

defines the delegated responsibilities related to the prescription of drugs in relationship to the diagnosis, may prescribe and administer drugs used to treat psychiatric and behavioral disorders and the side effects of those drugs within the scope of the written agreement and within practice as a clinical specialist in psychiatric and mental health nursing.

Nothing in this subdivision removes or limits the legal professional liability of the treating psychiatrist, clinical nurse specialist, mental health clinic or hospital for the prescription and administration of drugs by a clinical specialist in accordance with this subdivision.

Sec. 3. Minnesota Statutes 1992, section 148.235, is amended by adding a subdivision to read:

Subd. 5. RULES. (a) The board shall promulgate rules to provide for the following:

(1) a system of identifying advanced practice nurses eligible to prescribe drugs as authorized under this section;

(2) a system of transmitting to pharmacists the identity of advanced practice nurses eligible to prescribe drugs; and

(3) a fee to nurse practitioners and certified clinical specialists in psychiatric and mental health nursing who seek prescribing authority.

(b) The repeal of section 148.235, subdivision 2, paragraph (b), does not automatically repeal rules adopted under that paragraph.

Sec. 4. APPROPRIATION.

\$15,000 is appropriated from the state government special revenue fund to the board of nursing for fiscal year ending July 1, 1995, to administer sections 2 and 3.

Sec. 5. EFFECTIVE DATE.

Sections 1 to 4 are effective the day following final enactment.

Presented to the governor April 18, 1994

Signed by the governor April 20, 1994, 1:47 p.m.

CHAPTER 471—S.F.No. 2551

An act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of the city of Duluth in the establishment, administration, management, maintenance, improvement, and financing of Miller-Dwan hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

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

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

Section 1. Laws 1969, chapter 224, section 1, is amended to read:

Section 1. **Duluth, city of; hospitals.** All rights, powers, and duties of the city of Duluth concerning property and estate donated to or otherwise acquired by the city for the establishment and maintenance of hospitals has for many years been and shall continue to be exercised and discharged by the city through the instrumentality of a board of ~~seven~~ 15 persons called directors of trusts. Funds were donated to the city for the establishment of a free and public hospital and dispensary for secular use and benefit of worthy sick and helpless poor, without distinction of sex, creed, or nationality. This purpose has been fulfilled by the establishment of the Miller-Dwan Memorial Hospital which is now owned and operated by the city through the instrumentality of the directors of trusts, in accordance with orders of the district court construing the terms of said donation. To renovate, remodel, and enlarge the existing building and facilities of this hospital, to develop a building program based on present and future community needs for the purpose of re-establishing and thereafter maintaining it as a general hospital, to construct additions, including facilities to be jointly occupied with the ~~St. Louis county health department~~ and other public agencies, and to establish connections with adjoining private rehabilitation facilities serving the public on a nonprofit basis, the directors of trusts are authorized to acquire in the name of the city of Duluth all real and personal property necessary and incidental to such a building program and to the operation, administration, management, and control of the expanded hospital facilities, to enter into all contracts on behalf of the city necessary and incidental to the building program, and to finance the cost thereof, in excess of funds on hand and funds provided by governmental or private grants, by the issuance, with the approval of the Duluth economic development authority, of revenue bonds of the city, and to pledge for the payment and security of such bonds and the interest thereon all or any defined portion of the net revenues of all hospital facilities now and hereafter owned by the city, in excess of the normal, reasonable, and current costs of the operation, administration, and maintenance thereof. The bonds may be issued and sold at such times, upon such notice, if any, in such form and denominations, bearing interest at such rate or rates, maturing on such dates, either without option of prior payment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks, within or without the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such terms and covenants as the directors of trusts shall establish by resolution, and not subject to the conditions or limitations set forth in Minnesota Statutes, chapter 475, or any other law; provided that in the event the full faith and credit of the city is pledged to the payment of any series of such bonds, the issuance thereof as proposed in a resolution of the directors of trusts shall be authorized by an ordinance duly adopted by the city council in accordance with the provisions of the city charter, and the bonds shall not be sold or delivered until and unless such ordinance has become effective, and shall be sold and secured in the manner provided by Minnesota Statutes, chapter 475.

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All real estate owned by the city of Duluth for hospital purposes in the name and style of "Miller Memorial Hospital, doing business as Miller-Dwan Medical Center by and through its Directors of Trusts pursuant to Laws 1969, chapter 224" or otherwise, may be sold, conveyed, transferred, or otherwise disposed of by the directors of trusts only after a duly noticed public hearing held before the Duluth city council, and approval of the council evidenced by an ordinance adopted at a meeting held at least seven days after such public hearing. The provisions of this paragraph shall not apply to the transfer of an interest in such real estate that is incidental to the issuance of revenue bonds approved by the Duluth economic development authority under this section.

