

allocating an additional vote to be determined in ~~either or both~~ any of these cases by the articles and bylaws of the central association.

Sec. 2. If S.F. No. 848 is enacted in the 1989 legislative session, Minnesota Statutes, section 308.07, subdivision 4, as amended by section 1 of this act, is repealed and S.F. No. 848, article 1, section 35, is amended to read:

Sec. 35. [308A.641] VOTE OF COOPERATIVE CONSTITUTED OF OTHER COOPERATIVES.

A cooperative that is constituted entirely or partially of other cooperatives or associations may authorize by the articles or the bylaws for affiliated cooperative members to have an additional vote for:

(1) a stipulated amount of business transacted between the member cooperative and the cooperative central organization ~~or~~;

(2) a stipulated number of members in the member cooperative;

(3) a certain stipulated amount of equity allocated to or held by the member cooperative in the cooperative's central organization; or

(4) a combination of methods in clauses (1) to (3). [308.07 s. 4]

Presented to the governor May 12, 1989

Signed by the governor May 15, 1989, 5:45 p.m.

CHAPTER 134—H.F.No. 1429

An act relating to licensure of ambulance services; establishing new standards; amending Minnesota Statutes 1988, sections 144.801, subdivision 7; 144.802, subdivisions 3, 3a, 4, and by adding a subdivision; 144.804; 144.806; 144.807, subdivision 1; 144.808; 144.809; and 144.8091; repealing Minnesota Statutes 1988, sections 144.805; 144.807, subdivision 3; and 144.8092.

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

Section 1. Minnesota Statutes 1988, section 144.801, subdivision 7, is amended to read:

Subd. 7. **BASE OF OPERATION OPERATIONS.** "Base of ~~operation operations~~" means the address at which the physical plant housing ambulances, related equipment and personnel is located.

Sec. 2. Minnesota Statutes 1988, section 144.802, subdivision 3, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 3. **APPLICATIONS; NOTICE OF APPLICATION; RECOMMENDATIONS.** (a) Each prospective licensee and each present licensee wishing to offer a new type or types of ambulance service, to establish a new base of operation, or to expand a primary service area, shall make written application for a license to the commissioner on a form provided by the commissioner.

(b) For applications for the provision of ambulance services in a service area located within a county, the commissioner shall promptly send notice of the completed application to the county board and to each community health service board, regional emergency medical services system designated under section 144.8093, ambulance service, and municipality in the area in which ambulance service would be provided by the applicant. The commissioner shall publish the notice, at the applicant's expense, in the State Register and in a newspaper in the municipality in which the base of operation will be located, or if no newspaper is published in the municipality or if the service would be provided in more than one municipality, in a newspaper published at the county seat of the county in which the service would be provided.

(c) For applications for the provision of ~~life support transportation~~ ambulance services in a service area larger than a county, the commissioner shall promptly send notice of the completed application to the municipality in which the service's base of operation will be located and to each community health board, county board, regional emergency medical services system designated under section 144.8093, and ambulance service located within the counties in which any part of the service area described by the applicant is located, and any contiguous counties. The commissioner shall publish this notice, at the applicant's expense, in the State Register ~~and in a newspaper with statewide circulation.~~

(d) The commissioner shall request that the chief administrative law judge appoint an administrative law judge to hold a public hearing in the municipality in which the service's base of operation will be located. The public hearing shall be conducted as contested case hearing under chapter 14.

(e) Each municipality, county, community health service, regional emergency medical services system, ambulance service, and other person wishing to make recommendations concerning the disposition of the application shall make written recommendations to the administrative law judge within 30 days of the publication of notice of the application in the State Register.

(f) The administrative law judge shall:

(1) hold a public hearing in the municipality in which the service's base of operations is or will be located;

(2) provide notice of the public hearing in the newspaper or newspapers in which notice was published under ~~part paragraph~~ (b) ~~or~~ (e) for two successive weeks at least ten days before the date of the hearing;

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

(4) provide a transcript of the hearing at the expense of any individual requesting it.

