

INSIDE *the* TERIM

MINNESOTA HOUSE OF REPRESENTATIVES

Vol. 2 No. 3

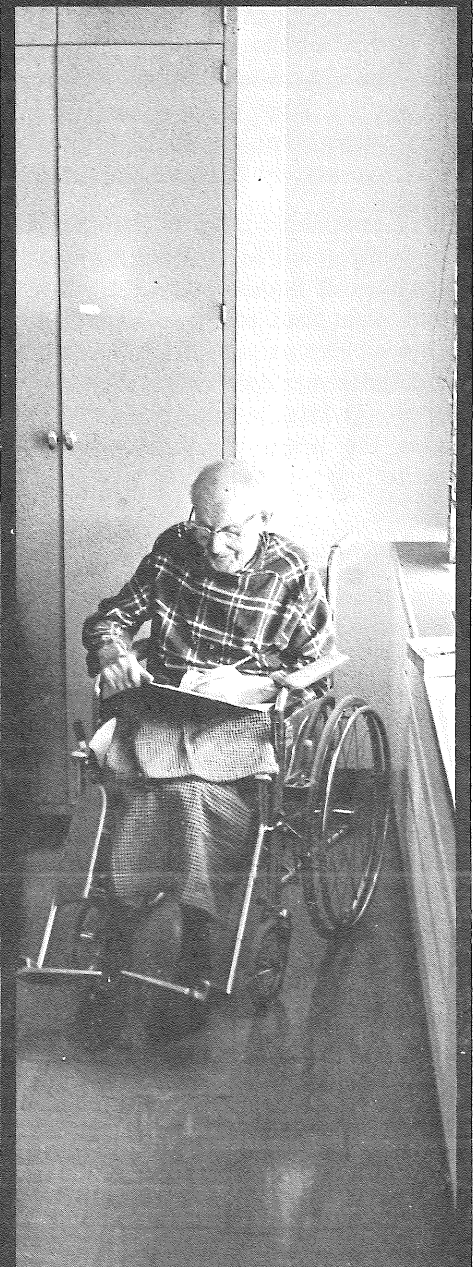
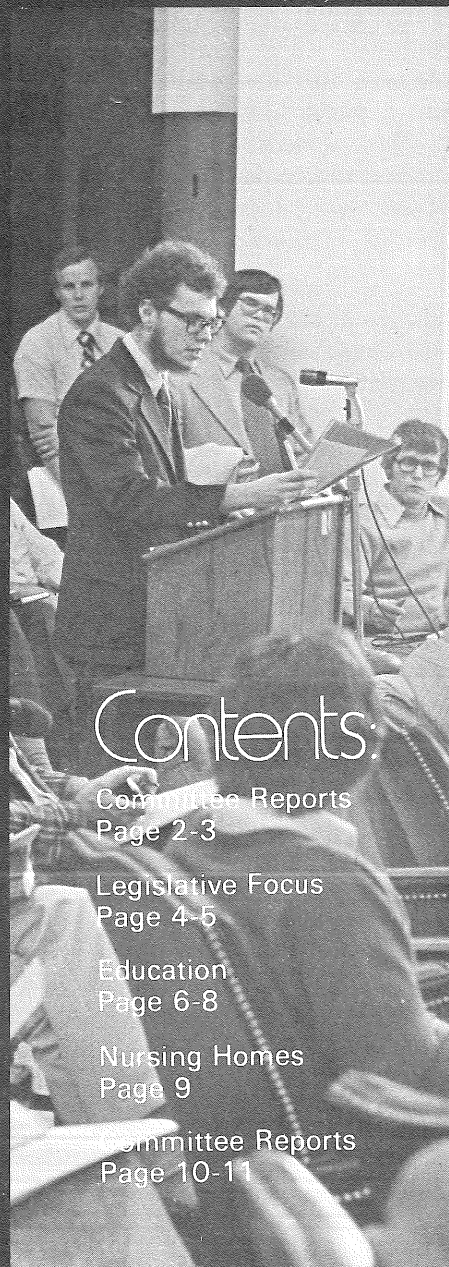


December 1975

House Information Office/Official Newsletter

Education

Nursing Homes



Contents:

Committee Reports
Page 2-3

Legislative Focus
Page 4-5

Education
Page 6-8

Nursing Homes
Page 9

Committee Reports
Page 10-11

committee reports

Liquor prices

Wholesale liquor prices took a slight jump in October in spite of a 1973 state law that was to promote competition and reduce liquor prices, according to information a House commerce subcommittee received during an interim meeting.

Joseph Novak, director of the State Division of Liquor, told the subcommittee that wholesale prices of liquor went down between 10 and 12 percent shortly after the law went into effect, but then increased slightly, about two percent from September to October.

The subcommittee is looking into the prices of liquor to see if the law, which went into effect June 16 after a series of court suits, is doing what it is supposed to do. Chairman Stanley Fudro (D-Mpls.) said, "We aren't saying the prices are going up. We want to find out if they are."

The 1973 law requires distillers to sell their liquor to any wholesaler in the state, ending brand monopolies that some wholesalers have had for almost 40 years. The liquor industry challenged the law and in June the U.S. Supreme Court upheld the decision of the lower courts, keeping the law on the books.

Novak said wholesale prices rose slightly after wholesalers met in September with federal officials who warned them they would be violating federal law if they sold below cost.

When asked if retail stores are passing the lower prices down to their customers, Novak said, "In some instances, Yes; in some, No". According to a small sample survey of random liquor stores by Novak's office, prices in the metro area have come down, but outstate prices have not dropped as much, if at all.

Gasoline "rack pricing"

A House subcommittee studying gasoline prices heard from a number of speakers during the December mini session, most favoring "rack price" legislation, which would require suppliers to sell gasoline to all service stations in Minnesota at the same price.

