 256E.08, subdivision 1, is amended to read:

Subdivision 1. [RESPONSIBILITIES.] The county board of each county shall be responsible for administration, planning and funding of community social services. Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services.

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing: (1) an assessment of the needs of each person applying for services which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs for services; (2) protection for safety, health or well-being by providing services directed at the goal of attaining the highest level of independent functioning appropriate to the individual preferably without removing those persons from their homes; (3) a means of facilitating access of physically handicapped or impaired persons to services appropriate to their needs.

A county board may delegate authority to a county welfare board established under chapter 393, to provide or approve contracts for the purchase of the kinds of community social services that were provided or contracted for by the county welfare boards before the enactment of Laws 1979, chapter 324. The county board must determine how citizens will participate in the planning process, give final approval to the community social services plan, and distribute community social services money.

Sec. 20. Minnesota Statutes 1984, section 260.311, subdivision 5, is amended to read:

Subd. 5. [REIMBURSEMENT OF COUNTIES.] In order to reimburse the counties for the cost which they assume under Laws 1959, Chapter 698, of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing

herein shall be deemed to invalidate any payments to counties made pursuant to this section before the effective date of Laws 1963, Chapter 694. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even numbered year each county or group of counties shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. *A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.*

Sec. 21. Minnesota Statutes 1984, section 401.01, subdivision 1, is amended to read:

Subdivision 1. For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is hereby authorized to make grants to assist counties in the development, implementation, and operation of community based corrections programs including, but not limited to preventive or diversionary correctional programs, probation, parole, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent. *The commissioner may authorize the use of a percentage of a grant for the operation of an emergency shelter, or make a separate grant for the rehabilitation of a facility owned by the grantee and used as a shelter, to bring the facility into compliance with state and local laws pertaining to health, fire, and safety, and to provide security.*

Sec. 22. Minnesota Statutes 1984, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE.] The clerk shall examine upon oath the party applying for a license relative to

the legality of the contemplated marriage. If at the expiration of a five-day period, he is satisfied that there is no legal impediment to it, he shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the county court or a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of (\$40) \$45 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A clerk who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

Sec. 23. Minnesota Statutes 1984, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. [DISPOSITION OF LICENSE FEE.] Of the marriage license fee collected pursuant to subdivision 1b, the clerk shall pay (\$25) \$30 to the state treasurer to be deposited in the special revenue fund to be used as follows: (\$15) \$6.75 *is appropriated to the commissioner of corrections* for the purposes of funding grant programs for emergency shelter services and support services to battered women under sections 611A.31 to 611A.36, and \$23.25 *is appropriated to the commissioner of economic security* for (ADMINISTERING) displaced homemaker programs (ESTABLISHED BY JULY 1, 1983,) under section 4.40 (: AND \$10 IS APPROPRIATED TO THE COMMISSIONER OF ECONOMIC SECURITY FOR THE PURPOSE OF FUNDING DISPLACED HOMEMAKER PROGRAMS ESTABLISHED AFTER JULY 1, 1983, UNDER SECTION 4.40 IN AREAS OF THE STATE WHERE THOSE PROGRAMS PREVIOUSLY DID NOT EXIST OR ADJUNCT PROGRAMS THAT EXTEND ACCESS TO CURRENT PROGRAMS IN NORTHEASTERN MINNESOTA, ON A MATCHING BASIS WITH LOCAL FUNDS PROVIDING 20 PERCENT OF THE COSTS AND STATE FUNDS PROVIDING 80 PERCENT. OF THE \$15 FOR THE PURPOSES OF FUNDING GRANT PROGRAMS FOR EMERGENCY SHELTER SERVICES AND SUPPORT SERVICES TO BATTERED WOMEN UNDER SECTIONS 611A.31 TO 611A.36 AND FOR ADMINISTERING DISPLACED HOMEMAKER PROGRAMS ESTABLISHED BY JULY 1, 1983, UNDER SECTION 4.40, \$6.75 IS APPROPRIATED TO THE COMMISSIONER OF

CORRECTIONS AND \$8.25 IS APPROPRIATED TO THE COMMISSIONER OF ECONOMIC SECURITY. THE COMMISSIONER OF ECONOMIC SECURITY MAY TRANSFER MONEY TO AND FROM THE APPROPRIATION DESIGNATED IN THIS SUBDIVISION FOR THE ADMINISTRATION OF DISPLACED HOMEMAKER PROGRAMS ESTABLISHED BY JULY 1, 1983, AND THE APPROPRIATION DESIGNATED FOR PROGRAMS ESTABLISHED AFTER JULY 1, 1983, IF NECESSARY TO CONTINUE THE ADMINISTRATION OF PROGRAMS ESTABLISHED BY JULY 1, 1983, WHILE DEVELOPING AND ADMINISTERING PROGRAMS ESTABLISHED AFTER THAT DATE AS REQUIRED IN THIS SUBDIVISION). *The commissioner of economic security may use money appropriated in this subdivision for the administration of a displaced homemaker program regardless of the date on which the program was established.*

Sec. 24. Minnesota Statutes 1984, section 611A.34, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] Within 60 days after the effective date of sections 611A.31 to 611A.36, the commissioner shall appoint a nine member advisory council to advise him on the implementation of sections 611A.31 to 611A.36. The provisions of section 15.059 shall govern the terms (,) and removal of members (, AND EXPIRATION) of the advisory council. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Sec. 25. [EFFECTIVE DATE.]

Section 15 of this article is effective August 1, 1985. Section 16 of this article is effective retroactively to October 1, 1984.

ARTICLE 2

Section 1. Minnesota Statutes 1984, section 72A.20, is amended by adding a subdivision to read:

Subd. 17. [PROHIBITION OF EXCLUSIVE DEALING.] Prohibiting a provider under agreement with a health care plan from entering into agreements with other health care plans shall constitute an unfair method of competition and an unfair and deceptive act or practice unless:

(1) *the provider is a natural person who is an employee of the health care plan; or*

(2) *the provider is a corporation owned by the health care plan.*

For the purposes of this subdivision "provider" means any person who furnishes health services and is licensed or otherwise authorized to render such services in the state. For the purposes of this subdivision "health care plan" means a non-profit health service plan under chapter 62C, health maintenance organization under chapter 62D, insurance company under chapter 62A or an organization permitted by section 72A.20, subdivision 15.

Sec. 2. Minnesota Statutes 1984, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] (IN COUNTIES IN WHICH THE COMMISSIONER OF HUMAN SERVICES HAS NOT APPOINTED A LOCAL WELFARE REFEREE,) *Except as otherwise provided in subdivision 3a,* any person applying for, receiving or having received (ANY OF THE FORMS OF) public assistance (DESCRIBED IN SUBDIVISION 2) *granted by a local agency pursuant to sections 256.72 to 256.87; chapters 256B, 256D, and 261; the Federal Food Stamp Act; or a program of social services whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid, or any patient or relative aggrieved by an order of the commissioner under section 252.27, may contest that action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant, recipient, patient or relative shows good cause why the request was not submitted within the 30 day time limit. (A LOCAL AGENCY OR PARTY AGGRIEVED BY A RULING OF A LOCAL WELFARE REFEREE MAY APPEAL THE RULING TO THE STATE AGENCY BY FILING A NOTICE OF APPEAL WITH THE STATE AGENCY WITHIN 30 DAYS AFTER RECEIVING THE RULING OF THE LOCAL WELFARE REFEREE.) A state welfare referee shall conduct a hearing on the matter and shall recommend an order to the commissioner of human services. (IN APPEALS FROM RULINGS OF LOCAL WELFARE REFEREES, THE HEARING MAY BE LIMITED, UPON STIPULATION OF THE PARTIES, TO A REVIEW OF THE RECORD OF THE LOCAL WELFARE REFEREE.)*

Sec. 3. Minnesota Statutes 1984, section 256.045, is amended by adding a subdivision to read:

Subd. 3a. [DENIALS OF MEDICAL BENEFITS; RECIPIENTS' RIGHTS TO HEARINGS.] Any person who is receiving or has received public assistance under the medical assistance or general assistance medical care program and who has been aggrieved by a decision of the department of human

services which denies, limits, or restricts the provision or the nature, scope, or duration of the medical services covered by the program, may contest that decision pursuant to subdivision 3. Except as otherwise provided by law, any person who is receiving or has received public assistance under the medical assistance or the general assistance medical care program who is enrolled in a prepaid health plan and who has been aggrieved by a decision of the prepaid health plan which denies, limits, or restricts the provision or the nature, scope, or duration of the medical services covered by the plan, may contest that decision. If the commissioner's contract with the prepaid health plan (a) provides for the plan to bear all of the costs of the grievance procedure and impartial arbitration, (b) establishes procedures to assure that a written resolution of the grievance will be issued within 60 days of its filing with the plan, and (c) provides for submission of copies of all grievances and written resolutions to the commissioner, then the person shall contest the decision in accordance with the procedures in section 62D.11, and shall not have standing to file an appeal pursuant to subdivision 3.

Sec. 4. Minnesota Statutes 1984, section 256.969, subdivision 1, is amended to read:

Subdivision 1. [ANNUAL COST INDEX.] The commissioner of human services shall develop a prospective payment system for inpatient hospital service under the medical assistance and general assistance medical care programs. Rates (PAID TO) established for licensed hospitals for rate years beginning during the fiscal biennium ending June 30, (1985) 1987, shall not exceed an annual hospital cost index for the final rate allowed to the hospital for the preceding year not to exceed five percent in any event. The annual hospital cost index shall be obtained from an independent source representing a statewide average of inflation estimates determined for expense categories to include salaries, employee benefits, medical fees, raw food, medical supplies, pharmaceuticals, utilities, repairs and maintenance, insurance other than malpractice insurance, and other applicable expenses as determined by the commissioner. (THE INDEX SHALL REFLECT THE REGIONAL DIFFERENCES WITHIN THE STATE AND INCLUDE A ONE PERCENT INCREASE TO REFLECT CHANGES IN TECHNOLOGY.) The annual hospital cost index shall be published 30 days before the start of each calendar quarter and shall be applicable to all hospitals whose fiscal years start on or during the calendar quarter.

Sec. 5. Minnesota Statutes 1984, section 256.969, subdivision 2, is amended to read:

Subd. 2. [RATES FOR INPATIENT HOSPITALS.] Rates paid to inpatient hospitals shall be based on a rate per

admission until the commissioner can begin to reimburse hospitals for services under the medical assistance and general assistance medical care programs based upon a diagnostic classification system appropriate to the service populations. On July 1, 1984, the commissioner shall begin to utilize to the extent possible existing classification systems, including medicare. The commissioner (SHALL) *may* incorporate the grouping of hospitals with similar characteristics for uniform rates upon the development and implementation of the diagnostic classification system. Prior to implementation of the diagnostic classification system, the commissioner shall report the proposed grouping of hospitals to the senate health and human services committee and the house health and welfare committee. Medical assistance and general assistance medical care reimbursement for treatment of mental illness shall be reimbursed based upon diagnosis classifications. *The commissioner may selectively contract with hospitals for services within the diagnostic classifications relating to mental illness and chemical dependency under competitive bidding when reasonable geographic access by recipients can be assured. No physician shall be denied the privilege of treating a recipient required to utilize a hospital under contract with the commissioner as long as the physician meets the credentialing standards of an individual hospital.*

Sec. 6. Minnesota Statutes 1984, section 256.969, is amended by adding a subdivision to read:

Subd. 2a. [AUDIT ADJUSTMENTS TO INPATIENT HOSPITAL RATES.] Inpatient hospital rates established under subdivision 2 using 1981 historical Medicare cost-report data may be adjusted based on the findings of audits of hospital billings and patient records performed by the commissioner. The audit findings may be based on a statistically valid sample of billings of the hospital. On the completion of the audits, the commissioner shall adjust rates paid in subsequent years to reflect the audit findings and shall recover any payments in excess of the adjusted rates or reimburse hospitals when audit findings indicate underpayments were made to the hospital.

Sec. 7. Minnesota Statutes 1984, section 256B.02, is amended by adding a subdivision to read:

Subd. 11. [PREPAID HEALTH PLAN.] "Prepaid health plan" means a vendor who receives a capitation payment in advance and assumes risk for the provision of medical assistance services.

Sec. 8. [256B.031] [PREPAID HEALTH PLAN.]

Subdivision 1. [SERVICES AND INFORMATION.] In order to provide medical services to medical assistance recip-

ients, the commissioner may contract with health maintenance organizations licensed and operating pursuant to chapter 62D and with health insurers or service plan corporations licensed and operating pursuant to chapter 62A or 62C, respectively, provided that pursuant to the contract with the commissioner those health insurers or service plan corporations shall agree to be subject to the requirements of section 62D.04, subdivision 1, clauses (a), (b), (c), (d) and (f). These health insurers, service plan corporations, and health maintenance organizations shall be authorized to enter into contracts with the commissioner under this section. State contracts for these services shall assure recipients of at least the comprehensive health services defined in section 256B.02, subdivision 8, and the rules which implement this section. Services by skilled nursing facilities and intermediate care facilities including ICF I, ICF II, and ICF-MR services shall be the responsibility of the prepaid health plan for the initial three consecutive months of residence in the long-term care facility. After the initial three consecutive calendar months of residence in the long-term care facility the cost of the long-term care services shall become the responsibility of the state. The commissioner may limit the number of contracts under this section through competitive bidding negotiation and renegotiation; provided, however, that the commissioner shall not limit the number of contracts to only one prepaid health plan within any designated service area. All prepaid health plans under contract shall provide information to the commissioner according to the contract specifications which shall include, but not be limited to, the number of people receiving services, the number of encounters, the types of services received, evidence of an operational quality assurance program, and information about utilization and actual third-party recoveries. All information received by the commissioner under this section shall be treated as trade secrets, as defined in section 13.37.

Subd. 2. [PREPAID HEALTH PLAN RATES.] For payments made during calendar years 1985 and 1986, the monthly maximum allowable rate established by the commissioner of human services for payment to prepaid health plans shall not exceed 90 percent of the projected average monthly per capita fee for service payments by county made on behalf of eligible recipients during state fiscal year 1984. The commissioner shall exclude recipients who are voluntarily enrolled in prepaid health plans from the calculation. Maximum allowable rates may be calculated separately for each county and may be adjusted to reflect differences among eligible classes of recipients. For payments made during calendar year 1987, the maximum allowable rates payable shall not exceed 105 percent of the previous year's rate. For payments made during calendar year 1988 and subsequent years, contracts shall be awarded on a competitive basis. Rates established for prepaid health plans shall be based on the services which

the prepaid health plan is at risk to provide under contract with the commissioner.

Subd. 3. [FREE CHOICE LIMITED.] *In designated service areas of the state where the commissioner has signed contracts with prepaid health plans, free choice of provider shall be limited to choosing from among the prepaid health plans for recipients of aid to families with dependent children and for those persons who are over age 65, are eligible for Medicare parts A and B, are eligible for medical assistance, and are not residents of a long-term care facility at the time of initial enrollment in a prepaid health plan. Recipients who become residents of long-term care facilities after enrolling in a prepaid health plan may voluntarily disenroll from the prepaid health plan after residing in the long-term care facility for three consecutive calendar months. The commissioner shall implement the mandatory enrollment during the period July 1, 1985 to December 30, 1985. Enrollment in a prepaid health plan will be mandatory for recipients who become eligible after July 1, 1985, or whose eligibility is redetermined for aid to families with dependent children, or for those persons over age 65 and eligible for Medicare parts A and B and not residents of a long-term care facility who become eligible, or whose eligibility is redetermined for medical assistance after July 1, 1985. Enrollment in a prepaid health plan shall be required only when recipients have a choice of at least two prepaid health plans. If third-party coverage is available to a recipient through enrollment in a prepaid health plan by the former spouse or if a duty of support has been imposed by law, order, decree, or judgment of a court under section 518.551, the obligee or recipient shall participate in the prepaid health plan in which the obligee has enrolled provided that the commissioner has contracted with the plan.*

Subd. 4. [GRIEVANCES; MONITORING.] *The commissioner shall monitor the complaints and grievances filed by enrollees in prepaid health plans to assure the cost-effectiveness and quality of care provided. The commissioner shall publish an annual report with information on the number and nature of grievances, the resolution of the grievances, and any pattern of denials of medical benefits among prepaid health plans generally, or individual health plans specifically.*

The commissioner of human services shall submit quarterly progress reports to the chair of the house human services division of the appropriations committee and the chair of the senate health and human services subcommittee of the finance committee on the cost containment measures enacted by the 1985 legislature.

