
CHAPTER 308—H.F.No.317

An act relating to highway traffic regulations; passing a stopped school bus displaying stop arm signals; providing remedies; prescribing penalties; amending Minnesota Statutes 1978, Section 169.44, by adding a subdivision.

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

Section 1. Minnesota Statutes 1978, Section 169.44, is amended by adding a subdivision to read:

Subd. 1c. (1) A peace officer may arrest the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of subdivision 1 within the past two hours.

(2) The owner or, in the case of a leased vehicle, the lessee of a motor vehicle, may be fined not to exceed \$100, if a motor vehicle owned or leased by the person is operated in violation of subdivision 1. The owner or lessee may not be so fined if the motor vehicle was stolen, or if conviction of another is had for a violation of subdivision 1. This subdivision does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee. This subdivision does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1. A violation of this clause does not constitute grounds for revocation or suspension of the owner's driver's license.

Approved June 1, 1979.

CHAPTER 309—H.F.No.588

An act relating to the public welfare; authorizing the county to enter into agreements with the Anoka State Hospital for community mental health services; raising eligibility limits for medical assistance; amending Minnesota Statutes 1978, Sections 256B.06, Subdivision 1; and 256B.07.

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

Section 1. [246.61] ANOKA STATE HOSPITAL, SERVICE AGREEMENTS. The county of Anoka may enter into agreements with the Anoka State Hospital for community mental health services that would be of mutual benefit to the county and the Anoka State Hospital. The agreements shall be in accordance with Laws 1969, Chapter 235, Section 3, and under the authority granted to the commissioner of public welfare, under Minnesota Statutes, Sections 246.01 and 246.57.

Section 2. [246.62] REVENUES; APPROPRIATIONS. Subdivision 1. Receipts from services provided by the Anoka State Hospital pursuant to section 1 shall be placed in the

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general fund. The commissioner of public welfare shall include in his biennial estimate of appropriations, as prescribed in Minnesota Statutes, Section 246.12, an amount of money sufficient for the Anoka State Hospital to provide services pursuant to section 1 on an actual cost basis.

Subd. 2. For purposes of section 1, the county of Anoka shall not be subject to the provisions of Minnesota Statutes, Section 246.54.

Sec. 3. [246.63] **REPORTS.** The commissioner of public welfare shall report annually to the legislature on the effect of the agreements authorized under section 1 on: (1) The funding of existing programs in Anoka State Hospital and on the hospital's cost accounting processes; and (2) Development of other public and private mental health services providers in the county.

Sec. 4. Minnesota Statutes 1978, Section 256B.06, Subdivision 1, is amended to read:

256B.06 **ELIGIBILITY REQUIREMENTS.** Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not have net equity in own real property used as a home in excess of \$25,000 or other than the homestead. Real estate not used as a home which may not be retained unless it produces net income applicable to the family's needs or which the family is making a continuing effort to sell it at a fair and reasonable price. The commissioner of public welfare shall annually adjust the limitation on net equity in real property used as a home by the same percentage as the homestead base value index provided in section 273.122, subdivision 2; and

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(8) Who, if single, does not have more than ~~\$750~~ \$2,000 in cash or liquid assets, plus \$150 for each additional legal dependent or, if married, whose cash or liquid assets do not exceed ~~\$1,000 plus \$150 for each additional legal dependent~~ \$10,000, except that the value of the homestead and one automobile ~~the market value of which does not exceed \$1,650~~ shall be disregarded; and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (man and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall, beginning in July 1979, disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred.

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 5. Minnesota Statutes 1978, Section 256B.07, is amended to read:

256B.07 EXCEPTIONS IN DETERMINING RESOURCES. A local agency may, within the scope of regulations set by the commissioner of public welfare, waive the requirement of liquidation of excess assets when the liquidation would cause undue hardship. Household goods and furniture in use in the home, wearing apparel, insurance policies with cash surrender value not in excess of ~~\$1,000~~ \$1,500 per insured person,

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personal property used as a regular abode by the applicant or recipient, and a lot in a burial plot shall not be considered as resources available to meet medical needs.

Sec. 6. **EFFECTIVE DATE.** Sections 1 and 2 take effect upon approval by the board of county commissioners of Anoka County, and upon compliance with Minnesota Statutes, Section 645.021.

Approved June 1, 1979.

CHAPTER 310—H.F.No.624

An act relating to counties; fixing the amounts that may be spent for Memorial Day observances; amending Minnesota Statutes 1978, Sections 375.34; and 375.35.

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

Section 1. Minnesota Statutes 1978, Section 375.34, is amended to read:

375.34 MEMORIAL DAY, APPROPRIATION FOR OBSERVANCE. The county board of each county may appropriate from the revenue fund of the county not more than ~~\$500~~ \$1,500 annually to aid in the observance of Memorial Day in commemoration of the noble and valiant deeds of the nation's soldier dead.

Sec. 2. Minnesota Statutes 1978, Section 375.35, is amended to read:

375.35 APPROPRIATION TO MILITARY SERVICE ORGANIZATIONS, MEMORIAL DAY SERVICES. The several county boards in this state are hereby empowered, in addition to the power now conferred on them by law, to appropriate annually not to exceed ~~\$50~~ \$100 to each post of a recognized military service persons' organization or society, holding charter from congress or incorporated in this state, organized and existing in their respective counties, for defraying the expenses of Memorial Day exercises.

Sec. 3. This act is effective the day after final enactment.

Approved June 1, 1979.

CHAPTER 311—H.F.No.633

An act relating to taxation; extending the termination date for a law denying tax deductions relating to substandard housing; amending Laws 1975, Chapter 226, Section 4.

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

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