Dixie Diehl, coordinator of the fuel allocation division in the state Energy Agency, told the lawmakers that the state might see "the beginning of the end of such services as emergency towing, mechanics who are on duty at night and during weekends, and sources of automobile parts open at odd hours."

She said that brand service station operators have to buy from their suppliers and pay "an artificial high price" while independent operators can buy on the open market and get a lower price.

Gary Persian, attorney for the Minnesota Service Station Association (MSSA), told the members service station operators could take down their (Texaco, Standard Oil, etc.) "flag" and get a lower price, but "they would lose their brand name and credit card privileges and might lose their franchise."

Robert Borrett, executive director of the MSSA, said some 150 gasoline stations in the seven-county metro area have closed during the last six months and that "in a few years the consumer will find that the full service station is no longer in existence."

Because of the difference in what operators who sell under a brand name and independent operators pay for gasoline from the same oil company, Borrett said, some retail prices are lower than the wholesale price the brand dealer pays. He said the brand operator pays about 53.6 cents per gal-

lon for regular gasoline in competition with the independents who sell regular for 49.9 to 52.9 cents per gallon.

Gerald Everett, director of the Northwest Petroleum Association, an organization of about 1,500 jobbers, also approved of the concept of "rack pricing", but because of their experience with the Federal Energy Agency, he said they "don't want any more government help."

Small town plumbers

After more than six hours of hearings, a House commerce subcommittee recommended to pass, a bill licensing plumbers in towns of 5,000 or less.

Since 1933 state law has required the licensing of plumbers, water conditioning contractors, and installers working in towns with a population of 5,000 or more, exempting those operating in towns of fewer than 5,000 people. Rep. Douglas St. Onge, (D-Bemidji) author of the bill, HF 1170, said there's no reason to have "two standards of health in the state." He said small town residents who are victims of poor plumbing work have no recourse, but to go to court. Consumers who have work done by licensed plumbers and are dissatisfied can complain to the state Department of Health.

The bill has a "grandfather clause" which would allow anyone who has been in business as a master plumber or journeyman plumber for at least four years to get a license without having to take the examination.

Speaking against the bill, Gary Larson, executive director of the Minnesota Retail Hardware Association told the committee, "It's not the same

committee reports

situation you have in the metropolitan area. If the local plumber doesn't do a good job, people will know." John Swanson of Midland Cooperatives said the cost of installing small appliances will go up, but "it won't add to the value of the product."

The bill now goes to the full Commerce and Economic Development Committee for a January hearing when the House reconvenes.

Omnibus energy bill

The Environment and Natural Resources Committee, by a voice vote, recommended passage of HF 1437 (Munger, D-Duluth), the "energy bill," after adding a provision to ban open flame pilot lights on new gas appliances after 1977.

The bill would:

- prohibit the use of decorative gas lamps.
- require auto manufacturers to attach labels showing the EPA (Environmental Protection Agency) city and highway fuel economy rating on new cars dealers sell in Minnesota after July 1, 1977.
- prohibit the sale of room air-conditioners which do not meet a state-provided minimum efficiency ratio.
- require a study of all state-owned buildings to find potential energy savings and require the use of energy-saving plans.
- require schools with serious energy deficiencies to improve these conditions with financial help from the state
- make permanent the state Energy Agency, now due to go out of existence at the end of 1979, and authorize \$1 million in research and development grants for innovative and alternative energy systems
- prohibit, after Dec. 31, 1977, the sale of new gas appliances with open-flame pilot lights.

The "energy bill" next goes to the Appropriations Committee to consider the \$1 million funding.

Unfair labor practices

The House Labor-Management Relations Committee examined legislation that would allow for hiring two full-time "unfair labor practice commissioners" to hear complaints of public employees and employers.

Rep. Stanley Enebo (D-Mpls) is sponsoring the bill. It would establish and authorize a State Unfair Labor Practices Commission to rule on the complaints brought by governmental units and public employees.

The bill calls for the Public Employees Relations Board to recommend for appointment by the governor two commissioner candidates at an annual salary of \$28,000 each. The bill says "commissioners shall not be selected on the basis of their affiliation with or representation of any group, or special interest, but rather shall be selected because of experience and proficiency in the practice and laws of labor relations."

With this legislation, the commission would have jurisdiction over —

- all unfair labor practice complaints that come under the Public Employment Labor Relations Act
- election unfair labor practices
- disciplinary actions against employees who participate in illegal strikes
- unfair labor practices by labor organizations engaging in unlawful strikes

After taking testimony on the complaints at a formal hearing, the two commissioners would render a binding decision, but complainants could appeal to the Supreme Court under certain conditions. If the two commissioners cannot agree on a decision,

a member of the Public Employee Labor Relations Board would come in to help in the process.

Representatives of the Minnesota Education Association (MEA), Minnesota Federation of Teachers (MFT), the AFL-CIO, and the State Employees Union all endorsed the concepts of the unfair labor practices bill.

Veterans home move

A joint House and Senate subcommittee heard a request for moving the Veteran's Home from Minneapolis to Hastings.

Speaking for the committee, co-chairman, Rep. Neil Haugerud (D-Preston), questioned the urgency for "such a change" and said more extensive committee study was necessary before the legislature "can reasonably act on this proposed move."

Commissioner of Veterans Affairs, Russell Green, spoke to the legislators for the State Departments Division and the Health, Welfare, and Corrections Division of Appropriations outlining the situation at the Veterans Home.

Green said the move would transfer 57 veterans from the Minneapolis facility to four vacant buildings the state has just declared surplus at Hastings State Hospital. Green told the panel about an increasing need for new veteran accommodations. He said over 200 veterans are on a growing waiting list for room at the Minneapolis home.