Sec. 9. Minnesota Statutes 1984, section 256B.04, subdivision 14, is amended to read:

Subd. 14. [COMPETITIVE BIDDING.] The commissioner shall utilize volume purchase through competitive bidding under the provisions of chapter 16, to provide the following items:

- (1) Eyeglasses;
- (2) Oxygen. The commissioner shall provide for oxygen needed in an emergency situation on a short-term basis, until the vendor can obtain the necessary supply from the contract dealer;
- (3) Hearing aids and supplies; and
- (4) Durable medical equipment, including but not limited to:
 - (a) hospital beds;
 - (b) commodes;
 - (c) glide-about chairs;
 - (d) patient lift apparatus;
 - (e) wheelchairs and accessories;
 - (f) oxygen administration equipment;
 - (g) respiratory therapy equipment; (AND)
 - (h) electronic diagnostic, therapeutic and life support systems; and
- (5) *Nonemergency medical transportation.*

Sec. 10. Minnesota Statutes 1984, section 256B.15, is amended to read:

256B.15 [POLICY REGARDING CLAIMS AGAINST ESTATES AND LIENS.]

Subdivision 1. [CLAIMS AGAINST ESTATES.] If a person receives any medical assistance hereunder, on his death, if he is single, or on the death of the person and his surviving spouse, if he is married, and only at a time when he has no surviving child who is under 21 or is blind or totally disabled, the total amount paid for medical assistance rendered for the person *and his spouse*, after age 65, without interest, shall be filed as a claim against the estate of the person in the court having jurisdiction to probate the estate. The claim shall be considered an expense of the last illness of the decedent for the purpose of section 524.3-805. Any statute of limitations that purports to limit any county agency or the state agency, or both, to recover for medical assis-

tance granted hereunder shall not apply to any claim made hereunder for reimbursement for any medical assistance granted hereunder. Counties may retain one-half of the nonfederal share of medical assistance collections from estates that are directly attributable to county effort.

Subd. 2. [LIENS AGAINST REAL PROPERTY OF NURSING HOME RESIDENTS.] The commissioner may, after written notice to the person and opportunity for hearing, place a lien on the real property of a medical assistance recipient of any age, who is an inpatient in a skilled nursing facility, intermediate care facility or intermediate care facility for the mentally retarded because of medical assistance claims paid or to be paid for that individual. A lien may not be filed on the homestead if (a) the person is reasonably expected, as certified in writing by the attending physician, to be discharged and to return home for permanent residence within six months of entry to the facility, or (b) the person's spouse, child under age 21, blind or disabled child of any age or sibling with an equity interest in the homestead who resided with the person at least one year prior to the person's institutionalization, is residing in the homestead. Any lien imposed under this subdivision shall dissolve upon the individual's discharge from the medical institution and return home.

Subd. 3. [LIENS AGAINST REAL OR PERSONAL PROPERTY FOR INCORRECT PAYMENTS.] Following a court judgment that benefits were incorrectly paid to or on behalf of an individual, the commissioner may place a lien on the individual's property, both personal and real, for medical assistance claims paid or to be paid on the individual's behalf.

Sec. 11. Minnesota Statutes 1984, section 256B.19, subdivision 1, is amended to read:

Subdivision 1. [DIVISION OF COST.] The cost of medical assistance paid by each county of financial responsibility shall be borne as follows: Payments shall be made by the state to the county for that portion of medical assistance paid by the federal government and the state on or before the 20th day of each month for the succeeding month upon requisition from the county showing the amount required for the succeeding month. Ninety percent of the expense of assistance not paid by federal funds available for that purpose shall be paid by the state and ten percent shall be paid by the county of financial responsibility.

For counties (WHERE HEALTH MAINTENANCE ORGANIZATIONS ARE UNDER CONTRACT TO THE STATE TO PROVIDE SERVICES TO MEDICAL ASSISTANCE RECIPIENTS) which participate in a medicaid demonstration project as defined in sections 256B.69 and 256B.71, the division of the nonfederal share of medical assistance expenses for payments made to prepaid health plans or for payments made to health maintenance organizations in the form of prepaid capitation

payments, this division of medical assistance expenses shall be 95 percent by the state and five percent by the county of financial responsibility.

(STATE CONTRACTS WITH HEALTH MAINTENANCE ORGANIZATIONS SHALL ASSURE MEDICAL ASSISTANCE RECIPIENTS OF AT LEAST THE COMPREHENSIVE HEALTH MAINTENANCE SERVICES DEFINED IN SECTION 62D.02, SUBDIVISION 7. THE CONTRACTS SHALL REQUIRE HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE INFORMATION TO THE COMMISSIONER CONCERNING THE NUMBER OF PEOPLE RECEIVING SERVICES, THE NUMBER OF ENCOUNTERS, THE TYPE OF SERVICES RECEIVED, EVIDENCE OF AN OPERATIONAL QUALITY ASSURANCE PROGRAM PURSUANT TO SECTION 62D.04 AND INFORMATION ABOUT UTILIZATION.)

(PERSONS WHO BECOME ELIGIBLE FOR MEDICAL ASSISTANCE AFTER JULY 1, 1984, WHO ARE NOT PARTICIPATING IN ANY MEDICAID DEMONSTRATION PROJECT AS DEFINED UNDER SECTIONS 256B.70 AND 256B.71, AND WHO CHOOSE AT THE TIME OF APPLICATION FOR ASSISTANCE TO RECEIVE SERVICES FROM A HEALTH MAINTENANCE ORGANIZATION, SHALL BE GUARANTEED SIX MONTHS OF COVERAGE BY A STATE CONTRACTED HEALTH MAINTENANCE ORGANIZATION IF THE RECIPIENT REMAINS IN THE HEALTH MAINTENANCE ORGANIZATION FROM THE TIME OF INITIAL ENROLLMENT. THE CONTINUED ELIGIBILITY GUARANTEE SHALL NOT BE GRANTED WHEN INELIGIBILITY FOR MEDICAL ASSISTANCE IS DUE TO DEATH, LOSS OF STATE OR COUNTY RESIDENCY, FAILURE TO RESPOND TO THE COUNTY'S EFFORTS TO CONTACT THE RECIPIENT, FAILURE TO LOCATE THE RECIPIENT, OR WHEN THE RECIPIENT IS ELIGIBLE FOR CONTINUED ELIGIBILITY AS DEFINED IN SECTION 256B.062) *For counties where prepaid health plans are under contract to the commissioner to provide services to medical assistance recipients, the cost of court ordered treatment that does not include diagnostic evaluation, recommendation, or referral for treatment by the prepaid health plan shall be the responsibility of the county of financial responsibility.*

Sec. 12. Minnesota Statutes 1984, section 256B.48, is amended by adding a subdivision to read:

Subd. 6. [MEDICARE CERTIFICATION.] All nursing homes certified as skilled nursing facilities under the medical assistance program shall participate in Medicare part A and part B unless, after submitting an application, Medicare certification is denied by the federal health care financing administration. Medicare review will be conducted at the time of the annual

medical assistance review. Charges for Medicare-covered services provided to residents who are simultaneously eligible for medical assistance and Medicare must be billed to Medicare part A or part B prior to billing medical assistance. Medical assistance may be billed only for charges not reimbursed by Medicare.

Sec. 13. Minnesota Statutes 1984, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a) Reimbursement under the general assistance medical care program shall be limited to the following categories of service: inpatient hospital care, outpatient hospital care, services provided by medicare certified rehabilitation agencies, prescription drugs, equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level, eyeglasses and eye examinations provided by a physician or optometrist, hearing aids, prosthetic devices, laboratory and x-ray services, physician's services, *podiatric services as covered in chapter 256B*, medical transportation, and dental care. In addition, payments of state aid shall be made for day treatment services provided by a mental health center established under sections 245.61 to 245.69, subdivision 1, and funded through chapter 256E and for prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization.

(b) In order to contain costs, (THE COUNTY BOARD SHALL, WITH THE APPROVAL OF) the commissioner of human services (,) shall select vendors of medical care who can provide the most economical care consistent with high medical standards and (MAY) *shall where possible* contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall (ENCOURAGE COUNTY BOARDS TO SUBMIT) *consider proposals by counties and vendors for* (DEMONSTRATION PROJECTS) *prepaid health plans, competitive bidding programs, block grants, or other vendor payment mechanisms* designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under section 256B.02, subdivision 8 (, EXCEPT THAT WHERE COUNTIES ENTER INTO PREPAID CAPITATION AGREEMENTS, PAYMENTS SHALL BE AS PROVIDED IN SECTION 256.966, SUBDIVISION 2). *The maximum allowable rates payable under this section shall be calculated in accordance with section 7, subdivision 2.*

(c) The commissioner of human services may reduce payments provided under sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general

assistance medical care, within the following restrictions. (FOR THE PERIOD JULY 1, 1983 TO JUNE 30, 1984, REDUCTIONS BELOW THE COST PER SERVICE UNIT ALLOWABLE UNDER SECTION 256.966, ARE PERMITTED ONLY AS FOLLOWS: PAYMENTS FOR INPATIENT AND OUTPATIENT HOSPITAL CARE PROVIDED IN RESPONSE TO A PRIMARY DIAGNOSIS OF CHEMICAL DEPENDENCY OR MENTAL ILLNESS MAY BE REDUCED NO MORE THAN 45 PERCENT; PAYMENTS FOR ALL OTHER INPATIENT HOSPITAL CARE MAY BE REDUCED NO MORE THAN 35 PERCENT. REDUCTIONS BELOW THE PAYMENTS ALLOWABLE UNDER SECTION 256.967 FOR THE REMAINING GENERAL ASSISTANCE MEDICAL CARE SERVICES ALLOWABLE UNDER THIS SUBDIVISION MAY BE REDUCED NO MORE THAN 25 PERCENT.) For the period July 1, (1984) 1985 to June 30, (1985) 1987, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 30 percent; payments for all other inpatient hospital care may be reduced no more than 20 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than ten percent. (THERE SHALL BE NO COPAYMENT REQUIRED OF ANY RECIPIENT OF BENEFITS FOR ANY SERVICES PROVIDED UNDER THIS SUBDIVISION.) A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

(d) Any county may, from its own resources, provide medical 5 payments for which state payments are not made.

Sec. 14. Minnesota Statutes 1984, section 256D.03, subdivision 6, is amended to read:

Subd. 6. [DIVISION OF COSTS.] The state shall pay 90 percent of the cost of general assistance medical care paid by the local agency or county pursuant to this section. (HOWEVER, FOR COUNTIES WHO CONTRACT WITH HEALTH MAINTENANCE ORGANIZATIONS OR OTHER PROVIDERS TO DELIVER SERVICES UNDER A PREPAID CAPITATION AGREEMENT, THE STATE SHALL PAY 95 PERCENT OF THE COST PER PERSON ENROLLED) *For counties where prepaid health plans are under contract to the commissioner to provide services to general assistance medical care recipients, the cost of court ordered treatment that does not include diagnostic evaluation, recommendation, or referral for treatment by the prepaid health plan shall be the responsibility of the county of financial responsibility.*

Sec. 15. Minnesota Statutes 1984, section 256D.04, is amended to read:

256D.04 [DUTIES OF THE COMMISSIONER.]

In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise the administration of general assistance and general assistance medical care by local agencies as provided in sections 256D.01 to 256D.21;

(2) Promulgate uniform rules consistent with law for carrying out and enforcing the provisions of sections 256D.01 to 256D.21 to the end that general assistance may be administered as uniformly as possible throughout the state; rules shall be furnished immediately to all local agencies and other interested persons; in promulgating rules, the provisions of sections 14.01 to 14.70, shall apply;

(3) Allocate moneys appropriated for general assistance and general assistance medical care to local agencies as provided in section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under sections 256D.01 to 256D.21;

(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services; (AND)

(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance and general assistance medical care, the amounts expended under the supervision of each local agency, and the activities of each local agency and publish such reports for the information of the public; *and*

(8) *Utilize volume purchase through competitive bidding under the provisions of chapter 16B to provide the following items:*

(i) *eyeglasses;*

(ii) *hearing aids; and*

(iii) *nonemergency medical transportation.*

Sec. 16. [501.126] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 15 and 16, the terms defined in this section have the meanings given them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of human services.

Subd. 3. [DISCRETIONARY TRUST.] "Discretionary trust" means a trust which provides that the trustee shall pay to or apply for a beneficiary only so much of the income and principal or either as the trustee in his or her complete or uncontrolled discretion sees fit to pay or apply.

Subd. 4. [TRUSTEE.] "Trustee" means an individual trustee or corporation having trust powers under wills, agreements, court orders, and other instruments.

Sec. 17. [501.127] [PAYMENT OF CERTAIN COSTS OF MEDICAL ASSISTANCE.]

Notwithstanding the provisions of section 501.125, subdivision 2, any other law to the contrary, and the terms of the instrument creating the trust, if the settlor of a discretionary trust has a duty to support the beneficiary and the beneficiary is a recipient of medical assistance under chapter 256B, the commissioner shall apply to the court having jurisdiction over the trust for an order directing payment from the income or principal of the trust in the amount necessary to satisfy the duty of the settlor. The courts shall in the case of a beneficiary of a discretionary trust who is the settlor or the settlor's spouse, order the trustee to satisfy part or all of the legal obligation without regard to whether the trustee has then exercised or may thereafter exercise his or her discretion in favor of the beneficiary.

Sec. 18. [SPECIAL PERFORMANCE BASED CONTRACTING STUDY.]

The commissioner of human services shall study mechanisms for reimbursement of providers of services in intermediate care facilities for the mentally retarded, developmental achievement centers, and sheltered workshops based on the developmental progress of persons receiving those services. The commissioner shall report to the legislative long-term care commission no later than July 1, 1986, with recommendations on the implementation of a performance based contracting system.

Sec. 19. [PROGRAM SUPERVISION AND ADMINISTRATION STUDY.]

The commissioner of human services shall study the feasibility of electronic eligibility determination, electronic benefit transfer, and other methods to improve the productivity of the supervision by the department of human services and county administration of medical assistance, general assistance, general assistance medical care, aid to families with dependent children, and food stamp programs. The commissioner shall submit a report to the legislature no later than July 1, 1987.

Sec. 20. [COMMISSION REVIEW AND RECOMMENDATIONS OF HOSPITAL STUDY.]

Subdivision 1. [HOSPITAL STUDY.] The legislative commission on long-term health care in Minnesota Statutes, section 256B.504, shall review the state hospital study findings made by the interagency board established under Minnesota Statutes 1984, section 246.023, and report their recommendations to the legislature by February 1, 1986.

Sec. 21. [FEASIBILITY STUDY OF HOME EQUITY CONVERSION FOR LONG-TERM HEALTH CARE.]

Subdivision 1. [FEASIBILITY STUDY.] The commissioner of human services, with the assistance of the commissioner of commerce, shall contract with the director of the housing finance agency to study and report to the legislature concerning the feasibility of a home equity conversion program to finance long-term health care insurance. The study must examine and provide recommendations concerning:

- (1) methods of encouraging participation, including public subsidy mechanisms;*
- (2) the characteristics of target populations;*
- (3) federal and state legislative and regulatory barriers;*
- (4) the role of the medical assistance program, insurance carriers and other forms of health care coverage, lending institutions, employers, investors, consumer organizations, and other programs and interests;*
- (5) estimates of demand and participation;*
- (6) estimates of cost;*
- (7) methods of addressing adverse selection; and*

(8) *other considerations affecting the desirability and feasibility of home equity conversion to finance long-term health care and long-term health care insurance.*

Subd. 2. [REPORT.] By February 15, 1986, the director of the housing finance agency shall report to the legislature on the study required under subdivision 1. In addition to the information required under subdivision 1, the report must include recommendations concerning the value of a project to demonstrate the use of home equity conversion to finance long-term health care and long-term health care insurance. If the report recommends establishing a demonstration project, the report must include recommendations for designing, implementing, and funding the project.

