

(5) review and recommend staff educational requirements and staff training as needed; and

(6) review and make changes in rules relating to residential care and service programs for persons with mental illness as the commissioner may determine necessary.

Sec. 4. Minnesota Statutes 1986, section 245.802, is amended by adding a subdivision to read:

Subd. 5. HOUSING SERVICES FOR PERSONS WITH MENTAL ILLNESS. The commissioner of human services shall study the housing needs of people with mental illness and shall articulate a continuum of services from residential treatment as the most intensive service through housing programs as the least intensive. The commissioner shall develop recommendations for implementing the continuum of services and shall present the recommendations to the legislature by January 31, 1988.

Sec. 5. Minnesota Statutes 1986, section 256D.01, is amended by adding a subdivision to read:

Subd. 1c. PAYMENTS TO FACILITIES. The commissioner shall make no payments under subdivision 1b to facilities licensed after the effective date of this section which have more than four residents with a diagnosis of mental illness except for facilities specifically licensed to serve persons with mental illness. The commissioner of health shall monitor newly-licensed facilities and shall report to the commissioner of human services facilities that are not in compliance with this section.

Sec. 6. Minnesota Statutes 1986, section 256D.37, is amended by adding a subdivision to read:

Subd. 4. The commissioner shall make no payments under subdivision 1 to facilities licensed after the effective date of this section which have more than four residents with a diagnosis of mental illness except for facilities specifically licensed to serve persons with mental illness. The commissioner of health shall monitor newly-licensed facilities and shall report to the commissioner of human services facilities that are not in compliance with this section.

Approved May 21, 1987

CHAPTER 198—H.F.No. 1071

An act relating to crimes; criminal sexual conduct; clarifying the definition of "mentally incapacitated"; providing that criminal sexual contact requires sexual or aggressive intent; expanding the definition of coercion; amending Minnesota Statutes 1986, section 609.341, subdivisions 7, 11, and 14.

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

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

Section 1. Minnesota Statutes 1986, section 609.341, subdivision 7, is amended to read:

Subd. 7. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling that person's conduct due to under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, ~~or due to any other act committed upon that person without the person's agreement~~ lacks the judgment to give a reasoned consent to sexual contact or sexual penetration.

Sec. 2. Minnesota Statutes 1986, section 609.341, subdivision 11, is amended to read:

Subd. 11. (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to (j), includes any of the following acts committed without the complainant's consent, ~~for the purpose of satisfying the actor's sexual or aggressive impulses;~~ except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by coercion or the use of a position of authority, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or the use of a position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts; ~~if the acts can reasonably be construed as being for the purpose of satisfying the actor's~~ committed with sexual or aggressive impulses intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts; or

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

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

Sec. 3. Minnesota Statutes 1986, section 609.341, subdivision 14, is amended to read:

Subd. 14. "Coercion" means words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon, or hold in confinement, the complainant or another, or force the complainant to submit to sexual penetration or contact, but proof of coercion does not require proof of a specific act or threat.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective August 1, 1987, and apply to crimes committed on or after that date.

Approved May 21, 1987

CHAPTER 199—H.F.No. 1120

An act relating to grain grading and testing; providing that state grades and test results may be the basis for market price; amending Minnesota Statutes 1986, section 17B.05.

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

Section 1. Minnesota Statutes 1986, section 17B.05, is amended to read:

17B.05 DISPUTES ON GRADES, DOCKAGE; STATE ARBITRATION.

If ~~any dispute or~~ a disagreement arises between ~~the a~~ person receiving and ~~the a~~ person delivering grain in this state as to the proper grade ~~or~~, dockage, moisture content, protein content, or both, other factors used in establishing the market price of such the grain, an average sample of at least three quarts of said the grain in dispute may be taken by either or both of the parties interested. Said sample or The commissioner shall prescribe a procedure for taking samples and having the samples shall be certified to by both the owner and receiver person receiving and the person delivering the grain as being true samples of the grain in dispute on the day upon which the grain is delivered and sampled. Such samples shall must be forwarded prepaid in a suitable air-tight container containers, with the names and address addresses of both parties the person receiving and the person delivering the grain, to the head of the grain inspection program division of the Minnesota department of agriculture who shall, upon request. The head of the grain inspection division shall examine said grain samples submitted, and adjudge what determine the proper grade or, dockage, moisture content, protein content, or both, said and other factors used in establishing the market price of the samples of grain are entitled to under in accordance with the inspection rules and the standards established by the United States Department of Agriculture and the state of Minnesota. The test results must be

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