Several legislators expressed concern that the proposed move will force an increase in appropriations to the Department of Veterans Affairs next biennium. Green assured them that the move would bring "no cost increase this biennium and very little next biennium."

legislative focus 1975

Veterans preference

Veterans no longer have "absolute" preference for local municipal jobs. Past state law granted absolute preference to veterans for local municipal jobs and limited preference for state positions. The limited preference now applies to all levels of government.

Veterans can use five bonus points (10 for disabled vets) to get a job with state, municipal or county governments. If they pass the civil service exam, the extra points add to their final score. Veterans may use their preference points in as many job applications as they desire.

The new state law also eliminated preference on promotions except for veterans with a 50 percent or more disability rating. Those veterans can use five points on a promotional exam, but only once.

Veterans will not get any preference on positions which do not require an exam. This is another change from past state law. Military pensioners may not use veterans preference.

Effective immediately. Chapter 45 Minnesota Session Laws.

Emotionally handicapped

Benefits for treating emotionally handicapped children in residential treatment facilities are now available from certain insurance policies and plans.

All health and accident insurance policies, non-profit health plans and HMO (Health Maintenance Organization) contracts must offer these types of benefits to their subscribers.

Policies insurance companies write

for individuals, or for families not in a group coverage plan, are exempt from this requirement.

The new law requires the Commissioner of Public Welfare to provide a legal definition of an "emotionally handicapped child."

Effective immediately. Chapter 160 Minnesota Session Laws.

Loan extension

Industrial loan and thrift companies can now make loans for up to five years, instead of the current limit of three years.

As of August 1, 1975, the law provides an interest rate discount scale so that the annual percentage rate under a five-year limit remains essentially the same as under the past three-year limit.

The companies can lend up to ten percent (previously five percent) of their total reserves to any one person.

Effective August 1, 1975. Chapter 373 Minnesota Session Laws.

Human rights amendments

Disabled persons now have protection from discrimination under the state human rights law. Disabled people who believe they are victims of discrimination in "the access to, admission to, full utilization of or benefit from any public service," or someone has denied them "the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation," can file a complaint with the Department of Human Rights.

Another amendment to the Human Rights Law makes it unlawful to discriminate in giving credit because of sex or marital status.

Effective August 1, 1975. Chapter 206 Minnesota Session Laws.

Maternal and child nutrition act

Certain women and children are eligible to get food vouchers for purchase of nutritionally sound foods under a new state program.

The help is for those who can't afford nutritional foods and who local health agencies consider "nutritional risks."

Benefiting from the program are pregnant women and women who are breast feeding infants and have "known inadequate nutritional patterns, histories of anemia, premature births, or miscarriages, and have had inadequate patterns of growth (underweight, obesity, or stunting)."

Children (one to four years of age) and infants (under one year) eligible for the program include those with "low birth weights (under 5 pounds), deficient patterns of growth, anemia, and known inadequate nutritional patterns."

Supporters of the legislation hope the nutritional supplements and counseling services will help correct the problems poor nutrition can cause, such as brain damage and poor social behavior.

County and private non-profit health clinics will administer the program and determine who can have the vouchers. Those with vouchers can use them only for the purchase of foods the State Board of Health says are "desirable nutritional supplements" including such items as iron-fortified infant formula, vegetable or fruit juices, cereal, milk, cheese, and eggs.

Effective August 1, 1975. Chapter 346 Minnesota Session Laws.

1975 legislative focus

Separate-but-equal athletic teams

A new law allows school districts and other public agencies such as playgrounds to have separate athletic teams for boys and girls if:

- such separation is necessary to provide both teams with an equal opportunity to participate in the sport.
- the two teams get the same budget per participant, exclusive of gate receipts and donations a sport generates.

The separate-but-equal provisions apply to organized teams for persons 12 years and older, or those who have reached the seventh grade. Schools and other public agencies must begin phasing out sexually separate teams next fall for children 11 and under and have only integrated

teams in that age bracket by 1978. Wrestling is the only sport exempt from the law.

If this legislation had not become state law, a portion of the Minnesota Human Rights Act of 1974 would have gone into effect making separate athletic teams illegal.

Effective August 1, 1975. Chapter 338 Minnesota Session Laws.

Workers' compensation

Injured workers can look forward to increased benefits as the result of a 1975 state law. The law raises the maximum benefits for injured workers from \$100 to \$135 a week, but still limits benefit amounts to no more than two-thirds of their salaries.

Other changes in the compensation laws include paying the maximum

\$135 weekly compensation to minors regardless of their income and removing a \$40,000 limit on payments to families of workers who are victims of fatal on-the-job accidents.

For the first time, legislation provides for coverage of domestic and other household workers earning \$500 or more per quarter.

The law allows injured workers to collect a portion of their attorney fees in contested cases and sets a maximum of a \$5,000 fee for attorneys representing workers in claims before the Workmen's Compensation Division. Prior to this 1975 legislation the law said only that attorney fees must be "reasonable" and subject to approval by the Workmen's Compensation Division.

Effective Aug. 1, 1975 (Oct 1, 1975 benefits). Chapter 359 Minnesota Session Laws.

Salisbury Adams Retires

Assistant Minority Leader, Salisbury Adams (R-Wayzata) announced that he would not seek re-election for his seat next fall.

Adams has served in the Minnesota House of Representatives since 1962 and has been a member of the Judiciary, Taxes, Rules and Legislative Administration, and Education Committees.

Adams was instrumental in the area of educational financing. He is a member of the Minnesota Council on Quality Education and was particularly instrumental in the design of the Minnesota school aids formula.