Sec. 22. [REPEALER.]

Minnesota Statutes 1984, section 256.045, subdivision 2, is repealed effective July 1, 1985.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 to 15 and 18 and 19 are effective July 1, 1985. Sections 16 and 17 are effective the day following final enactment for discretionary trusts in existence at that time or created thereafter.

ARTICLE 3

Section 1. Minnesota Statutes 1984, section 256D.06, subdivision 4, is amended to read:

Subd. 4. When a general assistance grant is used to pay a negotiated rate for a recipient living in a licensed or certified facility, the rate payable hereunder to that facility shall be no more than that paid by an individual not receiving general assistance. The maximum rate payable under this section shall not exceed \$800 per month and shall be adjusted by the annual percentage changes in the urban consumer price index (CPI-U) for Minneapolis-St. Paul as published by the Bureau of Labor Statistics between the two previous Octobers, new series index (1967-100).

Sec. 2. [256D.44] [NEGOTIATED RATE FACILITIES.]

Subdivision 1. [RATES.] Minnesota supplemental aid may be paid for rates negotiated by the local agency for necessary, reasonable, and nonmedical costs for maintenance needs provided to recipients who are eligible for Minnesota supplemental aid. The rates may be paid for persons who are placed by the local agency or who elect to reside in a room and board facility or a licensed facility for the purpose of receiving physical, mental health, or rehabilitative care, provided the local agency agrees

that this care is needed by the person. When Minnesota supplemental aid is used to pay a negotiated rate, the rate payable to the facility must not exceed the rate paid by an individual not receiving Minnesota supplemental aid. Except as provided in subdivision 2, the maximum rate permissible for room and board or a licensed facility must not exceed \$800. To receive payment for a negotiated rate, the dwelling must comply with applicable laws and rules establishing standards necessary for health, safety, and licensure. The negotiated rate shall be adjusted by the annual percentage change in the urban consumer price index (CPI-U) for Minneapolis-St. Paul as published by the Bureau of Labor Statistics between the previous two Octobers, new series index (1967-100).

Subd. 2. [STANDARDS OF ASSISTANCE.] The local agency may establish standards of assistance for shelter, basic needs, special needs, clothing and personal needs, and negotiated rates in excess of the corresponding state standards of assistance. State aid shall not be available for the excess costs of higher standards.

ARTICLE 4

Section 1. Minnesota Statutes 1984, section 129A.01, is amended to read:

129A.01 [DEFINITIONS.]

For the purposes of this chapter, the following terms shall have the meanings given them:

(a) "Department" means the department of economic security;

(b) "Commissioner" means the commissioner of economic security;

(c) "Vocational rehabilitation services" means those services and goods so defined in the federal Rehabilitation Act of 1973 and section 129A.03, clause (b);

(d) "Handicapped person" means a person who because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of society;

(e) "Long-term sheltered workshop" means a facility where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to those handicapped persons who, as a result of physical or mental disability, are unable to participate in competitive employment. A long-term sheltered workshop shall

supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist;

(f) "Work activity program" means a program which utilizes manufacturing activities and other production work for the primary purpose of providing basic vocational skills development for the handicapped;

(g) "Sheltered employee" means a handicapped person working for pay while participating in a long-term sheltered workshop program.

(h) "*Center for independent living*" means a private non-profit organization incorporated under Minnesota law and operated for the purpose of providing independent living services to persons with disabilities. Boards of directors for the center for independent living are composed of community representatives. Fifty-one percent of the board members must be individuals who are either severely disabled themselves or spouses or parents of severely disabled persons.

Sec. 2. [129A.10] [INDEPENDENT LIVING SERVICES.]

Subdivision 1. [SERVICES OFFERED.] Independent living services are those services designed to materially improve opportunities for persons with disabilities to live and function more independently in their home, family, and community, and the services include:

(1) *intake counseling to determine the individual's needs for services;*

(2) *referral and counseling services with respect to attendant care;*

(3) *counseling and advocacy with respect to legal and economic rights and benefits;*

(4) *independent living skills, training, and counseling;*

(5) *housing and transportation referral and assistance;*

(6) *surveys, directories, and other activities to identify appropriate housing and accessible transportation and other support services;*

(7) *peer counseling;*

(8) *education and training necessary to living in the community and participating in community affairs;*

(9) *individual and group social and recreational activities;*

(10) *attendant care and training of personnel to provide the care; and*

(11) *other necessary services which are not inconsistent with sections 1 and 2.*

Subd. 2. [ADMINISTRATION.] This section shall be administered by the department of economic security through the division of vocational rehabilitation. The department may employ staff as reasonably required to administer this section and may accept and receive funds from nonstate sources for the purpose of effectuating this section.

Subd. 3. [CERTIFICATION.] No applicant center for independent living may receive funding under this section unless it has received certification from the division of vocational rehabilitation.

The division of vocational rehabilitation shall involve disabled consumers and other interested persons to consider performance evaluation criteria in order to formulate rules by which centers will be certified by July 1, 1986.

The division of vocational rehabilitation shall review the programs for centers of independent living receiving funds from this section to determine their adherence to standards adopted by rule and if the standards are substantially met, shall issue appropriate certifications.

Subd. 4. [APPLICATION OF CENTERS FOR INDEPENDENT LIVING.] The division of vocational rehabilitation shall require centers for independent living to complete application forms, expenditure reports, and proposed plans and budgets. These reports must be in the manner and on the form prescribed by the division. When applying, the center for independent living shall agree to provide reports and records, and make available records for audit as may be required by the division of vocational rehabilitation.

The applicant center for independent living shall be notified in writing by the division concerning the approval of budgets and plans.

ARTICLE 5

Section 1. [256B.094] [WAIVERED SERVICES EXCEPTION.]

Only persons receiving home and community-based alternative services under the federal waiver plan on or before April 16, 1985, are eligible to receive these services. Provisions of section 8 shall not apply to these persons.

Sec. 2. Minnesota Statutes 1984, section 256B.501, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meaning given them.

(a) "Commissioner" means the commissioner of human services.

(b) "Facility" means a facility licensed as a mental retardation residential facility under section 252.28, licensed as a supervised living facility under chapter 144, and certified as an intermediate care facility for the mentally retarded.

(c) ("WAIVERED SERVICE" MEANS HOME OR COMMUNITY-BASED SERVICE AUTHORIZED UNDER UNITED STATES CODE, TITLE 42, SECTION 1396N(C), AS AMENDED THROUGH DECEMBER 31, 1982, AND DEFINED IN THE MINNESOTA STATE PLAN FOR THE PROVISION OF MEDICAL ASSISTANCE SERVICES. WAIVERED SERVICES INCLUDE, AT A MINIMUM, CASE MANAGEMENT, FAMILY TRAINING AND SUPPORT, DEVELOPMENTAL TRAINING HOMES, SUPERVISED LIVING ARRANGEMENTS, SEMI-INDEPENDENT LIVING SERVICES, RESPIRE CARE, AND TRAINING AND HABILITATION SERVICES.)

((D)) "Training and habilitation services" are those health and social services needed to ensure optimal functioning of persons who are mentally retarded or have related conditions. Training and habilitation services shall be provided to a client away from the residence unless medically contraindicated by an organization which does not have a direct or indirect financial interest in the organization which provides the person's residential services. This requirement shall not apply to any developmental achievement center which has applied for licensure prior to April 15, 1983.

Sec. 3. Minnesota Statutes 1984, section 256B.501, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY.] The commissioner shall establish procedures and rules for determining rates for care of residents of intermediate care facilities for the mentally retarded which qualify as vendors of medical assistance (, WAIVERED SERVICES,) and for provision of training and habilitation services. Approved rates shall be established on the basis of methods and

standards that the commissioner finds adequate to provide for the costs that must be incurred for the quality care of residents in efficiently and economically operated facilities and services. The procedures shall specify the costs that are allowable for payment through medical assistance. The commissioner may use experts from outside the department in the establishment of the procedures.

Sec. 4. Minnesota Statutes 1984, section 256B.501, subdivision 5, is amended to read:

Subd. 5. [TRAINING AND HABILITATION SERVICES.]

(a) Except as provided in subdivision 6, rates for reimbursement under medical assistance for training and habilitation services provided by a developmental achievement center (EITHER AS A WAIVERED SERVICE OR) to residents of an intermediate care facility for mentally retarded persons shall be established and paid in accordance with this subdivision effective January 1, 1984.

(b) Prior to August 1, 1983, the county board shall submit to the commissioner its contractual per diem rate and its maximum per client annual payment limitations, if any, for each developmental achievement center it administers pursuant to section 252.24, subdivision 1, for the period from July 1, 1983, through December 31, 1983, which shall be the medical assistance reimbursement rate established for that developmental achievement center for 1983. If the county rate is based on average daily attendance which is less than 93 percent of the developmental achievement center's average enrollment for the period from July 1, 1983, to December 31, 1983, the commissioner shall adjust that rate based on 93 percent average daily attendance.

(c) The base per diem reimbursement rate established for 1983 may be increased by the commissioner in 1984 in an amount up to the projected percentage change in the average value of the consumer price index (all urban) for 1984 over 1983. In subsequent years, the increase in the per diem rate shall not exceed the projected percentage change in the average annual value of the consumer price index (all urban) for the same time period.

(d) The county board in which an intermediate care facility for mentally retarded persons is located shall contract annually with that facility and with the appropriate developmental achievement center or training and habilitation service provider for provision of training and habilitation services for each resident of the facility for whom the services are required by the resident's individual service plan. This contract shall specify the county payment rate or the medical assistance reimbursement rate, as appropriate; the training and habilitation services to be provided; and the performance standards for program provision and evaluation. A similar contract shall be entered into between the county and the developmental achievement center for persons re-

ceiving training and habilitation services from that center as a waived service.

(e) The commissioner shall reimburse under medical assistance up to 210 days of training and habilitation services at developmental achievement centers for those centers which provided less than or equal to 210 days of training and habilitation services in calendar year 1982. For developmental achievement centers providing more than 210 days of services in 1982, the commissioner shall not reimburse under medical assistance in excess of the number of days provided by those programs in 1982.

(f) Medical assistance payments for training and habilitation services shall be made directly to the training and habilitation provider after submission of invoices to the medical assistance program following procedures established by the medical assistance program.

(g) Nothing in this subdivision shall prohibit county boards from contracting for rates for services not reimbursed under medical assistance.

Sec. 5. Minnesota Statutes 1984, section 256B.501, subdivision 8, is amended to read:

Subd. 8 [PAYMENT FOR PERSONS WITH SPECIAL NEEDS.] The commissioner shall establish by December 31, 1983, procedures to be followed by the counties to seek authorization from the commissioner for medical assistance reimbursement for (WAIVERED SERVICES OR) training and habilitation services for very dependent persons with special needs in an amount in excess of the rates allowed pursuant to subdivisions 2, 4, 5, and 6, and procedures to be followed for rate limitation exemptions for intermediate care facilities for mentally retarded persons. No excess payment or limitation exemption shall be authorized unless the need for the service is documented in the individual service plan of the person or persons to be served, the type and duration of the services needed are stated, and there is a basis for estimated cost of the services.

The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits.

Sec. 6. [REPEALER.]

Minnesota Statutes 1984, sections 256B.092; 256B.19, subdivision 3; 256B.501, subdivision 4; and Laws 1983, chapter 312, article 9, section 10, are repealed.

ARTICLE 6

Section 1. [PUBLIC GUARDIANSHIP STUDY.]

Subdivision 1. [TASK FORCE.] The commissioner of human services shall establish a task force to study public guardianship under Minnesota Statutes, chapter 252A. The task force shall consist of representatives from counties, the legislature, state agencies and councils, attorneys, and other groups that act as advocates for mentally retarded, chemically dependent, mentally ill, and elderly persons.

Subd. 2. [FOCUS OF STUDY.] The task force shall collect information on at least the following items:

(1) the number of people under public guardianship and their place of residence;

(2) the amount of staff resources available to perform the role of state guardian;

(3) the duties of the county case manager as the commissioner's designee; and

(4) the types of disabilities of people who are under public guardianship.

The task force shall make recommendations for changes in the public guardianship system. In developing the recommendations, the task force shall consider at least the following factors:

(1) the extent that persons who are in need of some form of guardianship are not receiving protective services;

(2) the feasibility and economic impact of extending public guardianship to persons with other disabilities;

(3) the success of models used in other states to provide protective services;

(4) methods to improve the accountability for and increase visits to persons under public guardianship;

(5) differences between public and private guardianship systems; and

(6) the feasibility of alternatives to the present public guardianship system.

Subd. 3. [REPORT.] The commissioner shall submit a report to the appropriate standing committees of the legislature by January 1, 1986, containing the findings and recommendations of the task force and proposals for legislative action.

ARTICLE 7

Section 1. Minnesota Statutes 1984, section 256.737, is amended to read:

256.737 [COMMUNITY WORK EXPERIENCE PROGRAM.]

In order that persons receiving aid under this chapter may be assisted in achieving self-sufficiency by enhancing their employability through meaningful work experience and training and the development of job search skills, the commissioner of human services may continue the pilot community work experience demonstration programs that were approved by January 1, 1984. No new pilot community work experience demonstration programs may be established. The commissioner shall: (a) assist counties in the design, implementation, and evaluation of these demonstration programs; (b) promulgate, in accordance with chapter 14, emergency rules necessary for the implementation of this section, except that the time restrictions of section 14.35 shall not apply and the rules may be in effect until the termination of the demonstration programs; and (c) seek any federal waivers necessary for proper implementation of this section in accordance with federal law. The commissioner shall prohibit use of participants in the programs to do work that was part or all of the duties or responsibilities of an authorized public employee position established as of January 1, 1983. The exclusive bargaining representative shall be notified no less than 14 days in advance of any placement by the community work experience program. Concurrence with respect to job duties of persons placed under the community work experience program shall be obtained from the appropriate exclusive bargaining representative. The appropriate oversight committee shall be given monthly lists of all job placements under a community work experience program.

Projects shall end no later than June 30, (1985) 1986, and a preliminary report shall be made to the legislature by February 15, (1985) 1986, on the feasibility of permanent implementation and on the cost effectiveness of each of the demonstration programs.

Sec. 2. Minnesota Statutes 1984, section 256.871, subdivision 4, is amended to read:

Subd. 4. [EMERGENCY DEFINED.] *An emergency is defined as a sudden or unexpected occurrence which could not have been foreseen by the applicant and is not in the applicant's control.* Emergencies which create the need for such assistance include natural disasters such as floods, fires, or storms; civil disorders, strikes, illness, accident, death, eviction from shelter, migrant families in necessitous circumstances, or other crises, as defined by the commissioner, in accordance with directives of the

United States secretary of health (, EDUCATION, AND WELFARE) and human services.