Sec. 2. Laws 1969, chapter 224, section 2, is amended to read:

Sec. 2. The mayor of the city shall be ex officio a member of the board of directors of trusts and may appoint a person to serve as a member in the mayor's absence. The other ~~six~~ current members shall complete their current terms, and their successors shall be residents of the city and appointed by the judges of the district court of the district in which the city is located, by concurrent action of a majority of the judges, for the ~~following terms beginning with date of appointment; two for a term of two years; two for a term of four years and two for a term of six years; and thereafter as these terms expire the vacancies caused thereby shall be filled by appointment for six year terms.~~ Upon petition of the board of directors of trusts, these judges, by like concurrent action, may increase the number of members on the board of directors of trusts to as many as fifteen, without amendment of this act. If an increase in membership should be made, the new members shall be appointed for terms deemed appropriate by such district judges, but not exceeding six years. These judges, by like concurrent action, shall appoint members to fill out the unexpired term of any member who for any reason ceases to be a member before the expiration of his term. terms of six years. However, beginning with the first vacancy on the board of directors of trusts occurring after the effective date of this act, the Duluth city council shall appoint one of its members to fill the vacancy and shall appoint the successive successors to that initial appointment. Members of the council who are appointed by the council to the board of directors of trusts shall serve for a term of six years or until their tenure on the council ends, whichever occurs sooner. The council appointee to the board shall not be a member of the Duluth economic development authority during the appointee's tenure on the board. Vacancies on the board in positions appointed by the judges occurring before the end of a term must be filled by the judges for the unexpired term in the same manner as used in making full-term appointments. The judges of this district court shall meet and take action upon any of the matters in this section specified, upon call of the senior judge of the district or upon the petition of the mayor or any resident taxpayer of the city. However, the directors of trusts may take any action authorized in this act without prior order of the court.

Sec. 3. Laws 1969, chapter 224, section 3, is amended to read:

Sec. 3. The directors of trusts shall have power to make rules and bylaws

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for the proper conduct of their business; to appoint and remove from time to time such agents and employees as in their judgment may be required for the proper discharge of their duties; to determine the duties and compensation of all such agents and employees, who may but are not required to be members of the public employees retirement association; to employ legal counsel; to make such contracts and agreements as in their judgment may from time to time be required in the acquisition, betterment, operation, administration, maintenance, control, and management of city hospital facilities, in conformity with the provisions of the city charter and of ordinances enacted by the council relating to the procedure to be followed by the directors of trusts in the award of contracts and the making of purchases, except that the directors of trusts shall designate a person other than the city purchasing agent to act for such purchasing agent in awarding contracts and making purchases; and to do, perform, and discharge all and singular whatever acts and duties are or from time to time may become proper or necessary to be done by the city in discharge of its duties in connection with any use or trust affecting hospital properties. The directors of trusts shall file with the city clerk on or before February 15 of each year a report for the preceeding calendar year showing all receipts and disbursements with the sources and purposes thereof, together with a statement of assets under their control and property acquired or disposed of during the year, and such other general information as to the management and control of the trust property as in their judgment is proper. The board of directors of trusts is subject to the provisions of section 471.345. Their official books and records shall be audited at least annually by the state public examiner auditor or by a certified public accountant, as determined by the directors of trusts, notwithstanding the provisions of any law requiring audit of hospital books and records by the state public examiner. If the directors of trusts determine that the hospital books and records shall be audited by a certified public accountant, the directors shall notify the state public examiner that an audit by his office will not be necessary. The report of each such audit shall be filed promptly with the public examiner and the city council. The directors of trusts shall file with the city clerk copies of all financial reports which it is required by law or rule to submit to the state of Minnesota, within seven days of the submission of the report to the state agency receiving the report. The directors of trusts shall also annually file with the city clerk copies of all audit reports of its financial affairs prepared by the state auditor or by a certified public accountant, within 30 days of the completion of the audit report.

The board of directors of trusts is a "public body" for purposes of the open meeting law, Minnesota Statutes, section 471.705. Notwithstanding section 471.705, the board of directors of trusts may meet in closed session pursuant to section 144.581, subdivision 5.

Sec. 4. EFFECTIVE DATE.

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Duluth.

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

Presented to the governor April 18, 1994

Signed by the governor April 20, 1994, 1:50 p.m.

CHAPTER 472—H.F.No. 1659

An act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223.

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

Section 1. Minnesota Statutes 1992, section 524.1-201, is amended to read:

524.1-201 GENERAL DEFINITIONS.

Subject to additional definitions contained in the subsequent articles which are applicable to specific articles or parts, and unless the context otherwise requires, in chapters 524 and 525:

(1) (2) "Application" means a written request to the registrar for an order of informal probate or appointment under article III, part 3.

(2) (3) "Beneficiary," as it relates to trust beneficiaries, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer and as it relates to a charitable trust, includes any person entitled to enforce the trust.

(3) (5) "Child" includes any individual entitled to take as a child under law by intestate succession from the parent whose relationship is involved and excludes any person who is only a stepchild, a foster child, a grandchild or any more remote descendant.

(4) (6) "Claims" includes liabilities of the decedent whether arising in contract or otherwise and liabilities of the estate which arise after the death of the decedent including funeral expenses and expenses of administration. The term does not include taxes, demands or disputes regarding title of a decedent to specific assets alleged to be included in the estate, tort claims, foreclosure of mechanic's liens, or to actions pursuant to section 573.02.

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