

Subd. 3. There is appropriated to the legislative commission on long-term health care \$15,000 for the purposes of nursing home reimbursement rule developments and the state hospital planning study.

Subd. 4. The appropriations in subdivisions 1, 2, and 3, are from the general fund for the biennium ending June 30, 1985.

Sec. 29. **EFFECTIVE DATE.**

Sections 1 to 27 are effective the day following final enactment.

Approved May 2, 1984

### CHAPTER 642 — H.F.No. 1991

*An act relating to government operations; regulating public employee leave of absences; providing for civil service exams for handicapped persons; authorizing the commissioner of employee relations to negotiate insurance premium rates; providing for unclassified positions; modifying the appeal of court-martial proceedings for employees in the state military forces; amending Minnesota Statutes 1982, sections 15.62, subdivision 2; 192A.325; 192A.345, subdivisions 2 and 8; 192A.612; Minnesota Statutes 1983 Supplement, sections 43A.10, subdivision 8; 43A.23, subdivision 1; and 116L.03, subdivision 6; repealing Minnesota Statutes 1982, section 192A.345, subdivisions 1 and 3.*

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

Section 1. Minnesota Statutes 1983 Supplement, section 43A.10, subdivision 8, is amended to read:

**Subd. 8. ELIGIBILITY FOR QUALIFIED HANDICAPPED EXAMINATIONS.** The commissioner shall establish examination procedures for candidates whose handicaps are of such a severe nature that the candidates are unable to demonstrate their abilities in competitive examination processes. The examination procedures shall consist of up to 700 hours on-the-job trial work experience which will be in lieu of a competitive examination and for which the employee disabled person will be paid or unpaid at the employee's his or her option. This work experience shall be limited to candidates who are mentally retarded, have severe hearing or visual impairments, have mobility impairments requiring the use of a wheelchair, or have other impairments that comprise serious employment handicaps and who have been referred for employment to a specific suitable vacancy by a vocational rehabilitation, veterans administration, or services for the blind counselor have a physical or mental impairment for which there is no reasonable accommodation in the examination process. Implementation of provisions of this subdivision shall not be deemed a violation of other provisions of Laws 1981, chapter 210 or chapter 363.

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

Sec. 2. Minnesota Statutes 1983 Supplement, section 43A.23, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the judgment of the commissioner are best qualified to underwrite and service the benefit plans. The commissioner may negotiate premium rates and coverage provisions with all carriers licensed under chapters 62A, 62C, and 62D. The commissioner may also negotiate reasonable restrictions to be applied to all carriers under chapters 62A, 62C, and 62D. Contracts to underwrite the benefit plans shall be bid or negotiated separately from contracts to service the benefit plans, which shall be awarded only on the basis of competitive bids. The commissioner shall consider the cost of the plans, conversion options relating to the contracts, service capabilities, character, financial position, and reputation of the carriers and any other factors which the commissioner deems appropriate. Each benefit contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. The commissioner shall, to the extent feasible, make hospital and medical benefits available from at least one carrier licensed to do business pursuant to each of chapters 62A, 62C and 62D. The commissioner need not provide health maintenance organization services to an employee who resides in an area which is not served by a licensed health maintenance organization. The commissioner may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 200 employees in the preceding benefit year. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in substantial additional administrative costs. Any carrier licensed pursuant to chapter 62A shall be exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.

Sec. 3. Minnesota Statutes 1983 Supplement, section 116L.03, subdivision 6, is amended to read:

Subd. 6. **STAFF.** The board may hire an executive director who shall serve in the unclassified service who shall manage the partnership subject to the board's direction. The director may employ a small staff as necessary to carry out the board's policies.

Sec. 4. Minnesota Statutes 1982, section 192A.325, is amended to read:

#### 192A.325 **GENERAL COURT-MARTIAL RECORDS.**

The convening authority shall refer the record of each general court-martial to the staff state judge advocate, who shall submit his written opinion thereon to the convening authority. If the final action of the court has resulted in an

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acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction.

Sec. 5. Minnesota Statutes 1982, section 192A.345, subdivision 2, is amended to read:

Subd. 2. ~~In all other cases not covered by subdivision 1,~~ if the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, whether or not suspended, The entire record of all court-martial proceedings shall be sent to the appropriate staff judge advocate of the state force concerned to be reviewed as may be prescribed under regulations prescribed by the governor in the same manner as a record of trial by general court-martial. The record and the opinion of the staff judge advocate shall then be sent to the state judge advocate for review.

Sec. 6. Minnesota Statutes 1982, section 192A.345, subdivision 8, is amended to read:

Subd. 8. The state judge advocate may, and if requested by the accused, shall order one or more boards courts of military review each composed of not less than three commissioned officers of the state military forces, active or retired, each of whom must be a member of the bar of the highest court of the state and shall have served not less than three years as a judge advocate. Each board court of military review shall review the record of any trial by special court-martial, including a sentence to a bad conduct discharge, referred to it by the state judge advocate which referral shall be made if requested by the accused. Boards Courts of military review have the same authority on review as the state judge advocate has under this section.

Sec. 7. Minnesota Statutes 1982, section 192A.612, is amended to read:

**192A.612 SEARCH WARRANTS.**

During annual field training any period of active service under Minnesota Statutes, section 190.05, subdivision 5a or 5b, a military judge, designated as the summary court officer during such duty service, is authorized to issue search warrants, directed to a member of the military police of the state military forces, to search any person, place, or vehicle within the confines of the property or premises being used for such field training active service or any person or vehicle pursued therefrom. No search warrant shall be issued except upon probable cause, supported by affidavit or sworn testimony naming and describing the person and particularly describing the property or thing to be seized and particularly describing the place to be searched.

Sec. 8. Minnesota Statutes 1982, section 15.62, subdivision 2, is amended to read:

Subd. 2. A public employee who qualifies as a member of the United States Olympic team for athletic competition on the world, Pan American or

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olympic level, in a sport contested in either Pan American or olympic competitions in a sport sanctioned by the International Olympic Committee, shall be granted a leave of absence without loss of pay or other benefits or rights for the purpose of preparing for and engaging in the competition. In no event shall the paid leave under this section exceed the period of the official Olympic training camp and Olympic competition combined or 90 calendar days a in an Olympic year, whichever is less.

**Sec. 9. REPEALER.**

Minnesota Statutes 1982, section 192A.345, subdivisions 1 and 3, are repealed.

Approved May 2, 1984

**CHAPTER 643 — H.F.No. 1559**

*An act proposing an amendment to the Minnesota Constitution, article XI, section 10; allowing public lands of the state to be exchanged for any other public land; amending Minnesota Statutes 1982, sections 94.343, subdivision 1; and 94.349, subdivision 3.*

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

**Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.**

Subdivision 1. The following amendment to the Minnesota Constitution, article XI, section 10, is proposed to the people. If the amendment is adopted, the section shall read as follows:

Sec. 10. As the legislature may provide, any of the public lands of the state, including lands held in trust for any purpose, may be exchanged for lands of the United States any publicly or privately held lands with the unanimous approval of the governor, the attorney general and the state auditor. Lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject. The state shall reserve all mineral and water power rights in lands transferred by the state.

**Sec. 2. SUBMISSION TO VOTERS.**

The proposed amendment shall be submitted to the people at the 1984 general election. The question submitted shall be:

“Shall the Minnesota Constitution be amended to allow the exchange of state-owned lands for other lands owned by the state or local governments?

Yes .....

No .....”

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