

Be it enacted by the Legislature of the State of Minnesota:

Section 1. COURTS; FIRST AND TENTH JUDICIAL DISTRICTS; REPORTERS' SALARIES AND EXPENSES. Notwithstanding Minnesota Statutes, Section 486.05 to the contrary, each district judge in the first judicial district and the tenth judicial district, by an order filed with the county auditors annually on or before the first Monday in June, 1971, and on or before the first Monday in January, annually thereafter, shall fix and establish the salary of the district court reporter at \$14,500 per year, and, in such order, each of the said judges shall apportion the salaries of the reporters in their respective districts among the several counties, and each county shall be required by such order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling and hotel expenses while absent from the city or village in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of each county, upon presentation of such approved statement, shall issue his warrant in payment thereof.

Sec. 2. All laws now in force relating to the salary of the court reporters of the first and tenth judicial districts, inconsistent herewith, are hereby repealed and superseded.

Approved June 7, 1971.

CHAPTER 892—H.F.No.755

[Coded in Part]

An act relating to alcoholism and drug abuse; appropriating money; amending Minnesota Statutes 1969, Sections 245.68; 253A.02, by adding a subdivision; 253A.15, Subdivision 11; 144.832; 126.05; and 126.04.

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

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [245.692] ALCOHOLISM AND DRUG ABUSE; DETOXIFICATION CENTER; LOCAL AND STATE PROGRAMS; APPROPRIATION. Subdivision 1. ESTABLISHMENT. Every area mental health board shall have the responsibility for providing one or more detoxification centers for the purpose of custody, care, and treatment of inebriate and drug dependent persons by July 1, 1973. The center shall be the responsibility of the community mental health board where applicable. Existing treatment facilities and other agencies may also be utilized.

Subd. 2. DEFINITION. For purposes of this section, a detoxification center is defined as a facility under medical supervision established for the purpose of detoxifying and evaluating simple intoxication, and such facility shall have available the services of a licensed physician for medical emergencies.

Subd. 3. FUNDING. The expense of construction, remodeling, leasing or rental, administration, operation, and maintenance of a detoxification center shall be paid from the revenues derived, and, to the extent necessary, from equal amounts paid by the state and the counties within the community mental health center area.

Subd. 4. COUNTY SHARE. The county boards shall appropriate, out of the general revenue fund of the counties, such moneys, not otherwise appropriated, as may be necessary for the operation of a detoxification center. Notwithstanding the provisions and limitations of Minnesota Statutes, Section 275.09 to the contrary, the board of county commissioners of each county may levy annually a tax sufficient in amount for the purpose of construction, remodeling, leasing or rental, administration, operation and maintenance of a detoxification center.

Subd. 5. STATE SHARE. The amount due from the state to the area mental health board for the operation of the detoxification center shall be certified to the state treasurer quarterly by the board. The state treasurer shall draw his warrants in favor of the board in payment of such amounts and forward it to the board.

Subd. 6. PAYING PATIENTS. A detoxification center may receive any inebriate or drug dependent person who desires to purchase care and treatment with his own funds or with assistance grants awarded to him.

Subd. 7. FEDERAL GRANTS. The area mental health board is authorized to accept any federal grant, directly or from a state agency, for the purpose of construction, remodeling, leasing or rental, administration, operation, or maintenance of a detoxification center.

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Subd. 8. PURCHASE OF SERVICES. The area mental health board may rent, lease or purchase services or facilities from any hospital, institution, other health service agency, or licensed physician for the purpose of establishing a detoxification center.

Subd. 9. JOINT PARTICIPATION. Two or more area mental health boards acting jointly may establish and maintain a detoxification center.

Subd. 10. APPROPRIATION. There is appropriated from the general fund in the state treasury to the state planning agency, to be expended as provided in this section the amount of \$500,000 for the period July 1, 1971 to June 30, 1973, for the construction, remodeling, leasing or rental, operation, and maintenance of detoxification centers.

Sec. 2. [245.693] ACQUISITION OF FACILITIES. Subdivision 1. GRANTS. The Minnesota commission on alcohol problems or the drug abuse section of the state planning agency respectively may approve grants or loans to any organization meeting the requirements of subdivision 2 of this section for the purposes of remodeling, buying, constructing or leasing residential after care facilities for alcoholics or drug dependent persons.

