

Section 1. Minnesota Statutes 1974, Section 100.29, is amended by adding a subdivision to read:

Subd. 31. GAME AND FISH; BEAR; METHODS OF TAKING. It shall be unlawful to take bear by using solid waste containing bottles, cans, plastic, paper, metal or any other materials that are not readily biodegradable as a bait or a lure for the purpose of attracting the bear.

Approved June 4, 1975.

CHAPTER 299—S.F.No.177

[Coded in Part]

An act relating to public health; changing requirements and procedures for obtaining certificates of need for health care facilities; amending Minnesota Statutes 1974, Sections 145.72, Subdivisions 2, 3 and 5; 145.74; 145.76; 145.78; 145.80; 145.82; Chapter 145, by adding sections; and repealing Minnesota Statutes 1974, Section 145.81.

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

Section 1. Minnesota Statutes 1974, Section 145.72, Subdivision 2, is amended to read:

Subd. 2. PUBLIC HEALTH; HEALTH CARE FACILITIES; CERTIFICATES OF NEED. "Health care facility" means any hospital licensed as such under Minnesota Statutes 1969, Sections 144.50 to 144.56; any nursing home licensed as such under Minnesota Statutes 1969, Sections 144.50 to 144.56 or ~~Minnesota Statutes 1969, Section 144.583~~ ; or any boarding care home licensed as such under Minnesota Statutes 1969, Sections 144.50 to 144.56.

Sec. 2. Minnesota Statutes 1974, Section 145.72, Subdivision 3, is amended to read:

Subd. 3. "Construction or modification" means the erection, building, alteration, reconstruction, modernization, improvement, extension, or purchase or acquisition of diagnostic or therapeutic equipment, by a health care facility, involving an expenditure which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which

(1) requires a total capital expenditure in excess of ~~\$50,000—\$100,000~~ ; ~~and or~~

(2) ~~will either (a) expand—expands or extend—extends~~ the scope or type of service rendered ~~—and requires a capital expenditure in excess~~

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of \$50,000; or ~~(b)~~ increase

(3) increases the bed complement of the facility and requires a capital expenditure in excess of \$50,000 .

"Construction or modification" also means the purchase or acquisition of diagnostic or therapeutic equipment by a licensed medical doctor, a group of licensed medical doctors, or a professional corporation of licensed medical doctors organized pursuant to Minnesota Statutes, Chapter 319A, which

(1) requires a capital expenditure in excess of \$100,000 for any one item of equipment or \$200,000 for two or more items of equipment; and

(2) is determined by the state board of health to be designed to circumvent the provisions of sections 145.71 to 145.83.

Sec. 3. Minnesota Statutes 1974, Section 145.72, Subdivision 5, is amended to read:

Subd. 5. "Area wide comprehensive health planning agency" means an agency established to meet the requirements of the Partnership for Health Act, P.L. 89-749, as amended, and designated as such by the Minnesota state planning agency, or a successor agency designated pursuant to the National Health Planning and Resources Development Act, P.L. 93-641 ; provided that in the metropolitan area the area wide comprehensive health planning agency shall be the metropolitan council, if it has appointed a health board to advise it meeting the requirements of section 145.74.

Sec. 4. Minnesota Statutes 1974, Section 145.74, is amended to read:

145.74 HEALTH PLANNING AGENCIES; MEMBERSHIP REGULATIONS. The state planning agency shall, subject to chapter 15, after consulting with the state board of health promulgate regulations concerning the membership of area wide comprehensive health planning agencies. The regulations shall include, but not be limited to, the following factors. The regulations shall:

(1) comply with the provisions of the Partnership for Health Act, P.L. 89-749, as amended, and with the National Health Planning and Resources Development Act, P.L. 93-641 ;

(2) provide that a majority of the membership be composed of consumers;

(3) provide for representation of providers of each of the following: hospital, nursing home and boarding care;

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(4) provide for representation of licensed medical doctors and other health professionals;

(5) provide for a fixed term of membership; and

(6) provide that members of an area wide comprehensive health planning agency shall not select their successors.

No existing area wide comprehensive health planning agency shall exercise the functions provided in sections 145.71 to 145.83 until it is in compliance with regulations issued pursuant to this section.

If there is no area wide comprehensive health planning agency in a designated area of the state in compliance with sections 145.71 to 145.83, the Minnesota state planning agency shall perform the functions and duties of an area wide comprehensive health planning agency for that area.

Sec. 5. Minnesota Statutes 1974, Chapter 145, is amended by adding a section to read:

[145.751] The areawide comprehensive health planning agency shall conduct a comprehensive study in its jurisdiction to:

(a) determine the needs for health care services or facilities which are not met by existing services or facilities;

(b) identify health care services and facilities which are duplicative; and

(c) develop guidelines for the sharing of costly technical equipment and services by health care facilities.

The areawide comprehensive health planning agency shall annually review and amend the conclusions of the study.

Sec. 6. Minnesota Statutes 1974, Section 145.76, is amended to read:

145.76 PROCEDURE PRIOR TO PROPOSAL. Subdivision 1. Except as provided in subdivision 2, no health care facility, or person, group, corporation or association intending to embark upon a program of construction or modification of a health care facility, shall engage architectural, professional consultation, or fund raising services with respect to the project until it has notified the area wide comprehensive health planning agency of its intention to engage such services. The notice shall state simply the nature of the architectural, professional consultation, or fund raising services to be engaged and the nature of the construction or modification contemplated. Upon receipt of notice under this section, the area wide comprehensive health planning agency shall promptly notify the state board of health and the state

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planning agency. Any person submitting a notice may, at the time of submission of the notice to the area wide comprehensive health planning agency, request a written determination by the state board of health as to whether the project is subject to the provisions of sections 145.71 to 145.83 and whether a proposal must be submitted. Upon receipt of a request, the area wide comprehensive health planning agency shall within ten days notify the state board of health and the state planning agency for the purpose of determining whether a proposal is required to be submitted. The applicant shall be notified by the state board of health of the determination in writing not later than 60 days after the request is submitted to the area wide comprehensive health planning agency. No area wide comprehensive health planning agency shall be required to accept or act upon a proposal if the notice required by this section has not been given. Nothing in this section shall be construed to limit in any way the right to engage architectural, professional consultation, or fund raising services.