ARTICLE 8

Section 1. Minnesota Statutes 1984, section 256D.05, subdivision 1, is amended to read:

Subdivision 1. [STANDARDS.] Each person or family whose income and resources are less than the standard of assistance established by the commissioner shall be eligible for and entitled to general assistance (; PROVIDED THAT NO INDIVIDUAL SHALL BE ELIGIBLE FOR GENERAL ASSISTANCE IF THE INDIVIDUAL IS ELIGIBLE FOR ANY OF THE FOLLOWING FEDERALLY AIDED ASSISTANCE PROGRAMS: EMERGENCY ASSISTANCE, AID TO FAMILIES WITH DEPENDENT CHILDREN, OR ANY SUCCESSOR TO THE ABOVE) *if the person or family is:*

(a) *a person who is suffering from a permanent or temporary illness, injury, or incapacity which is medically certified and which prevents the person from obtaining or retaining employment;*

(b) *a person whose presence in the home on a substantially continuous basis is required because of the certified illness, injury, incapacity, or the age of another member of the household;*

(c) *a person who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the local agency through its director or designated representative;*

(d) *a person who resides in a shelter facility described in section 256D.05, subdivision 3;*

(e) *a person who is or may be eligible for displaced homemaker services, programs, or assistance under section 4.40, but only if that person is enrolled as a full-time student;*

(f) *a person who is unable to secure suitable employment due to inability to communicate in the English language, provided that the person is not an illegal alien, and who, if assigned to a language skills program by the local agency, is participating in that program;*

(g) *a person not described in clause (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist*

as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(h) a person who has an application pending for the social security disability program or the program of supplemental security income for the aged, blind, and disabled, or who has been terminated from either program and has an appeal from that termination pending;

(i) a person who is unable to obtain or retain employment because advanced age significantly affects his or her ability to seek or engage in substantial work;

(j) a person completing a secondary education program;

(k) a family with one or more minor children; provided, that if all the children are six years of age or older, all the adult members of the family are in compliance with section 256D.111; and provided further, that if one or more of the children are under the age of six and if the family contains more than one adult member, all the adult members except one adult member are in compliance with section 256D.111;

(l) a person who has substantial barriers to employment, including but not limited to factors relating to work or training history, as determined by the local agency in accordance with permanent or emergency rules adopted by the commissioner after consultation with the commissioner of economic security; or

(m) a person who is certified by the commissioner of economic security before July 1, 1985, as lacking work skills or training or as being unable to obtain work skills or training necessary to secure employment, as defined in a permanent or emergency rule adopted by the commissioner of economic security in consultation with the commissioner.

ARTICLE 9

Section 1. Minnesota Statutes 1984, section 268.671, is amended to read:

268.671 [CITATION.]

Sections 268.671 to 268.686 may be cited as the "Minnesota (EMERGENCY) Employment and Economic Development (MEED) Act."

Sec. 2. Minnesota Statutes 1984, section 268.672, subdivision 2, is amended to read:

Subd. 2. [COORDINATOR.] "Coordinator" means the Minnesota (EMERGENCY) employment *and economic* development coordinator appointed under section 268.674.

Sec. 3. Minnesota Statutes 1984, section 268.672, subdivision 6, is amended to read:

Subd. 6. [ELIGIBLE JOB APPLICANT.] "Eligible job applicant" means a person who: (1) has been a resident of this state for at least one month, (2) is unemployed, (3) is not receiving and is not qualified to receive unemployment compensation or workers' compensation, and (4) is determined by the employment administrator to be likely to be available for employment by an eligible employer for the duration of the job.

(IN ADDITION,) A farmer (WHO RESIDES IN A COUNTY QUALIFIED UNDER FEDERAL DISASTER RELIEF AND) *or any member of a farm family household who can demonstrate severe household financial need* (MAY) *shall* be considered unemployed under this subdivision.

Sec. 4. Minnesota Statutes 1984, section 268.672, subdivision 11, is amended to read:

Subd. 11. [PROGRAM.] "Program" means the Minnesota (EMERGENCY) employment *and economic* development program created by sections 268.671 to 268.686 consisting of temporary work relief projects in the government and non-profit agencies and new *permanent* job creation in the private sector.

Sec. 5. Minnesota Statutes 1984, section 268.673, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] The governor shall appoint a Minnesota (EMERGENCY) employment *and economic* development coordinator to administer the provisions of sections 268.671 to 268.686. The coordinator shall be within the department of economic security, but shall be responsible directly to the governor. The coordinator shall have the powers necessary to carry out the purposes of the program.

Sec. 6. Minnesota Statutes 1984, section 268.673, subdivision 2, is amended to read:

Subd. 2. [RESPONSIBILITIES.] The coordinator shall:

(a) Obtain an inventory of community needs from each local governmental subdivision and compile a statewide inventory of needs within 30 days after his appointment;

(b) Enter into a contract with one or more employment administrators in each service delivery area;

(c) Review the (EMERGENCY) employment *and economic* development plan submitted by the employment administrator of each service delivery area and approve satisfactory plans. If an employment administrator submits an unsatisfactory plan, the coordinator shall assist the employment administrator in developing a satisfactory one;

(d) Coordinate the program with other state agencies;

(e) Coordinate administration of the program with the general assistance (PROGRAM) *and aid to families with dependent children programs and make maximum use of grant diversions from those programs*;

(f) Set policy regarding disbursement of program funds; and

(g) Perform general program marketing and monitoring functions.

Sec. 7. Minnesota Statutes 1984, section 268.674, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] There is created a Minnesota (EMERGENCY) employment *and economic* development task force to advise the coordinator in the administration of sections 268.671 to 268.686.

Sec. 8. Minnesota Statutes 1984, section 268.675, subdivision 1, is amended to read:

268.675 [ALLOCATION OF FUNDS AMONG SERVICE DELIVERY AREAS.]

Subdivision 1. [SERVICE DELIVERY AREA PORTION.] Eighty percent of the funds available for allocation to employment administrators for the program must be allocated among service delivery areas as follows: (1) each service delivery area shall be eligible to receive that proportion of the funds available which equals the number of unemployed persons in the service delivery area divided by the total number of unemployed persons in the state for the 12-month period ending the most recent March 31; (2) however, 15 percent of the amount which would be allocated under paragraph (1) to each service delivery area in which the unemployment rate, for the 12-month period ending the most recent March 31, is less than the statewide unemployment rate on that date shall not be allocated according to paragraph (1). This amount shall be pooled and distributed at the discretion of the coordinator only to employment administrators

in (THESE) service delivery areas with lower than average unemployment rates who have demonstrated outstanding performance (FROM MAY 1, 1984, TO AUGUST 1, 1984,) in placement of (PERSONS) *applicants whose income and resources are less than the standard of assistance established pursuant to section 256D.05, subdivision 1, or who would otherwise be eligible to receive (GENERAL ASSISTANCE) aid to families with dependent children, as shown by:*

(i) the proportion of (GENERAL ASSISTANCE ELIGIBLE) *the applicants who have been placed in permanent private sector jobs under the program, relative to the total number of (GENERAL ASSISTANCE ELIGIBLE) the applicants placed under the program; or*

(ii) the proportion of (GENERAL ASSISTANCE ELIGIBLE) *the applicants placed in all jobs under the program, relative to total job placements under the program.*

(b) Ten percent of the funds available for allocation to employment administrators under the program must be allocated at the discretion of the coordinator to employment administrators:

(1) who will maximize the use of the funds through coordination with other programs and state, local, and federal agencies, through the use of matching funds or through the involvement of low-income constituent groups;

(2) who have demonstrated need beyond the allocation available under clause (1);

(3) who have demonstrated outstanding performance in job creation; or

(4) who have demonstrated that the unemployed persons in the service delivery area incur unusual costs related to employment under sections 268.671 to 268.686.

Sec. 9. Minnesota Statutes 1984, section 268.676, subdivision 1, is amended to read:

Subdivision 1. [AMONG JOB APPLICANTS.] Allocation of funds among eligible job applicants within a service delivery area shall be determined by the employment administrator in each service delivery area. The employment administrator shall give priority to:

(1) applicants living in households with no other income source; (AND)

(2) applicants (WHO WOULD OTHERWISE BE ELIGIBLE TO RECEIVE GENERAL ASSISTANCE) *whose income and resources are less than the standard of assistance established pursuant to section 256D.05, subdivision 1;*

(3) *applicants who are eligible to receive aid to families with dependent children; and*

(4) *applicants living in farm households who can demonstrate severe household financial need.*

In service delivery areas where the unemployment rate for the 12-month period ending the most recent March 31 is below the statewide unemployment rate at that time, (THE EMPLOYMENT ADMINISTRATOR SHALL GIVE HIGHER PRIORITY TO) *only those applicants described in (CLAUSE (2) THAN TO THOSE DESCRIBED IN CLAUSE (1)) clauses (1) to (4), and who otherwise satisfy the definition of an "eligible job applicant" in section 268.672, subdivision 6, are eligible for a job or job training program under section 268.677.*

Sec. 10. Minnesota Statutes 1984, section 268.676, subdivision 2, is amended to read:

Subd. 2. [AMONG EMPLOYERS.] Allocation of funds among eligible employers within a service area shall be determined by the employment administrator within each service delivery area according to the priorities in sections 268.68 and 268.681. The employment administrator shall give priority to funding *permanent* private sector jobs to the extent that eligible businesses apply for funds. If possible, no more than (40) 25 percent of the funds may be allocated for *temporary nonprofit* jobs with eligible government and nonprofit agencies during the biennium.

Sec. 11. Minnesota Statutes 1984, section 268.677, is amended to read:

268.677 [USE OF FUNDS.]

Funds appropriated for the purposes of sections 268.671 to 268.686 may be used as follows:

(a) To provide a state contribution for wages and fringe benefits for eligible job applicants for a maximum of 1,040 hours over a maximum period of 26 weeks per job applicant. For eligible job applicants participating in a job training program, the state contribution for wages may be used for a maximum period of 52 weeks per job applicant. The state contribution for wages shall be up to \$4 per hour for each eligible job applicant employed. The state contribution for fringe benefits may be up to \$1 per hour for each eligible job applicant employed. However,

the employer may use funds from other sources to provide increased wages to the applicants it employs. At least 75 percent of the funds appropriated for the program must be used to pay wages for eligible job applicants;

(b) Notwithstanding the limitations of paragraph (a), funds may be used to provide a state contribution for wages and fringe benefits in permanent private sector jobs for eligible job applicants who had previously held temporary nonprofit jobs with eligible government and nonprofit agencies for which a state contribution had been made, and who:

(1) are priority job applicants provided by section 268.676, subdivision 1; and

(2) have been unemployed for a period of one year. The use of funds under this paragraph shall be for a maximum of 1,040 hours over a maximum period of 26 weeks per job applicant.

((B)) (c) To reimburse the commissioner of economic security in an amount not to exceed one percent of the funds appropriated for the actual cost of administering sections 268.671 to 268.686, and to reimburse the employment administrators in an amount not to exceed (4-1/2) five percent of the funds appropriated for their actual cost of administering sections 268.671 to 268.686. The commissioner of economic security and the employment administrators shall reallocate funds from other sources to cover the administrative costs of this program whenever possible;

((C)) (d) To provide child care services or subsidies to applicants employed under sections 268.671 to 268.686;

((D)) (e) To provide workers' compensation coverage to applicants employed in temporary nonprofit jobs by government or nonprofit agencies under sections 268.671 to 268.686;

((E)) (f) To provide job search assistance, labor market orientation, job seeking skills, and referral for other services;

((F)) (g) To purchase supplies and materials for projects creating permanent improvements to public property in an amount not to exceed one percent of the funds appropriated.

The employment administrator of each service delivery area shall submit to the coordinator a spending plan establishing that funds allocated to the service delivery area will be used in the manner required by sections 268.671 to 268.686. Any funds allocated to the service delivery area for which there is no spending plan approved by the coordinator shall cancel back to the Minnesota (EMERGENCY) employment and economic development

account and may be reallocated by the coordinator to other employment administrators.

Sec. 12. Minnesota Statutes 1984, section 268.678, subdivision 2, is amended to read:

Subd. 2. [EMPLOYMENT AND ECONOMIC DEVELOPMENT PLAN.] Each employment administrator shall develop an (EMERGENCY) employment *and economic* development plan for his service delivery area under guidelines developed by the coordinator and submit it to the coordinator within the period allowed by the coordinator. To the extent feasible, the employment administrator shall seek input from potential eligible employers and the public.

Sec. 13. Minnesota Statutes 1984, section 268.679, subdivision 1, is amended to read:

Subdivision 1. [ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY.] The energy and economic development authority shall publicize the Minnesota (EMERGENCY) employment *and economic* development program and shall provide staff assistance as requested by employment administrators in the screening of businesses and the collection of data to the extent feasible under its existing budget and staff complement.

Sec. 14. Minnesota Statutes 1984, section 268.68, is amended to read:

268.68 [ELIGIBLE GOVERNMENT AND NONPROFIT AGENCY EMPLOYMENT.]

A government or nonprofit agency is an eligible employer with respect to temporary work relief projects that are determined by the employment administrator to have long-term benefit to or are needed by the community including, but not limited to, jobs in permanent public improvement projects, residential or public building weatherization projects, reforestation projects, mine-land reclamation projects, planting or tree trimming projects, soil conservation projects, natural resource development projects, and community social service programs such as child care and home health care. *Employment administrators to the greatest extent practicable shall place only those applicants deemed hard to employ by the administrator in temporary nonprofit jobs.*

Sec. 15. Minnesota Statutes 1984, section 268.681, subdivision 3, is amended to read:

Subd. 3. [PAYBACK.] A business receiving funds under this program shall repay 70 percent of the amount initially received for each eligible job applicant employed, if the employee does not continue in the employment of the business beyond the

six-month subsidized period. If the employee continues in the employment of the business for one year or longer after the six-month subsidized period, the business need not repay any of the funds received for that employee's wages. If the employee continues in the employment of the business for a period of less than one year after the expiration of the six-month subsidized period, the business shall receive a proportional reduction in the amount it must repay. If an employer dismisses an employee for good cause and works in good faith with the program administrator to employ and train another person referred by the employment administrator, the payback formula shall apply as if the original person had continued in employment.

A repayment schedule shall be negotiated and agreed to by the employment administrator and the business prior to the disbursement of the funds and is subject to renegotiation. The employment administrator shall forward payments received under this subdivision to the coordinator on a monthly basis. The coordinator shall deposit these payments in the Minnesota (EMERGENCY) employment and economic development account created by subdivision 4.

Sec. 16. Minnesota Statutes 1984, section 268.681, subdivision 4, is amended to read:

Subd. 4. [MINNESOTA (EMERGENCY) EMPLOYMENT AND ECONOMIC DEVELOPMENT ACCOUNT.] The Minnesota (EMERGENCY) employment and economic development account is created in the state treasury. All payments from businesses pursuant to subdivision 3 shall be deposited in this account, and all funds in the account are appropriated to the commissioner of economic security for the purpose of making disbursements pursuant to section 268.675.

Sec. 17. Minnesota Statutes 1984, section 268.685, is amended to read:

268.685 [TERMINATION; NOTIFICATION.]

The commissioner of economic security shall immediately terminate the Minnesota (EMERGENCY) employment and economic development program if and when none of the money appropriated under Laws 1983, chapter 312, article 1, section 3 or under this act remains. The commissioner of economic security shall immediately notify the commissioner of human services of the program's termination. The commissioner of human services shall immediately notify each local agency referring recipients under section 256D.112 of the program's termination and require the local agency to cease transferring recipients.

On the date the program is terminated, any balance remaining in the Minnesota (EMERGENCY) employment and economic development account established under section 268.681, subdivi-

sion 4 shall cancel to the general fund. Any payments received under section 268.681, subdivisions 3 and 4 on or after that date shall be deposited in the general fund.

Sec. 18. Minnesota Statutes 1984, section 268.83, is amended to read:

268.83 [SUITABLE EMPLOYMENT FOR PURPOSES OF GENERAL ASSISTANCE.]

For purposes of eligibility for general assistance pursuant to sections 256D.01 to 256D.21, a job provided through the Minnesota (EMERGENCY) employment and economic development jobs program is "suitable employment," as that term is defined in section 256D.02, subdivision 13.

Sec. 19. [REPEALER.]

Minnesota Statutes 1984, section 268.686; Laws 1983, chapter 312, article 7, section 16; and Laws 1984, chapter 654, article 5, section 50, are repealed.