(g) The administrative law judge shall review and comment upon the application and shall make written recommendations as to its disposition to the commissioner within 90 days of receiving notice of the application. In making the recommendations, the administrative law judge shall consider and make written comments as to whether the proposed service, change in base of operations, or expansion in primary service area is needed, based on consideration of the following factors:

(1) the relationship of the proposed service, change in base of operations or expansion in primary service area to the current community health plan as approved by the commissioner under section 145.918;

(2) the recommendations or comments of the governing bodies of the counties and municipalities in which the service would be provided;

(3) the deleterious effects on the public health from duplication, if any, of ~~life support transportation~~ ambulance services that would result from granting the license;

(4) the estimated effect of the proposed service, change in base of operation or expansion in primary service area on the public health;

(5) whether any benefit accruing to the public health would outweigh the costs associated with the proposed service, change in base of operations, or expansion in primary service area.

The administrative law judge shall recommend that the commissioner either grant or deny a license or recommend that a modified license be granted. The reasons for the recommendation shall be set forth in detail. The administrative law judge shall make the recommendations and reasons available to any individual requesting them.

Sec. 3. Minnesota Statutes 1988, section 144.802, subdivision 3a, is amended to read:

Subd. 3a. **LICENSURE OF ~~SCHEDULED FIXED-WING AIR AMBULANCE SERVICES~~**. Except for submission of a written application to the commissioner on a form provided by the commissioner, an application to provide ~~scheduled~~ air ambulance service by ~~fixed-wing aircraft only~~, shall be exempt from the provisions of subdivisions 3 and 4.

A license issued pursuant to this subdivision need not designate a primary service area.

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No license shall be issued under this subdivision unless the commissioner of health determines that the applicant complies with the requirements of section 144.804, and the rules promulgated under that section applicable federal and state statutes and rules governing aviation operations within the state.

Sec. 4. Minnesota Statutes 1988, section 144.802, subdivision 4, is amended to read:

Subd. 4. **COMMISSIONER'S DECISION.** Within 30 days after receiving the administrative law judge's report, the commissioner shall grant or deny a license to the applicant. In granting or denying a license, the commissioner shall consider the administrative law judge's report, the evidence contained in the application, and any hearing record and other applicable evidence. The commissioner's decision shall be based on a consideration of the factors contained in subdivision 3, clause (f) (g). If the commissioner's decision is different from the administrative law judge's recommendations, the commissioner shall set forth in detail the reasons for differing from the recommendations.

Sec. 5. Minnesota Statutes 1988, section 144.802, is amended by adding a subdivision to read:

Subd. 6. TEMPORARY LICENSE. Notwithstanding other provisions herein, the commissioner may issue a temporary license for instances in which a primary service area would be deprived of ambulance service. The temporary license shall expire when an applicant has been issued a regular license under this section. The temporary license shall be valid no more than six months from date of issuance. A temporary licensee must provide evidence that the licensee will meet the requirements of section 144.804 and the rules adopted under this section.

Sec. 6. Minnesota Statutes 1988, section 144.804, is amended to read:

144.804 STANDARDS.

Subdivision 1. **FIRST AID CERTIFICATE DRIVERS AND ATTENDANTS.** No publicly or privately owned basic ambulance service shall be operated in the state unless its drivers and attendants possess a current advanced American Red Cross first aid certificate or other first aid or emergency medical care certificate authorized by rules adopted by the state commissioner of health pursuant according to chapter 14 or issued by the commissioner pursuant to section 214.13. Until August 1, 1994, a licensee may substitute a person currently certified by the American Red Cross in advanced first aid and emergency care or a person who has successfully completed the United States Department of Transportation first responder curriculum, and who has also been trained to use all of the equipment carried in the ambulance, for one of the persons on a basic ambulance, provided that person will function as the driver while transporting a patient. The commissioner may grant a variance to allow a licensed ambulance service to use attendants certified by the American Red Cross in advanced first aid and emergency care in order to ensure 24-hour emergency ambulance coverage. The variance must expire no later than August 1, 1990. The commissioner shall study the roles and responsibilities of first responder units and report the findings by January 1, 1991. This study shall address at

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a minimum: (1) education and training; (2) appropriate equipment and its use; (3) medical direction and supervision; and (4) supervisory and regulatory requirements.