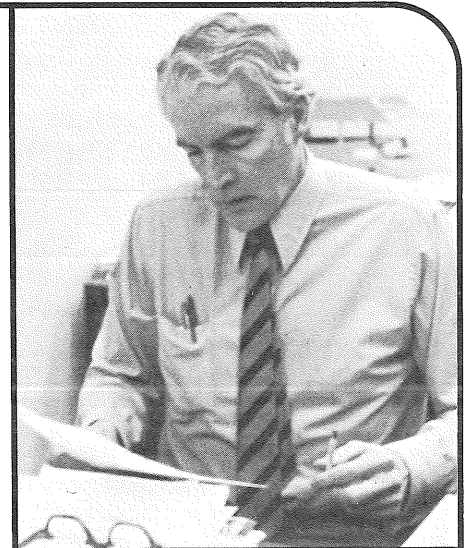
Chairman of the Education Committee's School Aids Division, Rep. Joseph Graba (D-Wadena) described

Adams as an individual marked by "his sense of fairness, his gentle persuasion, and his quality of judgment."

Graba said Adams "has the ability to express opinions without implying that yours are unimportant. It will be difficult to replace his expertise in school finance."

Adams himself commented on his work in education by saying, "maybe it's impossible to assume we will ever arrive at an era of tranquility in education. But I hoped we would. That goal still seems to be as elusive — even more elusive — than it was when I first started out in the field.

We (the committee) hope that maybe some of the structures that we have



created will help to eventually attain that goal."

On his future in education Adams said, "I'd like to try, someday, to work within a school as an Indian rather than a chief."

Education

Problems, Projections, Proposals

Problems, projections and proposals surfaced during the interim as legislators studied the needs of Minnesota's educational systems.

Study needs

Early in the interim, the Education Committee heard testimony from educators who feel there is a need for better teaching of economics and the free enterprise system — and for better health education in public schools.

Health educators said health studies are a requirement in Minnesota since 1973, but only "two-tenths of one percent" of education funds go for that purpose.

They said Minnesota should develop a coordinated, comprehensive health education program for young people instead of waiting until the need for "crises education" arises — citing drug abuse as an example where "all of a sudden" extra time and money had to pour into an education program to combat drug-associated health problems.

They suggested spending funds on new teaching materials, saying "some textbooks don't come close to dealing with current health problems" or meeting the needs of a "constantly changing world."

Business people testified on what they see as a lack, in Minnesota's education system, of accurate information on the country's economic structure.

John Littleford, headmaster at Breck School in Minneapolis, explained

Breck's efforts to give students a background in the economic system around them through a three-phase pilot economics program which—

- brings business people into the classroom to give lectures and answer questions.
- takes students out to see how different businesses operate and to learn first-hand about the business world.
- allows students to evaluate their own experience in the program.

Darrell Erdman of the Rochester Chamber of Commerce Committee on Education, reported on a similar endeavor in Rochester which, in one year, 1974 to 1975, grew from a student enrollment of 50 to 350.

Committee members said the approach to health and economic studies is a local decision school boards should make within their own districts.

Proposals

President of the Minnesota Federation of Teachers (MFT) appearing before the House Committee on Labor-Management Relations, said that organization would like legislation to —

- give teachers the right to strike with limitations set by the courts
- eliminate the policy of hiring strike-breakers
- eliminate the fair share fee
- clarify the questions of what are negotiable working conditions and what are non-negotiable management rights

The Minnesota Education Association (MEA) supports these additional pro-

posals —

- establishment of a body to hear unfair labor practices
- release of teacher representatives for contract negotiations
- retroactive pay to teachers after a contract settlement
- more mediators
- a time limitation on when a school district should begin arbitration

William Wettergren, executive secretary for Minnesota School Boards, suggested changes in the Minnesota Open Meeting Law, because the law does not require teacher negotiations to be open, but school boards have to conduct publicly any strategy sessions they may hold.

Wettergren said, "By requiring this (school board negotiation strategy meetings) to be done at an open meeting, we make a mockery of the bargaining system."

Representatives from the State Board of Education, the Special and Compensatory Education Division, and the Assistant Commissioner of Education appeared before the Committee to support these ten proposals on future and pending legislation:

1. financial incentive for voluntary consolidation of school districts through a \$500,000 appropriation with a flat grant of \$25,000
2. a bill to give better control of school activity funds to local school boards, to improve financial reporting and safekeeping of funds
3. transportation aid of \$2 per pupil for field trips local school boards authorize
4. funds to assist in the establishment of pilot programs for high-potential pupils at approximate cost of \$250,000

5. reimbursement to school districts for cost of services to children in state institutions or licensed residential facilities during the 1975-76 school year and summer of 1976.
6. appropriation of funds for the Minnesota statewide educational assessment program for the second year of the biennium
7. aid for school desegregation; intercultural and in-service programs
8. funds to meet expenses of members of Indian Advisory Committee to the State Board of Education
9. establishment of an accountability system for public elementary and secondary schools
10. expansion of the state's authority to set down regulations on instructional programs

The State Board of Education recommends passage of HF 96, Stanton

(D-Arco) which provides for educational cooperative service units; HF 396 (Nelson K., D-Mpls.) a pilot program on bilingual and native American language and culture educational programs; HF 1057 (Menning, D-Edgerton) requiring public hearings before school closings; HF 349 (McCarron, D-Spring Lake Park) providing for school board elections on the first Tuesday after the first Monday in November.