ARTICLE 10

Section 1. Minnesota Statutes 1984, section 62E.52, subdivision 2, is amended to read:

Subd. 2. "Eligible person" means any person who is a resident of Minnesota and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

(1) qualified *medical* expenses for himself and any dependents in any 12 consecutive months exceeding:

(a) (40) 25 percent of his household income up to (\$15,000) \$20,000, plus (50) 40 percent of his household income between (\$15,000) \$20,000 and (\$25,000) \$30,000, plus (60) 50 percent of his household income in excess of (\$25,000) \$30,000; or

(b) (\$2,500) \$3,000, whichever is greater; or

(2) qualified nursing home expenses for himself and any dependents in any 12 consecutive months exceeding 20 percent of his household income.

Sec. 2. Minnesota Statutes 1984, section 62E.52, subdivision 3, is amended to read:

Subd. 3. "Qualified *medical* expense" means any charge incurred subsequent to July 1, (1977) 1985, and *within 18 months*

prior to application for coverage under sections 62E.51 to 62E.55 for a health service which is included in the list of covered services described in section 62E.06, subdivision 1, and for which no third party is liable. Expenses related to organ transplants or other experimental procedures must not be considered qualified medical expenses for purposes of sections 62E.51 to 62E.55.

Sec. 3. Minnesota Statutes 1984, section 62E.52, subdivision 7, is amended to read:

Subd. 7. "Commissioner" means the commissioner of (HUMAN SERVICES) *commerce or a designee.*

Sec. 4. Minnesota Statutes 1984, section 62E.52, is amended by adding a subdivision to read:

Subd. 9. [FINANCIAL NEED.] *"Financial need" means the demonstrated need of the applicant for financial assistance to meet the reasonable costs of qualified medical expenses as determined from financial information on the applicant by the uniform methodology used by the higher education coordinating board for purposes of the state grant-in-aid program or similar determination of an applicant's ability to pay which takes into consideration both income and assets. In no instance shall an applicant pay less than \$3,000.*

Sec. 5. Minnesota Statutes 1984, section 62E.53, subdivision 1, is amended to read:

Subdivision 1. Any person who believes that he or she is or will become an eligible person may submit an application for state assistance to the commissioner. *Applications may be obtained from the business office of any licensed acute care hospital in Minnesota. The application shall include a listing of expenses incurred prior to the date of the application and shall designate the date on which the 12 month period for computing expenses began. No applicant seeking assistance under sections 62E.51 to 62E.55 may list as an expense in his or her application any income spent in order to become eligible for medical assistance under chapter 256B or general assistance medical care under chapter 256D. Insurance premiums, however, may be included in the expenses used in determination of eligibility under this section.*

Sec. 6. Minnesota Statutes 1984, section 62E.53, subdivision 2, is amended to read:

Subd. 2. If the commissioner determines that an applicant is an eligible person, (HE) *the commissioner shall pay*

(1) (90 PERCENT OF) all qualified expenses of the eligible person and (HIS) dependents (IN EXCESS OF:) *of the eligible person*

((A) 40 PERCENT OF HIS HOUSEHOLD INCOME UNDER \$15,000, PLUS 50 PERCENT OF HIS HOUSEHOLD INCOME BETWEEN \$15,000 AND \$25,000, PLUS 60 PERCENT OF HIS HOUSEHOLD INCOME IN EXCESS OF \$25,000; OR)

((B) \$2,500;)

(WHICHEVER IS GREATER) *for which the eligible person can demonstrate a financial need as defined in section 62E-52 for the 12 month period in which the applicant becomes an eligible person and*

(2) all qualified nursing home expenses of the eligible person and his dependents in excess of 20 percent of his household income. Provided, however, that the payment of qualified nursing home expenses shall not be made until the end of the fiscal year. If the appropriation for the payment of qualified nursing home expenses is inadequate to pay all qualified nursing home expenses, the commissioner shall prorate the payments among all eligible persons in proportion to their share of the total of the qualified nursing home expenses of all eligible persons.

Sec. 7. Minnesota Statutes 1984, section 62E.53, subdivision 3, is amended to read:

Subd. 3. The commissioner (SHALL BY RULE ESTABLISH PROCEDURES) *may contract with insurers and others for administrative services and for determining whether and to what extent qualified expenses are reasonable charges. (UNLESS OTHERWISE PROVIDED FOR BY RULE CHARGES SHALL BE REVIEWED FOR REASONABLENESS BY THE SAME PROCEDURES USED TO REVIEW AND LIMIT REIMBURSEMENT UNDER THE PROVISIONS OF CHAPTER 256B.)* If the commissioner determines that the charge for a health service is excessive, he may limit his payment to the reasonable charge for that service. If the commissioner determines that a health service provided to an eligible person was not medically necessary, he may refuse to pay for the service. The commissioner may contract with a review organization as defined in section 145.61, in making any determinations as to whether or not a charge is excessive and in making any determination as to whether or not a service was medically necessary. If the commissioner in accordance with this section refuses to pay all or a part of the charge for a health service, the unpaid portion of the charge shall be deemed to be an unconscionable fee, against the public policy of this state, and unenforceable in any action brought for the recovery of moneys owed.

Section 8. Minnesota Statutes 1984, section 62E.53, subdivision 4, is amended to read:

Subd. 4. No applicant shall be eligible for state assistance under sections 62E.51 to 62E.55 unless he has authorized the commissioner of (HUMAN SERVICES) *commerce* in writing to examine all personal medical records developed while the applicant received the medical care for which state assistance is sought. The commissioner shall use the medical records only for the purpose of investigating whether or not a health services vendor has submitted a claim for reimbursement, a cost report or a rate application which the vendor knows to be false in whole or in part, or in order to determine whether or not the medical care provided to the applicant was medically necessary. This written authorization shall be presented to the vendor of medical care before the commissioner gains access to the records. The vendor of medical care shall receive notification from the commissioner at least 24 hours before the commissioner gains access to such records. Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for providing access to medical records to the commissioner pursuant to this subdivision.

Sec. 9. Minnesota Statutes 1984, section 62E.531, subdivision 1, is amended to read:

Subdivision 1. When the commissioner pays for or becomes liable for payments for health services under the provisions of sections 62E.51 to 62E.55, the department of (HUMAN SERVICES) *commerce* shall have a lien for payments and liabilities for the services upon any and all causes of action, *including actions under the workers' compensation act of this state*, which accrue to the person to whom the services were furnished, or to his legal representatives, as a result of injuries which directly or indirectly led to the incurring of qualified expenses.

The department may perfect and enforce its lien by following the procedures set forth in sections 514.69, 514.70, and 514.71, except that it shall have one year from the date when the last item of health service was furnished in which to file its verified lien statement. The statement shall be filed with the appropriate clerk of court in the county in which the recipient of the services resides or in the county in which the action was filed.

Sec. 10. Minnesota Statutes 1984, section 62E.531, subdivision 3, is amended to read:

Subd. 3. Upon furnishing assistance under the provisions of sections 62E.51 to 62E.55, the department of (HUMAN SERVICES) *commerce* shall be subrogated, to the extent of its payments for health services, to any rights the eligible person or (HIS) *a dependent of the eligible person* may have under the

terms of any plan of health coverage, as defined in section 62E.02, subdivision 9 or insurance, as defined in section 79.01, subdivision 3. The right of subrogation shall not attach prior to written notice of the exercise of subrogation rights to the issuer of the plan of health coverage.

The (ATTORNEY GENERAL, OR THE APPROPRIATE COUNTY ATTORNEY, ACTING UPON DIRECTION FROM THE ATTORNEY GENERAL,) commissioner may institute (OR JOIN A) appropriate civil action (AGAINST THE ISSUER OF THE PLAN OF HEALTH COVERAGE) to recover under this (SUBDIVISION) section.

ARTICLE 11

Section 1. [144.8093] [EMERGENCY MEDICAL SERVICES FUND.]

Subdivision 1. [CITATION.] This section is the "Minnesota emergency medical services system support act."

Subd. 2. [ESTABLISHMENT AND PURPOSE.] In order to develop, maintain, and improve regional emergency medical services systems, the department of health shall establish an emergency medical services system fund. The fund shall be used for the general purposes of promoting systematic, cost effective delivery of emergency medical care throughout the state; identifying common local, regional, and state emergency medical system needs and providing assistance in addressing those needs; undertaking special projects of statewide significance that will enhance the provision of emergency medical care in Minnesota; providing for public education about emergency medical care; promoting the exchange of emergency medical care information; ensuring the ongoing coordination of regional emergency medical services systems; and establishing and maintaining training standards to ensure consistent quality of emergency medical services throughout the state.

Subd. 3. [USE AND RESTRICTIONS.] Designated regional emergency medical services systems may use emergency medical services system funds to support local and regional emergency medical services as determined within the region, with particular emphasis given to supporting and improving emergency trauma and cardiac care and training. No part of a region's share of the fund may be used to directly subsidize any life support transportation service operations or rescue service operations or to purchase any vehicles or parts of vehicles for a life support transportation service or a rescue service.

Subd. 4. [DISTRIBUTION.] Money from the fund shall be distributed on the bases listed in this subdivision. Eighty percent of the fund shall be distributed annually on a contract for services

basis with each of the eight regional emergency medical services systems designated by the commissioner of health. The systems shall be governed by a body consisting of appointed representatives from each of the counties in that region and shall also include representatives from emergency medical services organizations. The commissioner shall contract with a regional entity only if the contract proposal satisfactorily addresses proposed emergency medical services activities in the following areas: personnel training, transportation coordination, public safety agency cooperation, communications systems maintenance and development, public involvement, health care facilities involvement, and system management. If each of the regional emergency medical services systems submits a satisfactory contract proposal, then this part of the fund shall be distributed evenly among the regions. If one or more of the regions does not contract for the full amount of its even share or if its proposal is unsatisfactory, then the commissioner may reallocate the unused funds to the remaining regions on a pro rata basis. Six and two-thirds percent of the fund shall be used by the commissioner to support regionwide reporting systems and to provide other regional administration and technical assistance. Thirteen and one-third percent shall be distributed by the commissioner as discretionary grants for special emergency medical services projects with potential statewide significance.

Sec. 2. [PINE COUNTY COMMUNITY HEALTH SERVICES.]

Pine county may exercise the powers of a county to provide an integrated system of community health services under Minnesota Statutes, sections 145.911 to 145.922, and is eligible for assistance under section 145.921 without regard to any population limits set by those sections and whether or not it acts in combination with a contiguous county.

Sec. 3. [LOCAL APPROVAL.]

Section 2 of this article is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Pine county board of commissioners."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for human services, corrections, health, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2, 3, 7, and by adding a subdivision; 62E.53, subdivisions 1, 2, 3, and 4; 62E.531, subdivisions 1 and 3; 72A.20, by adding a subdivision; 129A.01; 129A.03; 129A.07, subdivision 1; 129A.08, subdivision 5; 171.29, subdivision 2; 241.71; 256.045, subdivision 3, and by adding a subdivision; 256.737; 256.871, subdivision 4; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02,

by adding a subdivision; 256B.04, subdivision 14; 256B.15; 256B.19, subdivision 1; 256B.48, by adding a subdivision; 256B.501, subdivisions 1, 2, 5, and 8; 256D.03, subdivisions 4 and 6; 256D.04; 256D.05, subdivision 1; 256D.06, subdivision 4; 256E.-08, subdivision 1; 260.311, subdivision 5; 268.671; 268.672, subdivisions 2, 6, and 11; 268.673, subdivisions 1 and 2; 268.674, subdivision 1; 268.675, subdivision 1; 268.676, subdivisions 1 and 2; 268.677; 268.678, subdivision 2; 268.679, subdivision 1; 268.68; 268.681, subdivisions 3 and 4; 268.685; 268.83; 401.01, subdivision 1; 517.08, subdivisions 1b and 1c; 611A.34, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 129A; 144; 256B; 256D; and 501; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256B.092; 256B.19, subdivision 3; 256B.501, subdivision 4; and 268.686; Laws 1983, chapter 312, article 7, section 16; Laws 1983, chapter 312, article 9, section 10; and Laws 1984, chapter 654, article 5, section 50."

The motion prevailed and the amendment was adopted.

Solberg was excused for the remainder of today's session.

Anderson, R., moved to amend S. F. No. 1525, as amended, as follows:

Page 8, delete line 9, and insert:

"\$15,792,500 \$15,806,000"

Page 8, delete line 17, and insert:

"\$18,608,100 \$18,653,800"

Page 19, line 29, delete "*participants*" and insert "*employees*"

Page 19, line 34, delete "*participants*" and insert "*employees*"

The motion prevailed and the amendment was adopted.

Stanius, Bishop, Gruenes, Fjoslien and Tompkins moved to amend S. F. No. 1525, as amended, as follows:

Page 2, line 10, after "General" delete the figures and insert "\$960,523,800 \$988,124,500 \$1,948,648,300"

Page 2, line 12, after "Total" delete the figures and insert "\$960,985,400 \$988,609,100 \$1,949,594,500"

Page 2, line 20, after "Appropriation" delete the figures and insert "\$803,672,300 \$848,180,600"

Page 3, line 58, after "Maintenance" delete the figures and insert "\$522,180,700 \$571,243,800"

Page 5, delete line 6 and insert "\$384,035,300 \$422,057,700"

Page 6, after line 40, insert:

"Notwithstanding any law to the contrary, home and community-based alternative services for the mentally retarded provided under the federal waiver plan must be limited to 1,000 people."

Page 7, line 19, after "Health" delete the figures and insert "\$197,005,700 \$190,731,600"

Page 7, delete line 31, and insert "\$142,851,600 \$137,183,800"

Page 9, line 56, after "Appropriation" delete the figures and insert "\$41,267,400 \$21,531,900"

Page 10, delete line 14, and insert "\$1,562,700 \$1,059,700"

Pages 47 to 50, delete Article 5 and insert:

"ARTICLE 5

Section 1. Minnesota Statutes 1984, section 252.28, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATIONS; BIENNIAL RE-DETERMINATIONS.] *In conjunction with the appropriate county boards*, the commissioner of human services shall determine, and shall redetermine biennially, the need, location, size, and program of public and private residential and day care facilities and services for mentally retarded children and adults.

Sec. 2. Minnesota Statutes 1984, section 256B.092, subdivision 1, is amended to read:

Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY; DUTIES.] Before any services shall be rendered to mentally retarded persons in need of social service and medical assistance, the county of financial responsibility shall conduct a diagnostic evaluation in order to determine whether the person is or may be mentally retarded. If a client is diagnosed mentally retarded, that county must conduct a needs assessment, develop an individual service plan, *provide ongoing case management services at the level identified in the individual service plan*, and authorize placement for services. If the county of financial responsibility places a client in another county for services, the placement shall be made in cooperation with the

host county of service, and arrangements shall be made between the two counties for ongoing social service, including annual reviews of the client's individual service plan. The host county may not make changes in the service plan without approval by the county of financial responsibility.

Sec. 3. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1a. [CASE MANAGEMENT SERVICES.] Case management services include diagnosis, an assessment of the individual's service needs, an individual service plan, an individual habilitation plan, and methods for providing, evaluating and monitoring the services identified in the plan.

Sec. 4. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1b. [INDIVIDUAL SERVICE AND HABILITATION PLANS.] The individual service and habilitation plans must

- (1) include the results of the diagnosis and assessment,*
- (2) identify goals and objectives for the client, and*
- (3) identify specific services to be provided to the client.*

The individual habilitation plan shall carry out the goals and objectives of the individual service plan.

Sec. 5. Minnesota Statutes 1984, section 256B.092, subdivision 2, is amended to read:

Subd. 2. [MEDICAL ASSISTANCE.] To assure quality case management to those county clients who are eligible for medical assistance, the commissioner shall, upon request by the county board: (a) provide consultation on the case management process; (b) assist county agencies in the screening and annual reviews of clients to assure that appropriate levels of service are provided; (c) provide consultation on service planning and development of services with appropriate options; (d) provide training and technical assistance to county case managers; and (e) authorize payment for medical assistance services.

