

Sec. 25. EVALUATION OF FAMILY USE.

The commissioner of natural resources shall evaluate family all-terrain vehicle use, including all-terrain vehicle use by persons under 12 years of age on public lands or waters. Recommendations concerning the use of all-terrain vehicles by persons under 12 years of age must be made by the commissioner to the natural resources committees of the house and senate by January 1, 1990. The recommendations may include any additional restrictions that the commissioner deems necessary to ensure the safety of all-terrain vehicle operators under 12 years of age. Before making any recommendations, the commissioner must solicit and consider public comments and hold any necessary public meetings.

Sec. 26. REPEALER.

Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; and 84.928, subdivision 7 are repealed.

Presented to the governor May 26, 1989

Signed by the governor May 26, 1989, 6:05 p.m.

CHAPTER 332—H.F.No. 723

An act relating to veterans; changing medical assistance income and asset limitations for veterans in community nursing homes to conform with those used for the veterans nursing homes; authorizing the commissioner of administration to conduct a study of the need for additional veterans homes in the state; establishing a veterans home in Luverne; appropriating money; amending Minnesota Statutes 1988, section 256B.056, by adding a subdivision.

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

Section 1. Minnesota Statutes 1988, section 256B.056, is amended by adding a subdivision to read:

Subd. 3a. ASSET LIMITATIONS FOR VETERANS. (a) Notwithstanding subdivision 3, the income and asset limitations for a veteran who is otherwise eligible for medical assistance are the income and asset limitations established by the board of directors of the Minnesota nursing homes for veterans applying for admission to a veterans home. The provisions concerning transfers of property in section 256B.17 do not apply to a veteran. For purposes of this subdivision, "veteran" has the meaning given in section 197.447.

(b) Paragraph (a) is effective only to the extent allowed by federal medical assistance laws and regulations and only if the federal health care financing agency approves the necessary amendments to the state medical assistance plan. The commissioner shall seek waivers of federal requirements to the extent necessary to implement paragraph (a).

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Sec. 2. VETERANS HOMES SITING STUDY.

Subdivision 1. STUDY AUTHORIZED. The commissioner of administration, in cooperation with the veterans home board of directors and the interagency board for quality assurance, must, by February 1, 1990, complete a study that will assist the legislature to determine:

(1) if additional veterans homes should be established in any health systems agencies regions of the state not currently served by a veterans home; and

(2) in which communities homes should be sited if the study determines additional homes are necessary.

Subd. 2. NEED FOR ADDITIONAL VETERANS HOMES. In analyzing whether additional veterans homes should be established in the state, the study should consider the following factors:

(1) the number of veterans that are projected to need nursing home care in the state and in each health systems agencies region of the state;

(2) the availability and feasibility of other long-term care alternatives for veterans;

(3) the impact of additional veterans homes on existing community nursing homes;

(4) the availability of federal funding for construction and operation of additional veterans homes and the impact of other federal regulations;

(5) the overall cost to the state of a veterans home in each studied health systems agencies region; and

(6) the veterans home board of directors' long-term plan for veterans health care.

Based on these factors, the study shall recommend in which health systems agencies regions of the state, if any, not currently served by a veterans home, additional veterans homes should be established.

Subd. 3. ANALYSIS OF SITING ALTERNATIVES. If the commissioner of administration recommends that additional veterans homes should be established in one or more health systems agencies regions of the state not currently serviced by a veterans nursing care facility, the study must analyze various potential sites for veterans homes based on the following factors:

(1) proximity to a veterans administration medical center;

(2) proximity to other medical services in the community;

(3) availability of staff to operate a home;

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- (4) construction costs;
- (5) operating costs through the first full year of operation;
- (6) local financial contributions toward construction costs through the first full year of operation;
- (7) physical features of a site;
- (8) the number of veterans needing nursing care in the area; and
- (9) availability of shared services with state operated human services facilities.

The commissioner shall allow a local community in an affected health systems agencies region to submit a proposal for veterans nursing care facilities, unless the community is in region 2, 5, or 6. No one of the factors listed in this subdivision may be an overriding factor in the analysis or recommendation of siting alternatives. The study must recommend, in rank order within each affected health systems agencies region, sites for new veterans nursing care facilities. Two or more contiguous health systems agencies regions may be combined for study and recommendation purposes. Previously studied communities in health systems agencies region 3 must be included in this study.

Sec. 3. VETERANS HOME; LUVERNE.

Subdivision 1. The legislature has reviewed department of administration study and report of February 1989, and has determined that the Minnesota veterans home board shall establish a veterans nursing care facility in Luverne to provide at least 60 beds for skilled nursing care to health systems agencies region 6 in conformance with licensing rules of the department of health.

Subd. 2. FUNDING. The home must be purchased and built with funds, 65 percent of which must be provided by the federal government, and 35 percent by other nonstate sources, including local units of government, veterans organizations, and corporations or other business entities. Contracts made by the board for the purposes of this section are subject to chapter 16B.

Subd. 3. LACK OF FEDERAL FUNDING. If the funds to be provided by the federal government are not approved by December 1, 1989, the future authorization of the siting of a veterans nursing care facility in Luverne must be considered in the study provided by section 3. If the need for a veterans home is found to exist in southwest Minnesota, the site of the home must be in Luverne.

Sec. 4. APPROPRIATION.

\$200,000 is appropriated from the general fund to the commissioner of administration to conduct the study required by section 2.

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Sec. 5. EFFECTIVE DATE.

Sections 1 to 3 are effective the day following final enactment. Section 4 is effective July 1, 1989.

Presented to the governor May 26, 1989

Signed by the governor May 30, 1989, 11:57 a.m.

CHAPTER 333—H.F.No. 702

An act relating to crime; providing that failure to appear for a petty misdemeanor is considered a plea of guilty and waiver of the right to trial; expanding the crime of failure to appear for a criminal court appearance; specifying the attorney with jurisdiction to prosecute the crime; prescribing penalties; amending Minnesota Statutes 1988, sections 169.91, subdivision 3; 169.92, as amended; 169.99, subdivisions 1 and 3; and 609.49; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Section 1. Minnesota Statutes 1988, section 169.91, subdivision 3, is amended to read:

Subd. 3. **NOTICE TO APPEAR.** When a person is arrested for any violation of any law or ordinance relating to motor vehicles, their registration or their operation, or the use of the highways, the arresting officer shall prepare a written notice to appear in court. This place must be before a judge within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest. If the offense is a petty misdemeanor, the notice to appear must include a statement that a failure to appear will be considered a plea of guilty and waiver of the right to trial, unless the failure to appear is due to circumstances beyond the person's control.

Sec. 2. Minnesota Statutes 1988, section 169.99, subdivision 1, is amended to read:

Subdivision 1. (a) Except as provided in subdivision 3, there shall be a uniform ticket issued throughout the state by the police and peace officers or by any other person for violations of this chapter and ordinances in conformity thereto. Such uniform traffic ticket shall be in the form and have the effect of a summons and complaint. Except as provided in paragraph (b), the uniform ticket shall state that if the defendant fails to appear in court in response to the ticket, an arrest warrant may be issued. The uniform traffic ticket shall consist of four parts, on paper sensitized so that copies may be made without the use of carbon paper, as follows:

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