University merger

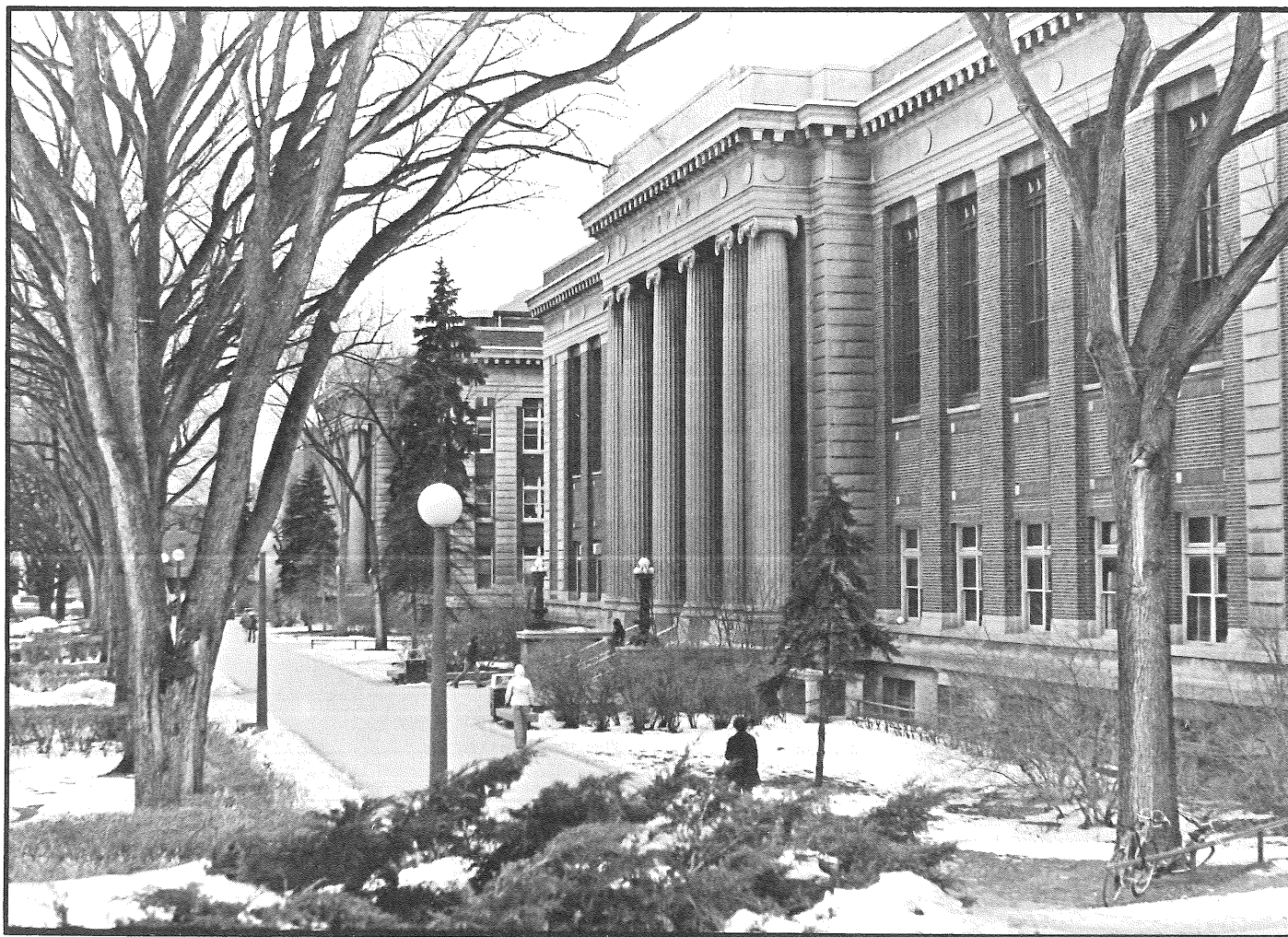
The Higher Education Committee and educators discussed proposed legislation calling for the merger of Minnesota's University and Community College Systems and an overall governance board as interim activities progressed.

Rep. Peter Fugina (D-Virginia) sponsored two proposals. One would have created a Higher Education Governance Board to combine the Board of Regents, the State College Board, and the Higher Education Coordinating Commission (HECC).

The other proposal would have merged the University of Minnesota system and the state university and college system into one state university system.

However, Fugina now believes the legislature should first set up a study commission to make recommendations for the future governance of higher education.

Fugina said some questions he feels are appropriate to ask in looking into the governance issue are: How accessible to the public has the Board of Regents been? How effectively has it governed? What are the board's future plans?



Education continued

"U of M System has served well."

C. Peter Magrath, President of the University of Minnesota said, "the present University of Minnesota system has served well the educational needs of the state."

He stressed the quality and coordination present in Minnesota's post-secondary educational system. "It seems to me that we have a system of systems in Minnesota, marked by diversity, collaboration and increasing awareness of our mutual interdependence on each other."

Discussion weighed the advantages and disadvantages of mergers of university status. Proponents of merger argued that mergers tend to be more cost efficient; provide better and expanded opportunities for students; and greater control and management.

Opponents of mergers claimed they do none of these things and that mergers are "excessively bureaucratic."

Magrath proposed the legislature develop its expectations for a post-secondary system in Minnesota and discuss which of these the present system accomplishes. If it is not accomplishing them, he suggested seeking a way within the present structure, or modification of the present structure to do this.

Magrath said he feels a merger into one governance board would concentrate "a good deal of power into one body," and "It is essential to avoid having differing sets of expectations for the system."

The executive director of HECC and a former staff member from "Minnesota's Future" agreed with McGrath that lawmakers should "clarify their objectives and expectations in view of recent studies on declining enrollments and population statistics."

Fugina said legislation should allow for more citizen participation and

enable educational institutions to deliver better educational benefits to the areas they serve."

Special Ed Funds

John Gross of the Minnesota Department of Education spoke on the use of funds the 1975 school aids bill committed to special education.