Subd. 2. **EQUIPMENT AND STAFF.** ~~(a) Every ambulance offering ambulance service shall be equipped with a stretcher and after August 1, 1979, a two-way radio communications system which is in accordance with the commissioner's statewide radio communications plan as promulgated in rule as required by the commissioner and carry at least the minimal equipment necessary for the type of service to be provided as determined by standards adopted by the commissioner pursuant to subdivision 3 and chapter 14.~~

~~(b) Each ambulance service shall offer service 24 hours per day every day of the year, unless otherwise authorized by the commissioner; and each vehicle.~~

~~(c) Each ambulance while in operation transporting a patient shall be staffed by at least a driver and an attendant. Drivers and attendants are authorized to use only equipment for which they are qualified by training, according to subdivision 1. An ambulance service may substitute for the attendant a physician, osteopath or registered nurse for the attendant, or physician's assistant who is qualified by training to use appropriate equipment in an ambulance. Whenever an ambulance service finds it impossible to arrange for an attendant to accompany the driver, the driver may proceed to answer an emergency call without an accompanying attendant, provided that the service shall make all reasonable efforts to arrange for an attendant to be present at the site of the emergency and enroute to a health care facility. Advanced life support procedures including, but not limited to, intravenous fluid administration, drug administration, endotracheal intubation, cardioversion, defibrillation, and intravenous access may be performed by the physician, osteopath, registered nurse, or physician's assistant who has appropriate training and authorization, and who provides all of the equipment and supplies not normally carried on basic ambulances.~~

~~(d) An operator ambulance service shall not deny life support transportation services emergency ambulance service to a any person needing life support care emergency ambulance service because of ability inability to pay or due to source of payment for services if this need develops in within the licensee's primary service area. Transport for such a patient may be limited to the closest appropriate emergency medical facility.~~

Subd. 3. **TYPES OF SERVICES TO BE REGULATED.** The commissioner, in consultation with the appropriate standing committees of the legislature, shall promulgate as may adopt rules standards for the operation of needed to carry out sections 144.801 to 144.8091, including the following types of ambulance service:

(a) basic life support ambulance service, which shall have that has appropriate personnel, vehicles, and equipment, and be is maintained in a sanitary condition according to rules adopted by the commissioner according to chapter 14, and that provides a level of care so as to ensure that life-threatening situa-

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tions and potentially serious injuries can be recognized, patients will be protected from additional hazards, basic treatment to reduce the seriousness of emergency situations will be administered and patients will be transported to an appropriate medical facility for treatment;

(b) intermediate ambulance service that has appropriate personnel, vehicles, and equipment, and is maintained according to standards the commissioner adopts according to chapter 14, and that provides basic ambulance service and intravenous infusions or defibrillation or both. Standards adopted by the commissioner shall include, but not be limited to, equipment, training, procedures, and medical control;

~~(b) (c) advanced life support ambulance service which shall have that has appropriate personnel, vehicles, and equipment, and be is maintained in a sanitary condition so as to provide medical care beyond the according to standards the commissioner adopts according to chapter 14, and that provides basic life support level, including, but not limited to, intubation, ambulance service, and in addition, advanced airway management, defibrillation, and administration of intravenous fluids and certain pharmaceuticals. Vehicles of advanced ambulance service licensees not equipped or staffed at the advanced ambulance service level shall not be identified to the public as capable of providing advanced ambulance service.~~

(e) scheduled (d) specialized ambulance service; that provides basic, intermediate, or advanced service as designated by the commissioner, and is restricted by the commissioner to (1) less than 24 hours of every day, (2) designated segments of the population, or (3) certain types of medical conditions; and

(d) ambulance service provided by an employer for the benefit of its employees;

(e) ambulance service operated by a nonprofit entity and limited exclusively to providing service by contract for specific events and meetings;

(f) (e) air ambulance scheduled - fixed-wing; service, that includes fixed-wing and helicopter, and is specialized ambulance service.

