

(a) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude, or clad in undergarments, a mask or bizarre costume, or the condition of being bound, fettered, or otherwise physically restrained on the part of one who is so clothed as an act of sexual stimulation or gratification;

(b) Human defecation or urination;

(c) The condition of human male or female genitals, or the breasts of the female when in a state of sexual stimulation, or the sensual experience of humans in engaging in or witnessing sexual conduct or nudity; or

(d) Human masturbation, sexual intercourse or sodomy, actual or simulated, or any touching of the genitals, pubic areas or buttocks of a human being, whether alone or between members of the same or opposite sex or between humans or animals in an act of apparent sexual stimulation or gratification.

Sec. 14. **REPEALER.**

Minnesota Statutes 1982, section 617.298, subdivision 4, is repealed.

Sec. 15. **EFFECTIVE DATE.**

The provisions of this act are effective the day after final enactment, and apply to crimes committed on or after that date.

Approved May 20, 1983

---

**CHAPTER 205 — H.F.No. 290**

*An act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; requiring a report to the legislature; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4, and by adding a subdivision; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.*

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

Section 1. Minnesota Statutes 1982, section 62D.02, subdivision 4, is amended to read:

Subd. 4. "Health maintenance organization" means a nonprofit corporation organized under chapter 317, or a local governmental unit as defined in subdivision 11, controlled and operated as provided in sections 62D.01 to 62D.29, which provides, either directly or through arrangements with providers or other persons, comprehensive health maintenance services, or arranges for the provision of such these services, to enrollees on the basis of a fixed prepaid sum without regard to the frequency or extent of services furnished to any particular enrollee.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 1982, section 62D.02, is amended by adding a subdivision to read:

Subd. 11. "Local governmental unit" means any statutory or home rule charter city or county.

Sec. 3. Minnesota Statutes 1982, section 62D.03, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any law of this state to the contrary, any nonprofit corporation organized to do so or a local governmental unit may apply to the commissioner of health for a certificate of authority to establish and operate a health maintenance organization in compliance with sections 62D.01 to 62D.29. No person shall establish or operate a health maintenance organization in this state, nor sell or offer to sell, or solicit offers to purchase or receive advance or periodic consideration in conjunction with a health maintenance organization or health maintenance contract unless ~~such~~ the organization has a certificate of authority under sections 62D.01 to 62D.29.

Sec. 4. Minnesota Statutes 1982, section 62D.03, subdivision 4, is amended to read:

Subd. 4. Each application for a certificate of authority shall be verified by an officer or authorized representative of the applicant, and shall be in a form prescribed by the commissioner of health. Each application shall include the following:

(a) a copy of the basic organizational document, if any, of the applicant; such as the articles of incorporation, or other applicable documents, and all amendments thereto;

(b) a copy of the bylaws, rules and regulations, or similar document, if any, and all amendments thereto which regulate the conduct of the affairs of the applicant;

(c) a list of the names, addresses, and official positions of the following persons:

All members of the board of directors or governing body of the local governmental unit, and the principal officers of the organization; which shall contain a full disclosure in the application of the extent and nature of any contract or financial arrangements between them and the health maintenance organization, including a full disclosure of any financial arrangements between them and any provider or other person concerning any financial relationship with the health maintenance organization;

(d) a statement generally describing the health maintenance organization, its health care plan or plans, facilities, and personnel, including a statement

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

describing the manner in which the applicant proposes to provide enrollees with comprehensive health maintenance services;

(e) a copy of the form of each evidence of coverage to be issued to the enrollees;

(f) a copy of the form of each individual or group health maintenance contract which is to be issued to enrollees or their representatives;

(g) financial statements showing the applicant's assets, liabilities, and sources of financial support. If the applicant's financial affairs are audited by independent certified public accountants, a copy of the applicant's most recent certified financial statement may be deemed to satisfy this requirement;

(h) (1) a description of the proposed method of marketing the plan, (2) a schedule of proposed charges, and (3) a financial plan which includes a three year projection of the expenses and income and other sources of future capital;

(i) a statement reasonably describing the geographic area or areas to be served and the type or types of enrollees to be served;

(j) a description of the complaint procedures to be utilized as required under section 62D.11;

(k) a description of the procedures and programs to be implemented to meet the requirements of section 62D.04, subdivision 1, clauses (b) and (c) and to monitor the quality of health care provided to enrollees;

(l) a description of the mechanism by which enrollees will be afforded an opportunity to participate in matters of policy and operation under section 62D.06;

(m) ~~such~~ other information as the commissioner of health may reasonably require to be provided.

Sec. 5. Minnesota Statutes 1982, section 62D.05, subdivision 1, is amended to read:

Subdivision 1. Any nonprofit corporation or local governmental unit may, upon obtaining a certificate of authority as required in sections 62D.01 to 62D.29, operate as a health maintenance organization.

Sec. 6. Minnesota Statutes 1982, section 62D.06, subdivision 1, is amended to read:

Subdivision 1. The governing body of any health maintenance organization which is a nonprofit corporation may include enrollees, providers, or other individuals; provided, however, that after a health maintenance organization which is a nonprofit corporation has been authorized under sections 62D.01 to 62D.29 for one year, at least 40 percent of the governing body shall be composed of consumers elected by the enrollees from among the enrollees.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

After a health maintenance organization which is a local governmental unit has been authorized under sections 62D.01 to 62D.29 for one year, an enrollee advisory body shall be established. The enrollees who make up this advisory body shall be elected by the enrollees from among the enrollees.

Sec. 7. **REPORT TO LEGISLATURE.**

Any county or home rule charter city establishing a health maintenance organization under sections 1 to 6 shall report to the legislature no later than January 1, 1985, on the operation of its health maintenance organization, including utilization by public assistance recipients and by individuals who are not public assistance recipients, the amount of money provided to the health maintenance organization by the county, and any cost savings.

Approved May 20, 1983

**CHAPTER 206 — H.F.No. 294**

*An act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; requiring sellers to disclose manufactured home safety features; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1, and by adding subdivisions.*

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

Section 1. Minnesota Statutes 1982, section 327C.02, subdivision 5, is amended to read:

Subd. 5. **WRITTEN NOTICE REQUIRED.** The following notice printed verbatim in boldface type of a minimum size of ten points must be given to a prospective resident before he or she is asked to sign a rental agreement and. The notice and the safety feature disclosure form required under section 3 must be posted in a conspicuous and public location in the park:

**"IMPORTANT NOTICE**

State law provides special rules for the owners and residents of manufactured home parks.

You may keep your home in the park as long as the park is in operation and you meet your financial obligations, obey state and local laws which apply to the park, obey reasonable park rules, do not substantially annoy or endanger the other residents or substantially endanger park personnel and do not substantially damage the park premises. You may not be evicted or have your rent increased or your services cut for complaining to the park owner or to a governmental official.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.