He said there are three possible formulas to determine the use of special education aid:

- a staffing-based formula that figures aid on number of staff
- pupil-based aid, figuring a given amount per pupil
- pupil-based cost formula which adjusts to changing district costs

But, Gross said, there is a need to define "learning disabilities" in the law to help school districts develop programs that meet state requirements for special education aid.

Task Force

More input from Minnesota's people on what happens in their community schools is a recommendation from a Special Task Force that looked into the problems at Anoka-Ramsey Community College.

Chancellor Phillip Helland of the Community College System reported to a House education subcommittee that, as a result of the task force study, the college board improved and expanded the use of citizen advisory committees in working toward better community college services.

Some of those task force recommendations, put into practice at Anoka-Ramsey, which the task force felt other colleges could possibly adopt are—

- monthly meetings of school administration with the community college board to discuss concerns

and to work out differences before they become major problems

- improved communication (At Anoka-Ramsey, the staff upgraded the campus weekly bulletin, published proposed changes, and began a process allowing for administration and faculty discussions.)
- appointment of a full-time employee relations expert to coordinate programs, to inform faculty on new regulations, and to develop programs for updating staff skills
- regulations that give staff maximum opportunities to relocate by notifying them of positions open outside of their particular promotional system.

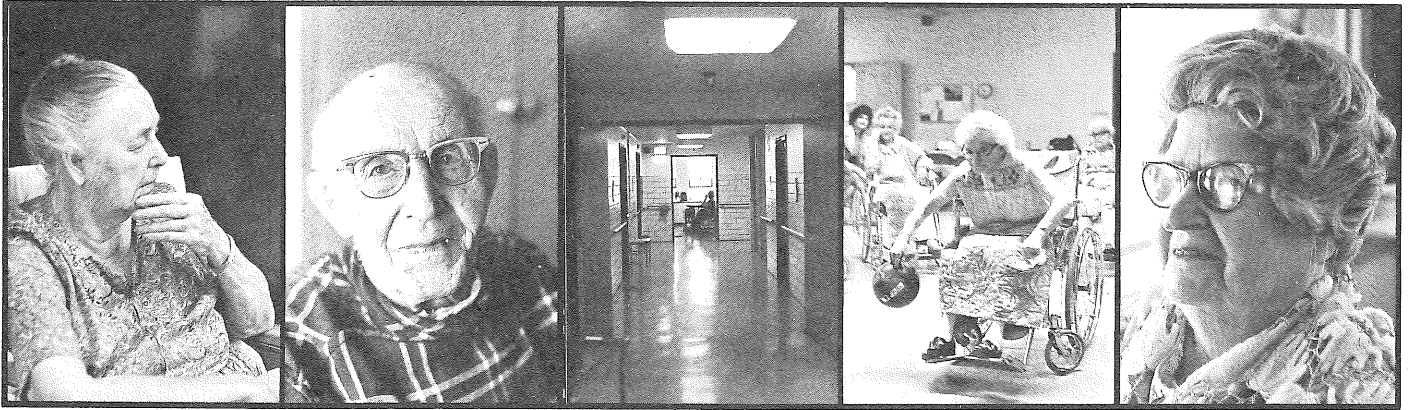
Helland said this last recommendation is important because it provides for the development of guidelines in making staff reductions in a time of fluctuating enrollments and layoffs.

Teachers' and Policy

"Teacher power" is making a definite mark in educational policy-making, according to a study project Dr. Tim Mazzoni of the University of Minnesota reviewed for legislators.

Mazzoni, from the University's Department of Educational Administration, said a U.S.-Office-of-Education-funded study sees teachers getting a greater voice than they now have in setting educational standards, including those for curriculum and certification. And, he said, layman control versus professional control could become an important issue.

The report also indicates, in addition to the emerging, stronger role of teachers, that state governors are becoming more interested in state education — especially, Mazzoni said, in the area of finance — and a more professional legislature could expand the role of political leaders in education.



Nursing Homes

A joint House-Senate Select Committee on Nursing Homes, which has conducted a nursing home inquiry since last summer, is now considering a number of bills that would affect nursing home regulations.

The committee plans to meet three more times in January to discuss legislation on medical assistance programs and complete its final report of recommendations to present to the legislature January 27, opening day of the '76 session.

Legislation the committee is considering includes:

Nursing home recodification

This legislation would reorganize the various laws relating to nursing homes and nursing home administrators and put those laws in a separate chapter of Minnesota Statutes.

Nursing assistant training

A mandatory training requirement for nursing assistants would take effect after July 1, 1977, if this proposal becomes state law. The bill would require three weeks of formal training in area vocational technical institutes or community colleges for anyone wanting to be a nursing assistant. Nursing homes would reimburse tuition and "necessary expenses" to nursing assistants who complete their training within a six-month period prior to their employment. As the bill now stands, the nursing home would

be able to claim up to 50 percent of these costs from the state.

Prohibiting false welfare claims

Nursing homes presenting false welfare claims could get financial penalties under this proposed legislation which gives the commissioner of welfare the power to stop any further payments of medical assistance to "any vendor of medical care" a court finds guilty of fraud.

The bill permits the state to sue for triple damages from medical vendors who falsify welfare claims. It also calls for sworn cost statements from nursing homes and makes it a crime to submit a false cost report.

The welfare department could get access to all records of medical vendors, including patient's records, under this proposal.

Patients right to sue

This legislation proposes extending nursing home patients the right to sue the owners of a nursing home if they have suffered an injury as the result of the home depriving them of a right or benefit.

Medical assistance investigative unit

This proposal would require the Department of Welfare to "establish and maintain methods and criteria for identifying situations in which a question of medical assistance fraud, theft, presenting a false claim or mis-

representation of a material fact by a vendor of medical care may exist."