(g) air ambulance scheduled - helicopter.

An advanced life support ambulance may be used as a basic life support ambulance provided that its operation fulfills the standards promulgated pursuant to clause (a):

Until standards have been developed under clauses ~~(f)~~ (b), (d), and ~~(g)~~ (e), the current provisions of Minnesota Rules shall govern these services.

Subd. 4. POLICE, PUBLIC SAFETY EXCEPTIONS. Nothing in sections 144.801 to 144.806 shall prevent operation of a police emergency vehicle by one person nor affect any statute or regulatory authority vested in the department of public safety concerning automotive equipment and safety requirements.

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Subd. 5. **LOCAL GOVERNMENT'S POWERS.** Local units of government may, with the approval of the commissioner, establish standards for ambulance services which impose additional requirements upon such services. Local units of government intending to impose additional requirements shall consider whether any benefit accruing to the public health would outweigh the costs associated with the additional requirements. Local units of government which desire to impose such additional requirements shall, prior to promulgation of relevant ordinances, rules or regulations, furnish the commissioner with a copy of such proposed ordinances, rules or regulations, along with information which affirmatively substantiates that the proposed ordinances, rules or regulations: will in no way conflict with the relevant rules of the department of health; will establish additional requirements tending to protect the public health; will not diminish public access to ~~life support transportation~~ ambulance services of acceptable quality; and will not interfere with the orderly development of regional systems of emergency medical care. The commissioner shall base any decision to approve or disapprove such standards upon whether or not the local unit of government in question has affirmatively substantiated that the proposed ordinances, rules or regulations meet these criteria.

Subd. 6. **RULES ON PRIMARY SERVICE AREAS.** The commissioner shall promulgate as rules ~~standards particularizing the definition of~~ defining primary service ~~area~~ areas under section 144.801, subdivision 9 ~~§~~, under which the commissioner shall designate each licensed ambulance service as serving a primary service area or areas.

Subd. 7. **DRIVERS OF AMBULANCE SERVICE VEHICLES.** An ambulance service vehicle ~~may~~ shall be staffed by a driver possessing a ~~(1) current first responder certificate issued under United States Department of Transportation standards, or (2) a valid class C driver's license provided a siren and flashing lights are not used and the vehicle is driven within legal speed limits; if, in either case, the ambulance service vehicle is also staffed by two or more attendants meeting the following qualifications: (a) attendants staffing a basic ambulance service vehicle shall meet the qualifications contained in subdivision 1; and (b) attendants staffing an advanced ambulance service vehicle shall possess a current certification as an emergency medical technician or an emergency medical technician-paramedic, provided that at least one attendant is an emergency medical technician-paramedic.~~ Minnesota driver's license or equivalent and whose driving privileges are not under suspension or revocation by any state. If red lights and siren are used, the driver must also have completed training approved by the commissioner in emergency driving techniques. An ambulance transporting patients must be staffed by at least two persons who are trained according to this section, one of whom may be the driver.

Sec. 7. Minnesota Statutes 1988, section 144.806, is amended to read:

144.806 PENALTIES.

Any person who violates a provision of sections 144.801 to 144.806 is guilty

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of a misdemeanor. The commissioner may issue fines to assure compliance with sections 144.801 to 144.806 and rules adopted under those sections. The commissioner shall adopt rules to implement a schedule of fines by January 1, 1991.