Subd. 2. LIMITATION ON GRANTS. Grants may be made only where the following requirements are complied with:

(1) The organization is incorporated on a nonprofit basis under Minnesota Statutes, Chapter 317, or is a public agency;

(2) The facility is licensed by the state board of health under subdivision 3 of this section;

(3) The facility is approved by the local community mental health board if constituted;

(4) The facility for the treatment of alcoholics shall be approved by the Minnesota commission on alcohol problems;

(5) The facility for the treatment of drug dependent persons shall be approved by the drug abuse section of the state planning agency.

Subd. 3. LICENSING. The state board of health may issue licenses to persons requesting grants pursuant to subdivision 1 of this section.

Subd. 4. RULES AND REGULATIONS. The state board of health may make such reasonable rules and regulations as may be necessary to license the facilities described under subdivision 1 of this section, and may alter, amend, suspend, or repeal any of such rules and regulations.

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Subd. 5. CONTRACTS WITH PRIVATE AND PUBLIC AGENCIES FOR TREATMENT PROGRAM. Nothing herein shall prohibit the Minnesota commission on alcohol problems or the drug abuse section of the state planning agency from making grants to community mental health centers for the purpose of contracting with nonprofit private or public agencies to provide for treatment programs, either in a residential or non-residential facility, for drug dependent persons.

Subd. 6. APPROPRIATION. There is appropriated from the general fund in the state treasury to the state planning agency for the period from July 1, 1971 to June 30, 1973, the amount of \$500,000 for making grants under this section. Such moneys shall be disbursed to the area mental health boards by the agency following consultation with and upon approval by the Minnesota commission on alcohol problems and the drug abuse section of the state planning agency respectively.

Sec. 3. [245.694] ALCOHOLIC AND DRUG COUNSELORS. Subdivision 1. The state planning agency shall provide sufficient funds to community mental health boards for the payment of one half the yearly salary of drug dependency counselors as provided in subdivisions 2 or 3; provided the board certifies to the agency that one of the counselors as provided in subdivisions 2 or 3 is familiar with the problems of alcoholics; and one of the counselors is familiar with the problems of nonalcoholic drug abusers.

Subd. 2. Community mental health centers serving an area of over 100,000 persons shall receive funds for the payment of one half the salaries of four counselors.

Subd. 3. Community mental health centers serving an area of less than 100,000 persons shall receive funds for the payment of one half the salaries of two counselors.

Subd. 4. This section shall not limit:

(a) The authority of the agency to provide additional funds for counselors;

(b) The authority of the community mental health board to provide additional counselors.

Subd. 5. The drug dependency counselors should have educational or practical experience in the area of alcoholism or drug counseling. Persons with greater than two years experience working either part or full time, either for compensation or not, with an acknowledged agency in the field of alcoholism or drug counseling shall not be required to take a civil service written examination. Such examination may be required of all other persons applying for the position of drug dependency counselor.

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Subd. 6. There is appropriated from the general fund for the period July 1, 1971 to June 30, 1973, the amount of \$275,000 to the state planning agency for salaries of drug and alcoholic counselors.

Sec. 4. Minnesota Statutes 1969, Section 245.68, is amended to read:

245.68 DUTIES OF COMMUNITY HEALTH BOARDS. Subject to the provisions of this section and the rules and regulations of the commissioner of public welfare, each community mental health board shall:

(a) Review and evaluate community mental health service provided pursuant to sections 245.61 to 245.69, and report thereon to the commissioner of public welfare, the administrator of the program, and, when indicated, the public, together with recommendations for additional services and facilities;

(b) Recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies and other lawful sources, and promote public support for municipal and county appropriations;

(c) Promote, arrange and implement working agreements with other social service agencies, both public and private, and with other educational and judicial agencies;

(d) Advise the administrator of the community mental health program on the adoption and implementation of policies to stimulate effective community relations;

(e) Review the annual plan and budget and make recommendations thereon; and

(f) When so determined by the authority establishing the program, act as the administrator of the program;

(g) Approve applications for grants made pursuant to section 2 of this act;

(h) Establish and operate a detoxification center;

(i) Encourage and assist innovative private treatment programs

(j) Provide services for drug dependent persons.

Sec. 5. Minnesota Statutes 1969, Section 253A.02, is amended by adding a subdivision to read:

Subd. 20. "Drug dependent person" means any inebriate person or any person incapable of managing himself or his affairs or

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unable to function physically or mentally in an effective manner because of the use of a psychological or physiological dependency producing drug including alcohol.