Independent nursing-home advocate

Nursing-home patients would have an advocate under this proposed legislation. The advocate would be in the office of the legislative auditor and would be able to act with the powers of an ombudsman.

The advocate would have the authority not only to investigate complaints against nursing homes but also to move against governmental agencies and to inform the public about nursing homes and how to choose one.

Patients' rights

This bill would add five more specific patients' rights to the Patients Bill of Rights, already a part of state law. The rights include private communication, knowledge of choices, freedom to make independent decisions, management of financial affairs and freedom from mental, physical and chemical restraints unless a physician orders them.

Restrictions on payments to profit nursing-homes

If this proposed legislation becomes law, profit nursing homes will be ineligible to receive payments for patients who are on the state's medical assistance program and, after Jan. 1, 1980, it would prohibit admitting recipients of medical assistance to profit-making homes.

(continued on last page)

committee reports

Raising of drinking age

A House subcommittee of Commerce and Economic Development recommended a bill raising the age for drinking liquor in bars and restaurants to 19 and for buying liquor in stores to 21.

The subcommittee recommended Rep. Keith Langseth's (D-Glyndon) bill, on a 4-3 vote after holding five hearings on the issue. This fall the subcommittee traveled to Duluth, Windom, and Breckenridge where school officials testified that the 18-year-old drinking age has caused problems in the high schools by making liquor available to younger students.

Representatives of student organizations have testified against the bill. They said the bill creates a "double standard", and asked "whether it takes more maturity to take a drink than it does to buy a house or vote."

The legal age for drinking went from 21 to 18 when the legislature changed the legal age for majority to 18 during the 1973 session.

Malpractice insurance

A special joint committee on medical malpractice took a first-time look at three proposed malpractice insurance bills Rep. Norman Prahel (D-Grand Rapids) is sponsoring. Prahel said he is proposing the legislation as "preventive medicine."

The first bill would put an actuary (one who calculates insurance premiums) in the State Department of Insurance to work only in the area of malpractice.

The second bill would require all liability insurances to offer medical malpractice coverage that "meets

or exceeds" the commission's standards. "This bill creates competition which will hopefully reduce premium rates," Prahel explained to the committee.

Of his third proposal, Prahel said an equal-risk proposal for doctors makes sense in view of suggestions by some doctors that the public should help share the risk of malpractice. The bill would require all of the state's doctors to share equally in malpractice insurance costs. Rates now vary from several hundred dollars a year for family physicians and other physicians, who do no surgery, to about \$8,000 for specialists, such as neurosurgeons and anesthesiologists.

Rep. Lyndon Carlson (D-Brooklyn Center) said the committee plans four meetings in January to consider a number of medical malpractice insurance proposals before making a final report to the 1976 legislature.

Open season on moose

The House Subcommittee on Conservation recommended a bill that would permit the DNR (Department of Natural Resources) to open moose seasons for the months of September through December, each year until 1980.

The subcommittee supported an amendment to the bill, HF 1878 (Braun, D-Greenbush) to remove a provision that would add the fisher, a fur-bearer of the weasel family, to the legal trapping list.

Roger Holms, chief of DNR's section of wildlife, testified in favor of both provisions but said including the fisher would endanger the passage of the bill; because trapping of the fisher has failed to win approval in the House in past legislative sessions.

Holms said the moose population, following limited open seasons in 1971, 1973, and this fall, has remained stable at from 6,000 to 8,000 animals.

He told the subcommittee the next season probably won't begin until 1977 because of a shortage of manpower in establishing an open moose season in 1976.

Holms mentioned that, last year, trappers, who receive half of the pelt value, turned in 94 fisher pelts after trapping the animals by mistake. He said this was not a true estimate of the number of fishers caught in traps, because "many pelts are sold illegally across the Canadian border."

Holms favors the trapping of the animal to eliminate this "black market" in pelts and to get a true estimation of the fisher population because the DNR bases projected fisher population on the number of pelts trappers turn in.

Bicycle safety

While bicycling has increased in popularity over the last couple of years so have bicycle fatalities, a school safety officer told the House Public Safety Subcommittee at a November mini-session meeting.

Ronald Holt, Richfield school safety officer, attributed this 40 percent bike fatality increase from last year — 16 bike fatalities in 1974 and 22 bike deaths so far in 1975 — to a lack of knowledge of existing laws and not to a shortage of laws.

Holt said, "millions of dollars are spent on bike pathways while very little money is spent on bicycle education." Holt told the legislators, that while bike education and bike pathways are necessary, it is also

committee reports

important to enforce current bike laws and for auto drivers to take special care when coming upon a bicyclist.

Holt explained the Richfield Bicycle Safety Program, which stresses "education, not punishment." In that program, police auxiliary officers bike around the city, issue warning notices to violators, notify the parents of each juvenile who breaks a traffic law, and such offenders attend a bike safety seminar.

A representative from the Department of Public Safety agreed the increased interest in bikes shows the need for a study of the bike safety problem. She felt that "the laws are sufficient but it's a matter of communication between the auto driver and the bike rider."

Although there was no proposed legislation before the subcommittee, some of the legislators said bicycle safety may be one of the concerns they'll be seeking a solution for during the upcoming January session.

Freedom of information

The Government Administration Subcommittee, during the interim mini sessions, has been hearing the "Freedom of Information" bill, HF 1879, (Philbrook, D-Roseville).

The intent of the bill is to insure that "Public data shall be available to any person for any purpose." When an individual requests public data from a governmental agency, the responsible authority of that agency "shall immediately grant the request" (within 24 hours).

If a public agency denies the request, the bill would require the responsible authority to furnish a written response listing all reasons for not complying.

At that point, the person requesting public data may take the case to court.

HF 1879 would also require all governmental agencies to keep all records necessary to a full and accurate knowledge of their official activities. Each agency would have to designate a responsible authority to keep the public data current.