Sec. 8. Minnesota Statutes 1988, section 144.807, subdivision 1, is amended to read:

Subdivision 1. **REPORTING OF INFORMATION.** Operators of ambulance services licensed pursuant to sections 144.801 to 144.806 shall report information about ambulance service to the commissioner as the commissioner may require; ~~excluding data relative to patient identification. All information shall be reported on forms prescribed by the commissioner for that purpose.~~ The reports shall be classified as "private data on individuals" under the Minnesota government data practices act, chapter 13.

Sec. 9. Minnesota Statutes 1988, section 144.808, is amended to read:

144.808 INSPECTIONS.

The commissioner may inspect ~~life support transportation ambulance~~ services as frequently as deemed necessary. These inspections shall be for the purpose of determining whether the ambulance and equipment is clean and in proper working order and whether the operator is in compliance with sections 144.801 to 144.804 and any rules that the commissioner adopts related to sections 144.801 to 144.804.

Sec. 10. Minnesota Statutes 1988, section 144.809, is amended to read:

144.809 RENEWAL OF EMERGENCY MEDICAL TECHNICIAN'S CERTIFICATE, FEE.

No fee set by the commissioner for biennial renewal of an emergency medical technician's certificate by a volunteer member of a ~~volunteer~~ an ambulance service or volunteer, fire department, or police department shall exceed \$2.

Sec. 11. Minnesota Statutes 1988, section 144.8091, is amended to read:

144.8091 REIMBURSEMENT TO NONPROFIT AMBULANCE SERVICES.

Subdivision 1. **REPAYMENT FOR VOLUNTEER TRAINING.** Any political subdivision, or nonprofit hospital or nonprofit corporation operating a licensed ambulance service shall be reimbursed by the commissioner for the necessary expense of the initial training of a volunteer ambulance attendant upon successful completion by the attendant of a basic emergency medical care course, or a continuing education course for basic emergency medical care, or both, which has been approved by the commissioner, pursuant to section 144.804. ~~Reimbursable expense~~ Reimbursement may include tuition, transportation, food, lodging, hourly payment for the time spent in the training course, and other necessary expenditures, except that in no instance shall a volunteer ambulance attendant

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be reimbursed more than \$210 for successful completion of a basic course, and \$70 for successful completion of a continuing education course.

Subd. 2. VOLUNTEER ATTENDANT DEFINED. For purposes of this section, "volunteer ambulance attendant" means a person who provides emergency medical services for a Minnesota licensed ambulance service without the expectation of remuneration and who does not depend in any way upon the provision of these services for the person's livelihood. An individual may be considered a volunteer ambulance attendant even though that individual receives an hourly stipend for each hour of actual service ~~provision~~ provided, except for hours on standby alert, even though this hourly stipend is regarded as taxable income for purposes of state or federal law, provided that this hourly stipend does not exceed \$500 ~~in the year in which the individual received training~~ within one year of the final certification examination. Reimbursement will be paid under provisions of this section when documentation is provided the department of health that the individual has served for one year from the date of the final certification exam as an active member of a Minnesota licensed ambulance service.

Subd. 3. STARTING DATE. Reimbursements authorized by subdivision 4 shall only be paid for volunteer ambulance attendants commencing and completing training after July 1, 1977.

Sec. 12. REPEALER.

Minnesota Statutes 1988, sections 144.804, subdivision 4; 144.805; 144.807, subdivision 3; and 144.8092, are repealed.

Presented to the governor May 12, 1989

Signed by the governor May 15, 1989, 5:55 p.m.

CHAPTER 135—H.F.No. 43

An act relating to state lands; authorizing St. Louis county to sell certain tax-forfeited lands bordering public waters.

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

Section 1. PUBLIC SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.

(a) Notwithstanding Minnesota Statutes, section 282.018, St. Louis county may sell the tax-forfeited land bordering public waters and described in paragraph (c) in the manner provided for appraisal, sale, and conveyance of tax-forfeited land by Minnesota Statutes, chapter 282.

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