Sec. 6. Minnesota Statutes 1984, section 256B.092, subdivision 7, is amended to read:

Subd. 7. [SCREENING TEAMS ESTABLISHED.] Each county agency shall establish a screening team which, under the direction of the county case manager, shall make an evaluation of need for home and community-based services of persons who are entitled to the level of care provided by an intermediate care

facility for mentally retarded persons or for whom there is a reasonable indication that they might (NEED THE SERVICES IN THE NEAR FUTURE) *require the level of care provided by an intermediate care facility.* The screening team shall make an evaluation of need within 15 working days of the request for service and within five working days of an emergency admission of an individual to an intermediate care facility for mentally retarded persons. The screening team shall consist of the case manager, the client, a parent or guardian, a qualified mental retardation professional, as defined in the Code of Federal Regulations, title 42, section 442.401, as amended through December 31, 1982 (, ASSIGNED BY THE COMMISSIONER). The case manager shall consult with the client's physician, *other health professionals* or other persons as necessary to make this evaluation. (OTHER PERSONS MAY BE INVITED) *The case manager, with the concurrence of the client or the client's legal representative, may invite other persons to attend meetings of the screening team.* No member of the screening team shall have any direct or indirect service provider interest in the case.

Sec. 7. Minnesota Statutes 1984, section 256B.092, subdivision 8, is amended to read:

Subd. 8. [SCREENING TEAM DUTIES.] The screening team shall:

- (a) review diagnostic data;
- (b) review health, social, and developmental assessment data using a uniform screening tool specified by the commissioner;
- (c) identify the level of services needed to maintain the person in the most normal and least restrictive setting that is consistent with treatment needs;
- (d) identify other noninstitutional public assistance or social service that may prevent or delay long-term residential placement;
- (e) (DETERMINE) *assess* whether a client is in serious need of long-term residential care;
- (f) make recommendations (TO THE COUNTY AGENCY) regarding placement and payment for: (1) social service or public assistance support to maintain a client in the client's own home or other place of residence; (2) training and habilitation service, vocational rehabilitation, and employment training activities; (3) community residential placement; (4) state hospital placement; or (5) a home and community-based alternative to community residential placement or state hospital placement;
- (g) *identify the cost implications of recommendations in (f), above;*

(h) make recommendations to a court as may be needed to assist the court in making commitments of mentally retarded persons; and

((H)) (i) inform clients that appeal may be made to the commissioner pursuant to section 256.045.

Sec. 8. Minnesota Statutes 1984, section 256B.503, is amended to read:

256B.503 [RULES.]

To implement Laws 1983, chapter 312, article 9, sections 1 to 7, the commissioner shall promulgate emergency and permanent rules in accordance with sections 14.01 to 14.38. *Rules adopted to implement Laws 1983, chapter 312, article 9, section 5, must (a) be in accord with the provisions of Minnesota Statutes, chapter 256E, (b) set standards for case management which include, encourage and enable flexible administration, (c) require the county boards to develop individualized procedures governing case management activities, (d) consider criteria promulgated under section 256B.092, subdivision 3, and the federal waiver plan, (e) identify cost implications to the state and to county boards, and (f) require the screening teams to make recommendations to the county case manager for development of the individual service plan.*

The commissioner shall promulgate permanent rules to implement this section by July 1, 1986. Emergency rules promulgated under this section are effective until that date."

Amend the title as follows:

Page 1, at the end of line 10, after the semicolon insert "252.28;"

Page 1, line 14, after "subdivision 14;" insert "256B.092, subdivisions 1, 2, 7 and 8, and by adding subdivisions;"

Page 1, line 16, after the first semicolon, delete to the end of the line

Page 1, line 29, delete "256B.092;"

Page 1, line 30, delete "256B.19, subdivision 3; 256B.501, subdivision 4;"

Page 1, line 32, delete "Laws 1983, chapter 312, article 9, section 10;"

A roll call was requested and properly seconded.

Wynia moved to amend the Stanius et al. amendment as follows:

Page 1, after line 14 insert:

"Page 6, delete line 6 and insert: "Beginning December 1, 1985,""

Page 1, delete lines 24 to 27

A roll call was requested and properly seconded.

The question was taken on the Wynia amendment to the Stanius et al. amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Minne	Piper	Sparby
Battaglia	Jaros	Munger	Price	Staten
Beard	Jennings, L.	Murphy	Quinn	Tomlinson
Begich	Kahn	Nelson, D.	Rest	Tunheim
Brandl	Kalis	Neuenschwander	Rice	Vellenga
Brinkman	Kelly	Norton	Rivenness	Voss
Carlson, D.	Knuth	O'Connor	Sarna	Welle
Carlson, L.	Kostohryz	Olson, E.	Scheid	Wynia
Clark	Lieder	Osthoff	Schoenfeld	
Cohen	Long	Otis	Segal	
Ellingson	McLaughlin	Pappas	Simoneau	
Greenfield	Metzen	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Piepho	Thiede
Backlund	Erickson	Kiffmeyer	Poppenhagen	Thorson
Becklin	Fjoslien	Knickerbocker	Quist	Tjornhom
Bennett	Forsythe	Krueger	Redalen	Tompkins
Bishop	Frederick	Kvam	Rees	Uphus
Blatz	Frederickson	Levi	Richter	Valan
Boerboom	Frerichs	Marsh	Rodosovich	Valento
Boo	Gruenes	McDonald	Rose	Vanasek
Brown	Gutknecht	McKasy	Schafer	Waltman
Burger	Halberg	McPherson	Schreiber	Wenzel
Carlson, J.	Hartinger	Miller	Seaberg	Zaffke
Clausnitzer	Hartle	Olsen, S.	Shaver	Spk. Jennings, D.
Dempsey	Haukoos	Onnen	Sherman	
DenOuden	Heap	Ozment	Stanis	
Dimler	Himle	Pauly	Sviggum	

The motion did not prevail and the amendment to the amendment was not adopted.

Staten requested a division of the Stanius et al. amendment to S. F. No. 1525, as amended.

The first portion of the Stanius et al. amendment to S. F. No. 1525, as amended, reads as follows:

Page 9, line 56, after "Appropriation" delete the figures and insert "\$41,267,400 \$21,531,900"

Page 10, delete line 14, and insert "\$1,562,700 \$1,059,700"

The question was taken on the first portion of the Stanius et al. amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 70 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Heap	Omann	Shaver
Backlund	Dyke	Himle	Onnen	Sherman
Becklin	Erickson	Johnson	Ozment	Stanius
Bennett	Fjoslien	Kiffmeyer	Pauly	Swiggum
Bishop	Forsythe	Knickerbocker	Piepho	Thiede
Blatz	Frederick	Kvam	Poppenhagen	Thorson
Boerboom	Frederickson	Levi	Quist	Tjornhom
Boo	Frerichs	Marsh	Redalen	Tompkins
Burger	Gruenes	McDonald	Rees	Uphus
Carlson, D.	Gutknecht	McEachern	Richter	Valan
Carlson, J.	Halberg	McKasy	Rose	Valento
Clausnitzer	Hartinger	McPherson	Schafer	Waltman
Dempsey	Hartle	Miller	Schreiber	Zaffke
DenOuden	Haukoos	Olsen, S.	Seaberg	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Sparby
Beard	Kahn	Murphy	Price	Staten
Begich	Kalis	Nelson, D.	Quinn	Tomlinson
Brandl	Kelly	Neuenschwander	Rest	Tunheim
Brinkman	Knuth	Norton	Rice	Vanasek
Brown	Kostohryz	O'Connor	Rodosovich	Vellenga
Carlson, L.	Krueger	Ogren	Sarna	Voss
Clark	Lieder	Olson, E.	Scheid	Welle
Cohen	Long	Osthoft	Schoenfeld	Wenzel
Ellingson	McLaughlin	Otis	Segal	Wynia
Greenfield	Metzen	Pappas	Simoneau	

The motion prevailed and the first portion of the Stanius et al. amendment was adopted.

The second portion of the Stanius et al. amendment to S. F. No. 1525, as amended, reads as follows:

Page 2, line 10, after "General" delete the figures and insert:

"\$960,523,800 \$988,124,500 \$1,948,648,300"

Page 2, line 12, after "Total" delete the figures and insert:
"\$960,985,400 \$988,609,100 \$1,949,594,500"

Page 2, line 20, after "Appropriation" delete the figures and insert: "\$803,672,300 \$848,180,600"

Page 3, line 58, after "Maintenance" delete the figures and insert: "\$522,180,700 \$571,243,800"

Page 5, delete line 6 and insert: "\$384,035,300 \$422,057,700"

Page 6, after line 40, insert:

"Notwithstanding any law to the contrary, home and community-based alternative services for the mentally retarded provided under the federal waiver plan must be limited to 1,000 people."

Page 7, line 19, after "Health" delete the figures and insert:
"\$197,005,700 \$190,731,600"

Page 7, delete line 31, and insert: "\$142,851,600 \$137,183,800"

Pages 47 to 50, delete Article 5 and insert:

"ARTICLE 5

Section 1. Minnesota Statutes 1984, section 252.28, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATIONS; BIENNIAL REDETERMINATIONS.] *In conjunction with the appropriate county boards, the commissioner of human services shall determine, and shall redetermine biennially, the need, location, size, and program of public and private residential and day care facilities and services for mentally retarded children and adults.*

Sec. 2. Minnesota Statutes 1984, section 256B.092, subdivision 1, is amended to read:

Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY; DUTIES.] Before any services shall be rendered to mentally retarded persons in need of social service and medical assistance, the county of financial responsibility shall conduct a diagnostic evaluation in order to determine whether the person is or may be mentally retarded. If a client is diagnosed mentally retarded, that county must conduct a needs assessment, develop an individual service plan, *provide ongoing case management services at the level identified in the individual service plan, and*

authorize placement for services. If the county of financial responsibility places a client in another county for services, the placement shall be made in cooperation with the host county of service, and arrangements shall be made between the two counties for ongoing social service, including annual reviews of the client's individual service plan. The host county may not make changes in the service plan without approval by the county of financial responsibility.

Sec. 3. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1a. [CASE MANAGEMENT SERVICES.] Case management services include diagnosis, an assessment of the individual's service needs, an individual service plan, an individual habilitation plan, and methods for providing, evaluating and monitoring the services identified in the plan.

Sec. 4. Minnesota Statutes 1984, section 256B.092, is amended by adding a subdivision to read:

Subd. 1b. [INDIVIDUAL SERVICE AND HABILITATION PLANS.] The individual service and habilitation plans must

- (1) include the results of the diagnosis and assessment,*
- (2) identify goals and objectives for the client, and*
- (3) identify specific services to be provided to the client.*

The individual habilitation plan shall carry out the goals and objectives of the individual service plan.

Sec. 5. Minnesota Statutes 1984, section 256B.092, subdivision 2, is amended to read:

Subd. 2. [MEDICAL ASSISTANCE.] To assure quality case management to those county clients who are eligible for medical assistance, the commissioner shall, upon request by the county board: (a) provide consultation on the case management process; (b) assist county agencies in the screening and annual reviews of clients to assure that appropriate levels of service are provided; (c) provide consultation on service planning and development of services with appropriate options; (d) provide training and technical assistance to county case managers; and (e) authorize payment for medical assistance services.

Sec. 6. Minnesota Statutes 1984, section 256B.092, subdivision 7, is amended to read:

Subd. 7. [SCREENING TEAMS ESTABLISHED.] Each county agency shall establish a screening team which, under the

direction of the county case manager, shall make an evaluation of need for home and community-based services of persons who are entitled to the level of care provided by an intermediate care facility for mentally retarded persons or for whom there is a reasonable indication that they might (NEED THE SERVICES IN THE NEAR FUTURE) *require the level of care provided by an intermediate care facility.* The screening team shall make an evaluation of need within 15 working days of the request for service and within five working days of an emergency admission of an individual to an intermediate care facility for mentally retarded persons. The screening team shall consist of the case manager, the client, a parent or guardian, a qualified mental retardation professional, as defined in the Code of Federal Regulations, title 42, section 442.401, as amended through December 31, 1982 (, ASSIGNED BY THE COMMISSIONER). The case manager shall consult with the client's physician, *other health professionals* or other persons as necessary to make this evaluation. (OTHER PERSONS MAY BE INVITED) *The case manager, with the concurrence of the client or the client's legal representative, may invite other persons* to attend meetings of the screening team. No member of the screening team shall have any direct or indirect service provider interest in the case.

Sec. 7. Minnesota Statutes 1984, section 256B.092, subdivision 8, is amended to read:

Subd. 8. [SCREENING TEAM DUTIES.] The screening team shall:

- (a) review diagnostic data;
- (b) review health, social, and developmental assessment data using a uniform screening tool specified by the commissioner;
- (c) identify the level of services needed to maintain the person in the most normal and least restrictive setting that is consistent with treatment needs;
- (d) identify other noninstitutional public assistance or social service that may prevent or delay long-term residential placement;
- (e) (DETERMINE) *assess* whether a client is in serious need of long-term residential care;
- (f) make recommendations (TO THE COUNTY AGENCY) regarding placement and payment for: (1) social service or public assistance support to maintain a client in the client's own home or other place of residence; (2) training and habilitation service, vocational rehabilitation, and employment training activities; (3) community residential placement; (4) state hospital placement; or (5) a home and community-based alternative to community residential placement or state hospital placement;

(g) *identify the cost implications of recommendations in (f), above;*

(h) *make recommendations to a court as may be needed to assist the court in making commitments of mentally retarded persons; and*

((H)) (i) *inform clients that appeal may be made to the commissioner pursuant to section 256.045.*

Sec. 8. Minnesota Statutes 1984, section 256B.503, is amended to read:

256B.503 [RULES.]

To implement Laws 1983, chapter 312, article 9, sections 1 to 7, the commissioner shall promulgate emergency and permanent rules in accordance with sections 14.01 to 14.38. *Rules adopted to implement Laws 1983, chapter 312, article 9, section 5, must (a) be in accord with the provisions of Minnesota Statutes, chapter 256E, (b) set standards for case management which include, encourage and enable flexible administration, (c) require the county boards to develop individualized procedures governing case management activities, (d) consider criteria promulgated under section 256B.092, subdivision 3, and the federal waiver plan, (e) identify cost implications to the state and to county boards, and (f) require the screening teams to make recommendations to the county case manager for development of the individual service plan.*

The commissioner shall promulgate permanent rules to implement this section by July 1, 1986. Emergency rules promulgated under this section are effective until that date."

Amend the title as follows:

Page 1, at the end of line 10, after the semicolon insert "252.28;"

Page 1, line 14, after "subdivision 14;" insert "256B.092, subdivisions 1, 2, 7 and 8, and by adding subdivisions;"

Page 1, line 16, after the first semicolon, delete to the end of the line

Page 1, line 29, delete "256B.092;"

Page 1, line 30, delete "256B.19, subdivision 3; 256B.501, subdivision 4;"

Page 1, line 32, delete "Laws 1983, chapter 312, article 9, section 10;"

The question was taken on the second portion of the Stanius et al. amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 119 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Knickerbocker	Omann	Seaberg
Backlund	Erickson	Knuth	Onnen	Segal
Battaglia	Fjoslien	Kostohryz	Osthoff	Shaver
Beard	Forsythe	Krueger	Otis	Sherman
Begich	Frederick	Kvam	Ozment	Simoneau
Bennett	Frederickson	Levi	Pappas	Skoglund
Bishop	Frerichs	Lieder	Pauly	Sparby
Blatz	Greenfield	Long	Peterson	Staten
Boerboom	Gruenes	Marsh	Piepho	Sviggum
Boo	Gutknecht	McDonald	Poppenhagen	Thorson
Brandl	Halberg	McEachern	Price	Tjornhom
Brinkman	Hartinger	McLaughlin	Quinn	Tomlinson
Brown	Hartle	McPherson	Quist	Tompkins
Burger	Haukoos	Metzen	Redalen	Tunheim
Carlson, D.	Heap	Miller	Rees	Uphus
Carlson, J.	Himle	Minne	Rest	Valan
Carlson, L.	Jacobs	Munger	Rice	Valento
Clark	Jaros	Murphy	Richter	Voss
Clausnitzer	Jennings, L.	Nelson, D.	Rivencss	Waltman
Cohen	Johnson	Neuenschwander	Rose	Wenzel
Dempsey	Kahn	Norton	Sarna	Wynia
DenOuden	Kalis	O'Connor	Schafer	Zaffke
Dimler	Kelly	Olsen, S.	Scheid	Spk. Jennings, D.
Dyke	Kiffmeyer	Olsen, E.	Schoenfeld	

Those who voted in the negative were:

Anderson, R. Becklin Rodosovich

The motion prevailed and the second portion of the Stanius et al. amendment was adopted.