Subd. 2. A licensed medical doctor, a group of licensed medical doctors, or a professional corporation of licensed medical doctors proposing to purchase or acquire one or more items of diagnostic or therapeutic equipment which require capital expenditure in excess of \$100,000 for a single item or \$200,000 for two or more items shall, prior to purchasing or acquiring the equipment, notify the areawide comprehensive health planning agency and the state board of health of the proposed acquisition or purchase. The state board of health shall, within 60 days of receipt of the notice, determine whether or not the proposed acquisition or purchase is designed to circumvent the provisions of sections 145.71 to 145.83. A hearing shall be held if requested by the applicant or the areawide comprehensive health planning agency. The board of health shall notify the applicant and the areawide comprehensive health planning agency in writing of its determination. If the state board of health determines that the proposed acquisition or purchase is not designed to circumvent the provisions of sections 145.71 to 145.83, no certificate of need shall be required of the applicant. If the state board of health determines that the proposed acquisition or purchase is designed to circumvent the provisions of sections 145.71 to 145.83, the applicant must obtain a certificate of need.

Sec. 7. Minnesota Statutes 1974, Section 145.78, is amended to read:

145.78 PROPOSAL PROCEDURE. Proposals for health care facility construction or modification shall be made to the area wide comprehensive health planning agency serving the area in which the proposed construction or modification is to take place. Prior to acting on the proposal, the area wide comprehensive health planning agency shall send a copy to the state board of health and to the state planning agency. In reviewing each proposal, the area wide comprehensive health planning agency shall:

- (1) hold a public hearing;

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(2) provide notice of the public hearing by publication in a legal newspaper of general circulation in the area for two successive weeks at least ten days before the date of such hearing;

(3) allow any interested person the opportunity to be heard, to be represented by counsel, to present oral and written evidence, and to confront and cross-examine opposing witnesses at the public hearing;

(4) provide a transcript of the hearing at the expense of any individual requesting it, if the transcript is requested at least three days prior to the hearing;

(5) make findings of fact and recommendations concerning the proposal which findings and recommendations shall be available to any individual requesting them; and

(6) follow any further procedure not inconsistent with sections 145.71 to 145.83 or Minnesota Statutes 1969, Chapter 15, which it deems appropriate.

Within 90 days after receiving the proposal, the area wide comprehensive health planning agency shall make its recommendation to the state board of health. The area wide comprehensive health planning agency shall either recommend that the state board of health issue, or refuse to issue, a certificate of need or forward the proposal with recommendations for modification of the proposal. The reasons for the recommendation shall be set forth in detail.

Sec. 8. Minnesota Statutes 1974, Section 145.80, is amended to read:

145.80 EXPIRATION OF CERTIFICATE. A certificate of need shall expire if the construction or modification is not commenced within one year following the issuance of the certificate.

No certificate of need shall be renewed automatically after expiring before the commencement of the construction or modification. Upon expiration of the certificate, the facility shall present an updated proposal and the agency shall redetermine its recommendation.

Sec. 9. Minnesota Statutes 1974, Chapter 145, is amended by adding a section to read:

[145.811] APPEALS. The decision of the state board of health made pursuant to section 145.79, clauses (a) and (b) shall be the final administrative decision. Notwithstanding that the proceeding before the state board of health is not a contested case, any person aggrieved by the decision of the state board of health denying a certificate of need shall be entitled to judicial review in the manner provided for in sections 15.0424 to 15.0426.

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Sec. 10. Minnesota Statutes 1974, Chapter 145, is amended by adding a section to read:

[145.812] BOARD MAY APPEAL TO THE SUPREME COURT. In order to effectively carry out the public policy of the certificate of need law as expressed in section 145.71, the state board of health shall not be prohibited from securing a review of any final order or judgment of the district court under sections 15.0424 or 15.0425 by appeal to the supreme court. Appeal shall be taken in the manner provided by law for appeals from orders or judgments of the district court in other civil cases.

Sec. 11. Minnesota Statutes 1974, Section 145.82, is amended to read:

145.82 **EVASIONS.** No health care facility shall separate portions of a single project into components in order to evade the ~~\$50,000 cost limitation~~limitations of section 145.72, subdivision 3.

Sec. 12. Minnesota Statutes 1974, Section 145.81, is repealed.

Sec. 13. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved June 4, 1975.

CHAPTER 300—S.F.No.199

[Coded]

An act relating to commerce; authorizing state banks to acquire and lease personal property to customers; amending Minnesota Statutes 1974, Chapter 48, by adding a section.

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

Section 1. Minnesota Statutes 1974, Chapter 48, is amended by adding a section to read:

[48.152] BANKS AND BANKING; STATE BANKS; LEASE OF PERSONAL PROPERTY TO CUSTOMERS. A state bank may acquire and lease personal property to customers, subject to the rules and regulations of the commissioner and the following conditions:

(a) The property shall be acquired upon the specific request of and for the use of a customer.

(b) The original lease shall be in writing and shall be entered into prior to the acquisition of the property to be leased.

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