The bill would provide—

- guaranteed access to computer data
- a public data index in every public agency
- authority for agencies to set a reasonable fee for duplication of data

The bill would classify as private data —

- employment references
- opinion files
- legislative research records
- personal files of elected officials
- pre-sentence investigation and parole reports

Robert Shaw, manager of the Minnesota Newspaper Association, spoke in favor of HF 1897 because it would allow media personnel, in some circumstances, to see the names on police records and reasons for arrest.

Shaw said the news media rarely prints this type of information, but, according to Shaw, it is necessary to have access to the data so, "we can see what the police are doing."

Dr. Steve Chapman, director of research for MPIRG (Minnesota Public Interest Research Group,) said, "It is my hope that HF 1879 will stimulate statewide action for government reform." Chapman said the bill would help his group, and others like it, because "In the past, MPIRG has been denied access to information by governmental agencies."

John Finnegan, executive editor of the ST. PAUL DISPATCH and PIO-

NEER PRESS, told the committee the bill contains the same language as a 1975 privacy law which some officials have used to make previously open police records secret. He said, "I foresee the same kind of problem with this bill as we had with the 1975 Privacy Data Amendment." The St. Paul newspapers recently won a lawsuit appealing that ruling.

Philbrook said he realized that the language pertaining to confidential records needs changing but explained that he included the wording so "the legislative process can deal with the problem."

As sponsor of the bill, Philbrook said he will meet with news media representatives and police officials in an attempt to work out an amendment. He emphasized the bill's intent to give citizens more access to "information collected with their money on their behalf."

In other action, the subcommittee recommended for passage, on a unanimous voice vote, HF 1891 (Wenzel, D-Little Falls). HF 1891 would establish an interstate civil defense and disaster pact with other states that have passed this type of legislation. This would allow for cooperative assistance between states in the event of declared disasters.

CHANGE OF ADDRESS?

LET US KNOW

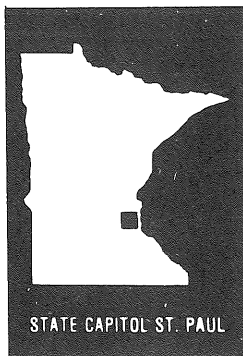
Name _____

Old Add: _____

_____ Zip _____

New Add: _____

_____ Zip _____



INSIDE the TERIM

MINNESOTA HOUSE OF REPRESENTATIVES

House Information Office/Official Newsletter

Room 8 State Capitol
St. Paul, MN 55155 Phone 296-2146

BULK RATE
U.S. POSTAGE
PAID
Permit No. 4881
St. Paul, Minnesota

Nursing Homes Cont.

However, the bill would allow the Commissioner of Public Welfare to waive those requirements if "the health or safety of a recipient of medical assistance would be adversely affected by the strict enforcement of either requirement."

Attorney General supports new legislation

At a November meeting of the Joint Select Committee on Nursing Homes, Attorney General Warren Spannaus supported:

- requiring authorized nursing home personnel to sign cost statements under oath
- making filing of false cost statements a punishable crime
- adding a treble damages provision that would make any health service providers who falsify claims pay back three times the amount of any overpayment they get from the welfare department
- opening of providers' files, including patients' records, to inspection by the welfare department

- giving the welfare department the authority to exclude from the Medicaid program, health care providers who have defrauded taxpayers or engaged in other illegal activities.

Spannaus said the Welfare Department's Rule 49 requires health care providers to submit cost reports giving the known and projected cost of providing care to Medicaid patients. The state pays for the care of these patients on the basis of these cost statements. Falsifying the statements allows providers, such as nursing homes, to defraud welfare funds.

Spannaus said sworn cost statements would "greatly ease the problems of proof when we get to court . . . now we have difficulty proving who is responsible for claims made in the reports."

By adding a treble damages provision, Spannaus contended "the state would have a better chance to recover all of the taxpayer's money

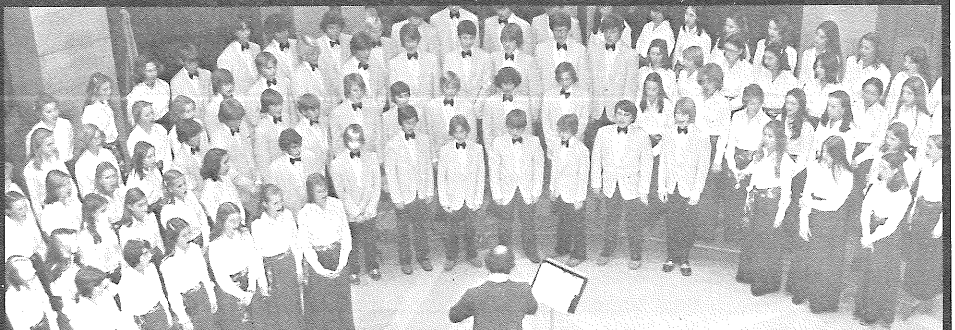
that medical vendors have obtained fraudulently."

In asking for the right to look at nursing home records, Spannaus said this would help in uncovering the evidence necessary "in most instances to prove fraud. Many health care providers refuse access to the files on the grounds that the files are confidential."

Long-term care policy

A state policy for older citizens dependent on long-term care would go into effect with this proposal. Its goals are—

- recognition of each older citizen as a "unique physical, psychological, social, and spiritual being with intrinsic worth."
- guarantee that a reduction in older citizen's capacities for independent living will not cause reduction in their identities and rights.
- the highest level of self-sufficiency and independence for each older citizen that individual physical and mental health permits.



Christmas at the Capitol

The Southwest Junior High School Concert Choir of Minneapolis entertained employees and visitors in a noon hour concert of holiday music.