Staten moved to amend S. F. No. 1525, as amended.

A roll call was requested and properly seconded.

Blatz requested a division of the Staten amendment to S. F. No. 1525, as amended.

The first portion of the Staten amendment to S. F. No. 1525, as amended, reads as follows:

Page 28, after line 25, insert:

"Sec. 4. Minnesota Statutes 1984, section 256.967, is amended to read:

256.967 [MEDICAL CARE PAYMENTS; LIMITATIONS ON FEES.]

(FOR THE BIENNIUM ENDING JUNE 30, 1985) *Beginning June 1, 1986*, all payments for vendors of medical care under general assistance medical care shall be based upon this standard: the 50th percentile of usual and customary fees based upon medical assistance billings during calendar year (1978) 1982. All payments for vendors of medical care under medical assistance shall be limited to the 50th percentile of usual and customary fees based upon billings during calendar year (1979) 1982 for physician services, dental care, vision care, podiatric services, chiropractic care, physical therapy, occupational therapy, speech pathologists, audiologists, mental health centers, psychologists, public health clinics, and independent laboratory and x-ray services."

The question was taken on the first portion of the Staten amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Battaglia	Jaros	Munger	Piper	Sparby
Begich	Kahn	Murphy	Price	Staten
Brandl	Kelly	Nelson, D.	Quinn	Tomlinson
Brinkman	Knuth	Neuenschwander	Rest	Tonheim
Brown	Kostohryz	Norton	Rice	Vanasek
Carlson, L.	Krueger	O'Connor	Riveness	Vellenga
Clark	Lieder	Ogren	Rodosovich	Voss
Cohen	Long	Olson, E.	Sarna	Welle
Elioff	McEachern	Osthoff	Scheid	Wenzel
Ellingson	McLaughlin	Otis	Schoenfeld	Wynia
Greenfield	Metzen	Pappas	Segal	
Jacobs	Minne	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Himle	Onnen	Sherman
Backlund	Erickson	Jennings, L.	Ozment	Stanius
Becklin	Fjoslien	Johnson	Pauly	Swiggum
Bennett	Forsythe	Kalis	Piepho	Thiede
Blatz	Frederick	Kiffmeyer	Poppenhagen	Thorson
Boerboom	Frederickson	Knickerbocker	Quist	Tjornhom
Boo	Frerichs	Kvam	Redalen	Tompkins
Burger	Gruenes	Levi	Rees	Uphus
Carlson, D.	Gutknecht	Marsh	Richter	Valan
Carlson, J.	Halberg	McDonald	Rose	Valento
Clausnitzer	Hartinger	McPherson	Schafer	Waltman
Dempsey	Hartle	Miller	Schreiber	Zaffke
DenOuden	Haukoos	Olsen, S.	Seaberg	Spk. Jennings, D.
Dimler	Heap	Omann	Shaver	

The motion did not prevail and the first portion of the Staten amendment was not adopted.

The second portion of the Staten amendment to S. F. No. 1525, as amended, reads as follows:

Page 6, delete lines 6 to 20 and insert:

"Of this appropriation, \$9,209,000 is available in fiscal year 1986 and \$11,165,000 is available in fiscal year 1987 to fund the preadmission screening/alternative care grants activity in the income maintenance program."

Renumber subsequent sections and correct the internal cross-references

Amend the title as follows:

Page 1, line 12, after "4;" insert "256.967;"

The question was taken on the second portion of the Staten amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 47 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Murphy	Rest	Staten
Battaglia	Jaros	Neuenschwander	Rice	Tunheim
Begich	Jennings, L.	Norton	Rodosovich	Vellenga
Brandl	Kahn	O'Connor	Sarna	Voss
Brown	Knuth	Osthoff	Scheid	Welle
Carlson, L.	Krueger	Otis	Schoenfeld	Wenzel
Clark	Lieder	Pappas	Segal	Wynia
Cohen	Long	Peterson	Simoneau	
Elioff	McLaughlin	Piper	Skoglund	
Ellingson	Minne	Price	Sparby	

Those who voted in the negative were:

Anderson, R.	Dyke	Jacobs	Omann	Sherman
Becklin	Erickson	Johnson	Onnen	Stanius
Bennett	Fjoslien	Kalis	Ozment	Svigum
Bishop	Forsythe	Kiffmeyer	Pauly	Thiede
Blatz	Frederick	Knickerbocker	Piepho	Thorson
Boerboom	Frederickson	Kvam	Poppenhagen	Tjornhom
Boo	Frerichs	Levi	Quist	Tompkins
Brinkman	Gruenes	Marsh	Redalen	Uphus
Burger	Gutknecht	McDonald	Rees	Valan
Carlson, D.	Halberg	McEachern	Richter	Valento
Carlson, J.	Hartinger	McKasy	Rose	Waltman
Clausnitzer	Hartle	McPherson	Schafer	Zaffke
Dempsey	Haukoos	Miller	Schreiber	Spk. Jennings, D.
DenOuden	Heap	Olsen, S.	Seaberg	
Dimler	Himle	Olson, E.	Shaver	

The motion did not prevail and the second portion of the Staten amendment was not adopted.

Wynia moved to amend S. F. No. 1525, as amended, as follows:

Page 2, line 20, after "Appropriation" delete the figures and insert:

"\$801,997,300 \$844,968,600"

Page 3, line 39, after "Services" delete the figures and insert
"\$69,484,100 \$71,555,800"

Page 3, line 48, delete the figures and insert "\$11,162,500
\$13,199,200"

Page 3, after line 48, insert:

"Notwithstanding any other law to the contrary \$548,000 is appropriated during the biennium to the department of human services for grants to be distributed to counties for families under stress in order to prevent child abuse. Of this amount \$490,000 is appropriated for fiscal year 1986 and \$58,000 for fiscal year 1987."

Page 3, line 58, delete "\$518,862,700" and insert "\$518,580,700"

Page 5, line 6, delete "\$380,717,300" and insert "\$380,435,300"

Page 5, delete lines 15 to 23

Page 7, line 19, delete "\$198,590,770" and insert "\$198,440,770"

Page 8, line 17, delete "\$18,137,300" and insert "\$17,987,300"

Page 8, delete lines 18 to 58

Page 9, delete lines 1 to 16

Page 11, line 53, after "Appropriation" delete the figures and insert:

"\$84,866,100 \$88,461,400"

Page 12, line 3, after "Services" delete the figures and insert:

"\$20,741,800 \$21,215,700"

Page 12, delete line 8 and insert "\$8,172,000 \$8,481,000"

Page 12, delete lines 9 to 13 and insert

"Notwithstanding any law to the contrary, there is no appropriation for the biennium for the West Central Regional Juvenile Center."

Page 41, delete lines 15 to 36

Page 42, delete lines 1 to 4

A roll call was requested and properly seconded.

The question was taken on the Wynia amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Munger	Piper	Skoglund
Battaglia	Jaros	Murphy	Price	Sparby
Beard	Jennings, L.	Nelson, D.	Quinn	Staten
Begich	Kahn	Neuenschwander	Rest	Tunheim
Brandl	Knuth	Norton	Rice	Vanasek
Brown	Kostohryz	O'Connor	Riveness	Vellenga
Carlson, L.	Krueger	Ogren	Rodosovich	Voss
Clark	Lieder	Olson, E.	Sarna	Welle
Cohen	Long	Osthoff	Scheid	Wenzel
Elioff	McLaughlin	Otis	Schoenfeld	Wynia
Ellingson	Metzen	Pappas	Segal	
Greenfield	Minne	Peterson	Simoneau	

Those who voted in the negative were:

Anderson, R.	DenOuden	Haukoos	Onnen	Sherman
Backlund	Dimler	Heap	Ozment	Stanisus
Becklin	Dyke	Himle	Pauly	Svigum
Bennett	Erickson	Johnson	Piepho	Thiede
Bishop	Fjoslien	Kiffmeyer	Poppenhagen	Thorson
Blatz	Forsythe	Knickerbocker	Quist	Tjornhom
Boerboom	Frederick	Kvam	Redalen	Tompkins
Boo	Frederickson	Levi	Rees	Uphus
Brinkman	Frerichs	Marsh	Richter	Valan
Burger	Gruenes	McDonald	Rose	Valento
Carlson, D.	Gutknecht	McPherson	Schafer	Waltman
Carlson, J.	Halberg	Miller	Schreiber	Zaffke
Clausnitzer	Hartinger	Olson, S.	Seaberg	Spk. Jennings, D.
Dempsey	Hartle	Omann	Shaver	

The motion did not prevail and the amendment was not adopted.

Skoglund moved to amend S. F. No. 1525, as amended, as follows:

Page 8, delete lines 19 to 40 and insert "be transferred to the commissioner of health to pay the St. Paul Ramsey medical

center for up to 100 of the autopsies at a cost not to exceed \$500 per autopsy and transportation to the medical center. St. Paul Ramsey medical center shall be responsible for reimbursing physicians and pathologists outside of the metropolitan area for their services and other expenses related to the removal, transportation, and storage of the decedent's brain."

Page 27, after line 5, insert:

"Sec. 2. [145.131] [FINDINGS AND PURPOSE.]

The legislature finds that Alzheimer's and other dementia diseases occur in recipients of medical assistance. The costs the state pays in terms of human suffering, lost productivity, and medical assistance expenditures are enormous.

The legislature also finds that research for the identification, cause, cure, and prevention of Alzheimer's and other dementia diseases requires autopsies and pathological studies of suspected victims. Expenses for autopsies and pathological studies are not provided for recipients of medical assistance.

Sec. 3. [145.132] [AUTHORIZED REMOVAL OF BRAIN.]

If the attending physician of a recipient of medical assistance is of the opinion that the deceased recipient was a victim of Alzheimer's disease, the physician or a designated pathologist may remove the brain of the decedent. Before the physician removes the brain, the physician shall obtain the permission of the decedent's next of kin, the authorization of the county coroner or medical examiner, and the authorization of the appropriate department of the St. Paul Ramsey medical center. The extracted brain shall be immediately transported to the St. Paul Ramsey medical center in a manner prescribed by the St. Paul Ramsey medical center.

Sec. 4. Minnesota Statutes 1984, section 390.11, is amended by adding a subdivision to read:

Subd. 11. If the coroner is informed by a physician or pathologist that a dead person is suspected of having had Alzheimer's disease, the coroner shall authorize the removal of the brain of the dead person for the purposes of sections 1 and 2."

Renumber subsequent sections and correct the internal cross-references

Amend the title as follows:

Page 1, line 25, after "268.83;" insert "390.11, by adding a subdivision;"

Page 1, line 27, after "144;" insert "145;"

A roll call was requested and properly seconded.

The question was taken on the Skoglund amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 67 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Metzen	Peterson	Sparby
Battaglia	Jaros	Minne	Piper	Staten
Beard	Jennings, L.	Munger	Price	Tomlinson
Begich	Kahn	Murphy	Quinn	Tunheim
Bishop	Kalis	Nelson, D.	Rest	Vanasek
Brandl	Kelly	Neuenschwander	Rice	Vellenga
Brinkman	Knuth	Norton	Riveness	Voss
Brown	Kostohryz	O'Connor	Rodosovich	Waltman
Carlson, L.	Krueger	Ogren	Sarna	Welle
Clark	Lieder	Olson, E.	Scheid	Wenzel
Cohen	Long	Omann	Schoenfeld	Wynia
Elioff	McDonald	Osthoff	Segal	
Ellingson	McEachern	Otis	Simoneau	
Greenfield	McLaughlin	Pappas	Skoglund	

Those who voted in the negative were:

Anderson, R.	Erickson	Himle	Pauly	Svigum
Becklin	Fjoslien	Johnson	Poppenhagen	Thiede
Bennett	Forsythe	Kiffmeyer	Quist	Thorson
Blatz	Frederick	Knickerbocker	Redalen	Tjornhom
Boerboom	Frederickson	Kvam	Rees	Tompkins
Boo	Frerichs	Levi	Richter	Uphus
Burger	Gruenes	Marsh	Rose	Valan
Carlson, D.	Gutknecht	McKasy	Schafer	Valento
Carlson, J.	Halberg	McPherson	Schreiber	Zaffke
Clausnitzer	Hartinger	Miller	Seaberg	Spk. Jennings, D.
Dempsey	Hartle	Olsen, S.	Shaver	
DenOuden	Haukoos	Onnen	Sherman	
Dimler	Heap	Ozment	Stanius	

The motion prevailed and the amendment was adopted.

Greenfield moved to amend S. F. No. 1525, as amended, as follows:

Page 30, after line 3, insert:

"Sec. 6. [256.9671] [FAIR PRICING STANDARD.]

In no case shall the payments to vendors under the medical assistance program or the general assistance medical care pro-

gram exceed the charges paid during the same period by any third party payor or insurer for the same or similar drugs, laboratory services, medical equipment and medical supplies."

Renumber subsequent sections

Amend the title as follows:

Page 1, line 27, after "144;" insert "256;"

A roll call was requested and properly seconded.

The question was taken on the Greenfield amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 118 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Kiffmeyer	Omann	Segal
Anderson, R.	Dyke	Knuth	Otis	Shaver
Backlund	Elioff	Kostohryz	Ozment	Simoneau
Battaglia	Ellingson	Krueger	Pappas	Skoglund
Beard	Fjoslien	Levi	Pauly	Sparby
Becklin	Forsythe	Lieder	Peterson	Staten
Begich	Frederick	Long	Piepho	Sviggum
Bennett	Frederickson	Marsh	Piper	Thorson
Bishop	Frerichs	McDonald	Price	Tjornhom
Blatz	Greenfield	McEachern	Quinn	Tomlinson
Boerboom	Gruenes	McKasy	Quist	Tompkins
Boo	Halberg	McLaughlin	Redalen	Uphus
Brandl	Hartinger	McPherson	Rees	Valan
Brinkman	Hartle	Metzen	Rest	Valento
Brown	Haukoos	Minne	Rice	Vanasek
Burger	Heap	Munger	Richter	Vellenga
Carlson, D.	Himle	Murphy	Riveness	Voss
Carlson, J.	Jacobs	Nelson, D.	Rodosovich	Waltman
Carlson, L.	Jaros	Neuenschwander	Sarna	Welle
Clark	Jennings, L.	Norton	Schafer	Wenzel
Clausnitzer	Johnson	O'Connor	Scheid	Wynia
Cohen	Kahn	Ogren	Schoenfeld	Spk. Jennings, D.
Dempsey	Kalis	Olsen, S.	Schreiber	
DenOuden	Kelly	Olson, E.	Seaberg	

Those who voted in the negative were:

Erickson	Knickerbocker	Miller	Poppenhagen	Thiede
Gutknecht	Kvam	Onnen	Stanisus	Zaffke

The motion prevailed and the amendment was adopted.

Wynia moved to amend S. F. No. 1525, as amended, as follows:

Page 70, after line 9, insert new sections to read:

"Section 5. [Truth in Budgeting/Deficiencies]"

The appropriations in Section 2, Subdivision 5, do not reflect the following financial requirements:

(a) \$18,661,600 in increased medical assistance nursing home expenditures due to the underfunding of the projected caseload in the nursing home pre-admission screening and alternative care grant program;

(b) \$20,000,000 in the medical assistance deficiency created pursuant to Section 2, Subdivision 5(b);

(c) \$2,818,400 in Minnesota supplemental assistance for persons who are mentally retarded and living in the community;

Section 6. [Truth in Budgeting/Cost Shifts to Counties]

The appropriation in Section 2, Subdivision 1, shifts financial responsibility to counties without accompanying transfer of financial resources for the following items:

(a) \$3,536,000 in general assistance and Minnesota supplemental assistance payments on behalf of mentally ill residing in negotiated rate facilities with monthly expenses in excess of \$800;

(b) Continuing costs of caring for mentally retarded people moved out of state hospitals in accordance with the Welsch v. Levine Consent Decree and mentally retarded people currently living in the communities who will need services during the biennium.