Sec. 6. Minnesota Statutes 1969, Section 253A.15, Subdivision 11, is amended to read:

Subd. 11. The head of any hospital, upon the provisional discharge, partial hospitalization, or release of any patient hospitalized under sections 253A.01 to 253A.21, shall notify the welfare board and in the event the patient is a drug dependent person the community mental health center of the county of such patient's residence before the patient is to leave the hospital, and the welfare board shall thereupon notify the patient's family. Whenever possible said notice shall be given at least one week before the patient is to leave the hospital. The commissioner shall provide by regulation the procedure and methods whereby such patient shall receive all benefits of old age assistance, direct relief, or other benefits provided by state law to which his residence and circumstances entitle him. Such regulations shall be uniformly applied in all counties, and all counties shall provide temporary relief whenever necessary to meet the intent of this section.

Sec. 7. [245.695] STATE ADMINISTRATION. Subdivision 1. The state planning agency shall establish a drug abuse section which shall, consistent with the expiration date of this section,

(a) conduct basic research as to the causes and prevention of drug abuse;

(b) coordinate local, state and federal programs and policies relating to drugs and drug abuse;

(c) develop and demonstrate new techniques and methods for the prevention and control of drug abuse and the treatment and rehabilitation of drug abusers;

(d) gather and disseminate statistical data and information on the nature and extent of non-alcoholic drug abuse in the state; and

(e) develop and conduct such programs of information and education as may awaken and enlighten the public as to non-alcoholic drug abuse in this state.

Subd. 2. CIVIL SERVICE CLASSIFICATION. The director of civil service and the civil service commission shall establish a classification to be known as "coordinator of drug dependency education", the qualifications of which shall give recognition to the value and desirability of recovered drug dependent persons in performing the duties of a consultant on drug dependency and the need for expertise in the causes and effects of drug abuse in performing the duties of a coordinator of drug dependency education.

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Subd. 3. The state planning officer shall appoint an advisory council to the state planning agency section on drug abuse to consist of not more than eleven members chosen insofar as practicable from among the following: the medical profession, pharmacy, psychopharmacology, pharmacology, the legal profession, the behavioral sciences, the clergy, educators, students, former drug addicts, and corrections or law enforcement officers. At all times there shall be two members on the commission from among the interested public. The council shall at the request of the section on drug abuse assist in the formulation of policies and guidelines for the conduct of the agency's drug abuse program. Members of the council shall serve without compensation but shall be reimbursed for their necessary travel and other expenses as provided for state employees.

Subd. 4. APPROPRIATION. There is appropriated to the state planning agency from the general fund in the state treasury for the period July 1, 1971 to June 30, 1973, the amount of \$150,000 for purposes of this section.

Sec. 8. Minnesota Statutes 1969, Section 144.832, is amended to read:

144.832 POWERS AND DUTIES. The commission shall:

(1) Conduct and foster basic research relating to the cause, prevention, and methods of diagnosis, treatment and rehabilitation of resident alcoholics.

(2) Coordinate activities and programs of all the various state departments as they relate to alcohol problems.

(3) Develop and demonstrate new methods and techniques for the prevention of alcoholism and treatment and rehabilitation of resident alcoholics.

(4) Gather and disseminate facts and information about alcohol problems to public and private agencies and the courts so requesting such information for guidance to and assistance in preventing alcohol problems.

(5) Inform and educate the general public on alcohol problems so that alcoholism may be prevented and persons suffering from alcoholism may seek treatment.

(6) Accept funds or property from the federal government or any other source needed to carry out the activities of the commission.

(7) Encourage the specialized training and employment of drug dependency counselors on knowledgeable in the area of alcoholism in each mental health center in Minnesota.

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(8) Report to the governor and legislature biennially incorporating such recommendations as it may deem necessary.

(9) Serve as the approving body for programs which may be partially or wholly funded by the federal or state government, in conjunction with such other departments as may be necessary. The commission shall be the state agency which shall approve, in conjunction with the local community mental health center, programs and pilot projects of other public or private, nonprofit organizations at the local level.

Sec. 9. [145.696] ARREST OF INTOXICATED PERSON; CONFINEMENT IN DETOXIFICATION CENTER. Subdivision 1. “Detoxification center” means a facility operated by a community mental health center in accordance with section 1 of this act.

Subd. 2. A peace officer who arrests a person for a crime and that person appears to be intoxicated may take him to a detoxification center to be held in custody.

Subd. 3. The person taken to a detoxification center pursuant to subdivision 2, shall be brought before a magistrate for arraignment promptly as soon as his condition permits.

Subd. 4. Where a magistrate refuses to bail the person or sufficient bail is not offered the person may be confined until trial in a detoxification center.

Subd. 5. A person convicted of a violation of any law may be confined in such manner and nature as the court may determine in a detoxification center in lieu of confinement as otherwise required by law where the court finds that the person is an inebriate.