Section 7. [Truth in Budgeting/Resolution Adjustment]

\$58,600,000 of the reduction in the aid to families with dependent children account from the governor's recommendation is due to the retention of mortgage registration tax receipts by county treasurers. As a result of this action, the total state spending limit shall be adjusted, pursuant to House Resolution No. 3, to \$10,503,400,000 and the total limit on revenues shall be adjusted to \$10,753,000,000 for the biennium."

Renumber the remaining sections accordingly.

A roll call was requested and properly seconded.

The question was taken on the Wynia amendment and the roll was called.

Levi moved that those not voting be excused from voting. The motion prevailed.

There were 56 yeas and 72 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Jacobs	Munger	Price	Staten
Battaglia	Jaros	Murphy	Quinn	Tomlinson
Beard	Kahn	Nelson, D.	Rest	Tunheim
Begich	Kelly	Neuenschwander	Rice	Vanasek
Brandl	Knuth	Norton	Riveness	Vellenga
Brown	Kostohryz	Ogren	Rodosovich	Voss
Carlson, L.	Krueger	Olson, E.	Sarna	Welle
Clark	Lieder	Osthoff	Scheid	Wynia
Cohen	Long	Otis	Schoenfeld	
Elioff	McEachern	Pappas	Simoneau	
Ellingson	McLaughlin	Peterson	Skoglund	
Greenfield	Minne	Piper	Sparby	

Those who voted in the negative were :

Anderson, R.	Dimler	Jennings, L.	Ozment	Swiggum
Backlund	Dyke	Johnson	Pauly	Thiede
Becklin	Erickson	Kalis	Piepho	Thorson
Bennett	Fjoslien	Kiffmeyer	Poppenhagen	Tjornhom
Bishop	Forsythe	Knickerbocker	Quist	Tompkins
Blatz	Frederick	Kvam	Redalen	Uphus
Boerboom	Frederickson	Levi	Rees	Vulan
Boo	Frerichs	Marsh	Richter	Valento
Brinkman	Gruenes	McDonald	Rose	Waltman
Burger	Gutknecht	McKasy	Schafer	Wenzel
Carlson, D.	Halberg	McPherson	Schreiber	Zaffke
Carlson, J.	Hartinger	Miller	Seaberg	Spk. Jennings, D.
Clausnitzer	Hartle	Olsen, S.	Shaver	
Dempsey	Heap	Omann	Sherman	
DenOuden	Himle	Onnen	Stanius	

The motion did not prevail and the amendment was not adopted.

S. F. No. 1525, A bill for an act relating to the organization and operation of state government; authorizing cost containment programs in medical assistance and general assistance medical care programs; establishing a permanency planning program for children at risk of out-of-home placement; appropriating money for human services, corrections, health, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62D.12, by adding a subdivision; 62E.06, subdivision 1; 129A.03; 214.06, subdivision 1; 241.01, subdivision 7; 241.71; 252.025, subdivision 1; 254.05; 256.045, subdivision 3, and by adding a subdivision; 256.737; 256.82, subdivision 2; 256.87, subdivision 1; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02, by adding a subdivision; 256B.04, subdivision 14; 256B.062; 256B.19, subdivision 1; 256B.48, by adding a subdivision; 256B.69, subdivision 4; 256D.01, subdivisions 1a and 1b; 256D.03, subdivisions 4 and 6; 256D.37, subdivisions 1 and 2; 256E.08, subdivision 1; 260.311, subdivision 5; 260.38; 268.38, subdivisions 2, 10, and 11; 268.685; 290.089, subdivision 2; 363.03, by adding a subdivision; 390.11, by adding a subdivision; 393.07, subdivision 2; 401.01, subdivision 1; 401.13; 517.08, sub-

divisions 1b and 1c; 611A.22; and 611A.34, subdivision 1; Laws 1984, chapter 616, section 1; proposing coding for new law in Minnesota Statutes, chapters 62A; 144; 256; and 256B; proposing coding for new law as Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256.966, subdivision 2; 256.967; 259.405; and 268.686.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 75 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Jacobs	Onnen	Sparby
Backlund	Erickson	Jennings, L.	Ozment	Stanius
Becklin	Fjoslien	Johnson	Pauly	Svigum
Bennett	Forsythe	Kiffmeyer	Piepho	Thiede
Bishop	Frederick	Knickerbocker	Poppenhagen	Thorson
Blatz	Frederickson	Kvam	Quist	Tjornhom
Boerboom	Frerichs	Levi	Redalen	Tompkins
Boo	Gruenes	Lieder	Rees	Tunheim
Burger	Gutknecht	Marsh	Richter	Uphus
Carlson, D.	Halberg	McDonald	Rose	Valan
Carlson, J.	Hartinger	McKasy	Schafer	Valento
Clausnitzer	Hartile	McPherson	Schreiber	Waltman
Dempsey	Haukoos	Miller	Seaberg	Wenzel
DenOuden	Heap	Olsen, S.	Shaver	Zaffke
Dimler	Himle	Omann	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Greenfield	Minne	Peterson	Simoneau
Battaglia	Jaros	Munger	Piper	Skoglund
Beard	Kahn	Murphy	Price	Staten
Begich	Kalis	Nelson, D.	Quinn	Tomlinson
Brandl	Kelly	Neuenschwander	Rest	Vanasek
Brinkman	Knuth	Norton	Rice	Vellenga
Brown	Kostohryz	O'Connor	Riveness	Voss
Carlson, L.	Krueger	Ogren	Rodosovich	Welle
Clark	Long	Olson, E.	Sarna	Wynia
Cohen	McEachern	Osthoft	Scheid	
Elioff	McLaughlin	Ouis	Schoenfeld	
Ellingson	Metzen	Pappas	Segal	

The bill was passed, as amended, and its title agreed to.

Lieder was excused for the remainder of today's session.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 88, A bill for an act relating to education; providing for aids to education, aids to libraries, state payments for teacher retirement contributions, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the state board of education, the board of teaching, and the higher education coordinating board; modifying certain components of foundation aid; modifying the basic maintenance mill rate; modifying computation of pupil units; repealing revenue equity; modifying the computation of summer program aid, transportation aid, special education aid, secondary vocational aid, and other aids; establishing an aid and levy formula for excellence in teaching and curriculum; providing for a temporary definition of school bus; providing for measurement of pupil progress; establishing mastery learning pilot projects; requiring state board of teaching to field test plans for assessment of new teachers; appropriating money; amending Minnesota Statutes 1984, sections 120.06, subdivision 1; 120.10, subdivision 1; 120.11; 120.15; 120.17, subdivision 3, and by adding a subdivision; 121.88; 121.882, subdivision 2, and by adding a subdivision; 121.904, subdivisions 4a and 4c; 121.912, subdivision 1; 122.86, subdivision 1; 123.33, by adding a subdivision; 123.36, subdivision 1; 123.58, by adding a subdivision; 123.705, subdivision 1; 123.742, subdivision 7, and by adding subdivisions; 123.7431, subdivision 1; 124.09; 124.14, subdivision 4; 124.17, by adding subdivisions; 124.19, subdivision 1; 124.195, subdivision 9; 124.2138, subdivision 2; 124.223; 124.225, subdivisions 1, 3, 4b, 7a, 7b, 8a, 8b, and 10; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivisions 1 and 6; 124.271, subdivision 2b, and by adding a subdivision; 124.2711, subdivision 1; 124.272, subdivision 3; 124.273, subdivision 1b; 124.32, subdivisions 1b, 1d, 2, 5, and 10; 124.48, by adding a subdivision; 124.573, subdivision 2; 124.574, subdivision 2b; 124.646, subdivision 1; 124A.02, subdivisions 6, 7, 8, 9, 16, and by adding a subdivision; 124A.03, subdivisions 3, 4, and by adding a subdivision; 124A.033, subdivisions 2 and 3, and by adding a subdivision; 124A.037; 124A.06, subdivisions 1 and 3a; 124A.08, subdivisions 3a and 5; 124A.10, subdivision 3a; 124A.12, subdivision 3a; 124A.14, subdivision 5a; 124A.16, subdivisions 2 and 4; 125.05, subdivisions 1 and 5; 125.12, by adding a subdivision; 125.17, by adding a subdivision; 125.185, subdivision 4; 125.60, subdivisions 3 and 7; 126.64, subdivision 2; 129B.17; 129B.20; 129B.21; 129B.35; 129B.36; 129B.38, subdivision 1; 129B.39; 129B.40; 134.31, subdivisions 2 and 3; 134.35; 134.351, subdivision 1; 136D.27; 136D.74, subdivision 2; 136D.87; 275.125, subdivisions 5b, 5d, 8, 8a, and 8b, and by adding subdivisions; 290.06, by adding a subdivision; 298.28, subdivision 1; 354.06, subdivision 1; 354.43, subdivision 3; 354A.12, subdivision 2; 355.208; 355.209; 355.287; 355.288; 355.46, subdivision 3; and

Laws 1973, chapter 683, section 26, subdivision 17, as amended; Laws 1984, chapter 463, article 9, section 9; proposing coding for new law in Minnesota Statutes, chapters 121; 123; 124; 124A; 126; 129B; 134; and 136A; repealing Minnesota Statutes 1984, sections 120.17, subdivision 1a; 120.172, subdivision 3; 122.84; 122.85; 122.89; 123.3511; 123.3512; 123.3513; 124.201, subdivisions 3, 4, and 5; 124.2138, subdivision 2; 124.225, subdivisions 4a, 8c, 8d, 8e, 8f, 8g, and 8h; 124.247, subdivision 6; 124.271, subdivisions 2 and 2a; 124.273, subdivisions 2b and 5; 124.32, subdivision 9a; 124A.03, subdivision 5; 124A.035, subdivision 6; 124A.037; 125.611, subdivisions 3, 4, 5, 6, and 7; 126.64, subdivision 1; 129B.03; 129B.33; 129B.34; 275.125, subdivision 2j; 354.43, subdivisions 1, 4, and 5; 354A.12, subdivision 3; 355.46, subdivisions 1, 2, and 5; and 355.47.

PATRICK E. FLAHAVEN, Secretary of the Senate

Olsen, S., moved that the House refuse to concur in the Senate amendments to H. F. No. 88, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1639, A bill for an act relating to state government; appropriating money to the department of transportation and other agencies with certain conditions; modifying agencies and responsibilities; providing for regulation of certain activities and practices; prescribing funds, accounts, bonding, and fees; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 17.101, subdivision 2; 17.717, by adding a subdivision; 17A.10, subdivision 2; 17A.11; 25.39, subdivision 4; 138.94; 168.12, subdivisions 1 and 5; 174.32, subdivisions 1, 2, 3, and by adding a subdivision; 299A.01, subdivision 6; 340.14, subdivision 2; 349.12, subdivisions 11, 13, and by adding subdivisions; 349.14; 349.151; 349.16; 349.161; 349.162; 349.17; 349.18, subdivisions 1 and 2; 349.19, subdivisions 5, 6 and by adding a subdivision; 349.20; 349.21; 349.211, subdivisions 3 and 4; 349.213, subdivision 1; 349.214, subdivisions 1 and 2; 349.22, subdivision 2; 349.31, subdivision 1; 352D.02, subdivision 1; 360.024; 473.373, subdivision 4; 473.375, subdivision 4, and by adding a subdivision; 473.38, subdivision 2; 473.384, subdivision 6; 473.386, subdivision 2; 473.388; 473.39; 473.404, subdivision 7; 473.405, subdivision 12; 473.408, subdivision 4, and by adding a subdivision; 473.435, subdivision 2; 473.446, subdivisions 1, 1a, 2a, and 3;

609.75, subdivision 3; 609.761; proposing coding for new law in Minnesota Statutes, chapters 219; and 473; proposing coding for new law as Minnesota Statutes, chapter 297C; repealing Minnesota Statutes 1984, sections 17.717, subdivision 6; 349.19, subdivision 4; 349.212; 349.213, subdivision 2; 473.373, subdivisions 2 and 7; 473.384, subdivision 7; 473.408, subdivisions 3, 3A, 3B, and 5; 473.436; 473.438; and 473.446, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Forsythe moved that the House refuse to concur in the Senate amendments to H. F. No. 1639, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1109:

Frerichs, Osthoff and Bennett.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1639:

Valan, Seaberg, Johnson, Poppenhagen and Kalis.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 88:

Olsen, S.; Erickson; Thiede; Backlund and Kostohryz.

MOTIONS AND RESOLUTIONS

Burger moved that the names of Kiffmeyer and Clark be added as authors on H. F. No. 1437. The motion prevailed.

Murphy moved that the name of Clark be added as an author on H. F. No. 1651. The motion prevailed.

Skoglund moved that the name of Clark be added as an author on H. F. No. 1654. The motion prevailed.

Tomlinson moved that H. F. No. 1572 be returned to its author. The motion prevailed.

House Resolution No. 30 was reported to the House.

HOUSE RESOLUTION NO. 30

A house resolution commending and congratulating Arnold T. Baland for his longtime contribution to public awareness in Minnesota of the nature and importance of our freedoms under our democratic system of government.

Whereas, Arnold T. Baland of Virginia, Minnesota, founded Project Democracy in 1960 and has directed that organization for 25 years; and

Whereas, he has, through Project Democracy, organized annual high school oral and written competitions on themes involving the importance of our freedoms enjoyed under our democratic system of government; and

Whereas, he has sought and received broad community support, both monetary and other, from elected officials, businesses, industry, labor, civic organizations, and individuals for Project Democracy; and

Whereas, the countless hours he has dedicated to Project Democracy have resulted in greater awareness among members of the public of the nature and importance of our system of government; and

Whereas, he is currently listed in Who's Who in Minnesota and the History of Minnesota, has served as President of the Chamber of Commerce of Virginia, Minnesota, was voted Outstanding Senior Citizen and was honored by Mayor Jalmer Johnson and business persons of Virginia on "Arnold Baland Appreciation Day" on July 6, 1977; and

Whereas, Mayor Johnson, on May 1, 1984, named Arnold T. Baland "The Spirit of Project Democracy" in a formal commendation to him from the people of Virginia in appreciation for his longtime efforts in making "the public aware of the voice of youth in these trying times"; *Now, Therefore,*

Be It Resolved by the House of Representatives of the State of Minnesota that Arnold T. Baland is commended for his work with and dedication to the youth of northeastern Minnesota and is congratulated for the honors received by him for his role in founding and directing Project Democracy.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and present it to Arnold T. Baland.

Elioff moved that House Resolution No. 30 be now adopted. The motion prevailed and House Resolution No. 30 was adopted.

McDonald and Fjoslien introduced:

House Resolution No. 33, A house resolution commemorating the allied victory in Europe over the forces of Nazism and Fascism.

SUSPENSION OF RULES

McDonald moved that the rules be so far suspended that House Resolution No. 33 be now considered and be placed upon its adoption. The motion did not prevail.

The resolution was referred to the Committee on Rules and Legislative Administration.

SPECIAL ORDERS

Levi moved that the bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

ADJOURNMENT

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, May 9, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

the following:

1. To the Committee on Education.

2. To the Committee on Finance.

3. To the Committee on Labor.

4. To the Committee on Public Safety.

5. To the Committee on Railways.

6. To the Committee on the Judiciary.

7. To the Committee on the Senate.

8. To the Committee on the House.

9. To the Committee on the Executive.

10. To the Committee on the Judiciary.

11. To the Committee on the Senate.

12. To the Committee on the House.

13. To the Committee on the Executive.

14. To the Committee on the Judiciary.

15. To the Committee on the Senate.

16. To the Committee on the House.

17. To the Committee on the Executive.