Subd. 6. Where no detoxification center is available the arresting officer shall proceed as otherwise provided by law.

Subd. 7. This section is effective July 1, 1971.

Sec. 10. [145.697] ARREST FOR DRIVING UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE. Subdivision 1. “Detoxification center” means a facility operated by a community health center in accordance with section 1 of this act.

Subd. 2. A peace officer who arrests a person for driving under the influence under Minnesota Statutes, Section 169.121, or any other law, may, after compliance with the provisions of Minnesota Statutes, Section 169.123, take him to a detoxification center to be held in custody.

Subd. 3. The person arrested pursuant to subdivision 2 shall be brought before a magistrate for arraignment as soon as his condition

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permits as determined by the detoxification center, but no later than 72 hours after his arrest.

Subd. 4. Where a magistrate refuses to bail the person or sufficient bail is not offered the person shall be confined until trial only in a detoxification center.

Subd. 5. Where no detoxification center is available the arresting officer shall proceed as otherwise provided by law.

Subd. 6. This section is effective July 1, 1971.

Sec. 11. [145.698] CONFINEMENT OF DRUG DEPENDENT PERSON. Subdivision 1. When a person has been accused of violating any state or local law or ordinance in district or municipal court, and if it appears to the court that the defendant may be a drug dependent person, or by reason of the repeated use of drugs may not be responsible for his actions, the court may adjourn the proceedings and order the county attorney to file a petition for commitment of the defendant pursuant to the Minnesota hospitalization and commitment act for confinement in a hospital, a mental health center, the Willmar state hospital or other drug treatment facility until such time as the court feels that such person can be returned to the court.

Subd. 2. Upon conviction of a defendant for any crime in district court or any municipal court from which an appeal lies directly to the supreme court, or following revocation of probation previously granted whether or not sentence has been imposed, if it appears to the court that the defendant may be a drug dependent person, or by reason of the repeated use of drugs may be in imminent danger of becoming addicted, the court may adjourn the proceedings or suspend imposition or execution of sentence and order the county attorney to file a petition for commitment of the defendant pursuant to the Minnesota hospitalization and commitment act for confinement in a hospital, a mental health center, the Willmar state hospital, or other drug treatment facility until such time as the court feels that such person is no longer in need of institutional care and treatment.

Sec. 12. Minnesota Statutes 1969, Section 126.05, is amended to read:

126.05 TEACHER TRAINING, EFFECTS OF DRUGS AND ALCOHOL. All educational institutions giving providing teacher training education shall offer courses a program in the effects of narcotics and alcohol upon the human system, upon character, and upon society, personal use and misuse of and dependency on tobacco, alcohol, drugs and other chemicals, and every student attending such institution in preparation for teaching service shall be required to take and to satisfactorily complete such courses a program. Every student who graduates after June, 1974, shall complete such a course.

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Sec. 13. Minnesota Statutes 1969, Section 126.04, is amended to read:

126.04 INSTRUCTION IN DRUG ABUSE. Instruction in the use and misuse of drugs, alcohol, tobacco, and other chemicals shall be required of every school pupil. The state department is authorized and directed to prepare a course of instruction instructional resources beginning at the elementary level relating to the effects of alcohol upon the human system, upon character, and upon society. Such course of instruction shall be used in all public schools of the state use and misuse of drugs, alcohol, tobacco, and other chemicals. Such instructional resources shall be made available to all schools of the state. Schools shall either implement this curriculum or demonstrate that they have provided an alternative curriculum or one which will accomplish similar objectives. This section shall take effect on July 1, 1974.

Sec. 14. [145.699] POLICY. It is the purpose of this act to provide adequate funding, personnel and facilities through the expedient of the state planning agency and the governor of the state as the state's planning officer to meet the critical needs of the state in the areas of drug abuse and alcohol problems. Section 7 of this act expires on January 1, 1974 by which time it is intended that permanent provision will have been made within the framework of state government for the planning and administration of the state's policy in the fields of alcohol problems and drug abuse.

Approved June 7, 1971.

CHAPTER 893—H.F.No.851

An act relating to highway traffic regulation; screening of drivers for driving while under the influence of alcohol and drivers license violations; providing penalties; amending Minnesota Statutes 1969, Section 169.121, Subdivisions 1 and 2 and Section 169.123, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 169.121, Subdivision 1, is amended to read:

**169.121 HIGHWAY TRAFFIC REGULATIONS;
INTOXICATION; PRELIMINARY SCREENING TEST.** Subdivi-

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