

## CHAPTER 405—S. F. No. 352

[Coded as 145.47 to 145.54]

*An act relating to public health and to the control of preventable diseases; to authorize counties to establish and join in establishing county or multiple county health departments; to provide for financing by local, state and federal governments and for private gifts; to provide for boards of health and health officers; to provide for the suspension under certain circumstances of existing local boards of health and health officers; to provide for promulgation by county boards of regulations for preservation of the public health.*

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

[145.47] Section 1. **Health department defined.** The term health department, as used in this act, is defined as a health department organized and supported by one or more counties.

[145.48] Sec. 2. **Establishment of health departments.** Subdivision 1. Any county or two or more adjacent counties are hereby authorized and empowered, by resolution adopted by a majority of the members of the county board or county boards of the respective counties, to establish and maintain a health department as herein defined. The county commissioners of any two or more adjacent counties may submit, and on petition of qualified electors equal to 10% of the total vote at the last general election, shall submit such action to a vote of the people. If the majority of the voters voting thereon favor the action, it shall go into effect on the date specified.

Subd. 2. A city of the first or second class located within a county in which a health department is established under this act, shall not come within the jurisdiction of the board of health of such health department until such city, by ordinance of its governing body, shall take action to be included within the jurisdiction of such health department subject to the referendum provided in the following subdivision. In counties containing a city of the first class and wherein the majority of the county commissioner districts lie within the city of the first class, it shall require the unanimous vote of the county board to establish a county health department as provided for in this act.

Subd. 3. The governing body of a city of the first or second class may submit, and on petition of qualified electors equal to 10% of the total vote at the last regular municipal election, shall submit such action to a vote of the people. If the majority of the voters voting thereon favor the action, it shall go into effect on the date specified.

[145.49] **Sec. 3. Powers transferred.** All powers and duties now or hereafter vested in or imposed upon the local health boards defined in Minnesota Statutes 1945, Section 145.01, shall, in all areas included in the jurisdiction of any health department established under this act, be transferred to, vested in and imposed upon such health department from the date when the health officer of such health department assumes the responsibilities of his appointment or such later date as may be determined by such health department; provided, however, that nothing herein shall affect the registration of vital statistics, except that when any city comes within the jurisdiction of any health department established under this act and is without a city health officer, the state registrar of vital statistics shall appoint a local registrar therein.

[145.50] **Sec. 4. Responsible to local board of health.**  
Subdivision 1. Every health department shall be responsible to a local board of health as hereinafter provided for.

Subd. 2. The board of health of a health department embracing one county shall consist of five members appointed by the board of county commissioners. Where two or more counties combine to form a health department, each such county shall, by the same method, appoint two members to the board of health, except that the county having the largest population shall appoint three such members. In each such board of health, one member from each county shall be selected from the largest participating municipality located within such county. In each such board of health, one of the members so appointed shall be a doctor of medicine and one shall be a doctor of dental surgery, each licensed to practice in Minnesota. The remaining members of the board shall be laymen, representative of the people served by the health department.

Subd. 3. At the first meeting of any board of health appointed under this section, the members thereof shall determine by lot the respective original terms to be served by each member, whether one, two, or three years. The same number of such members shall be chosen for each such length of term

as nearly as may be. All subsequent appointments, except to fill vacancies in unexpired terms, shall be for three year terms.

Subd. 4. The officers of the board shall be a chairman and a vice chairman, to be elected annually by the members thereof for a term of one year.

[145.51] **Sec. 5. Funds appropriated and fees collected.**

Subdivision 1. Every health department established under this act shall be operated and maintained from funds appropriated and fees collected within the counties included in the area covered by such health department, together with such state and federal funds and private grants which may be appropriated or granted to it or to any of its participating county or other political subdivisions. The cost of maintenance of every such health department shall be borne by the several participating counties on the basis of the ratio of the population of each such county to the total population served by the said health department, and the amount thus required of each of the participating counties for such health department purposes shall be spread as a separate tax levy against all of the taxable property of each of such counties, provided, however, that the tax levy shall not exceed one mill against all of the taxable property of each of such counties, and, where a city of the first or second class does not come within the jurisdiction of such health department its population shall not be considered in such computation, and the health department tax levy of such county shall not apply to the property within such city.

Subd. 2. The health officer and board of health of every health department created under this act shall annually prepare a budget of its proposed expenditures for the ensuing fiscal year and determine the proportionate cost to each participating county. A certified copy of such budget, which shall include a statement of the amount required from each such county, shall be delivered to the board of county commissioners of each participating county. The county boards of all participating counties in each such health department shall meet in joint session, prior to the regular annual July meetings of such boards, for due hearing and agreement on such health department budget. The budget adopted shall be effective when approved by a majority of the members of each such county board in attendance at such joint meeting. A majority of each county board shall be in attendance to constitute a quorum for a joint meeting. At its regular meeting in July, each such county board shall include in its annual levy of coun-

ty taxes, such amount as may be necessary, not to exceed the tax limitations imposed by this act, for the health department purposes provided for in this act, as a separate levy over and above the limits now imposed for the general fund of the county. Such amount, when collected, shall be credited to the "health department fund" of the county.

Subd. 3. In the accounts and treasury of the county wherein is located the principal office of each multicounty health department there shall be created a "joint health department fund." The treasurer of each county participating in such health department shall pay or cause to be paid into this joint fund from the county "health department fund" all tax monies, fees, grants-in-aid, gifts, or bequests designated for public health department purposes by drawing a warrant in favor of the "joint health department fund" payable to the treasurer of the county selected as the place of deposit of such fund. The said fund shall be used only for the purposes of said health department in accordance with the adopted budget, and shall be expended in the manner prescribed by such board of health pursuant to properly authenticated vouchers of such health department signed by its health officer.

[145.52] Sec. 6. Meetings; health officer; nurse; joint agreement; budget; member; recommendations. Subdivision 1. The board of health of every health department organized under this act shall hold regular meetings at least quarterly at such time and place as may be provided by such board, and such special meetings as may be called by its chairman or a majority of its members. Members shall serve without compensation, but shall be entitled to statutory travel and other necessary expenses while engaged in their official duties.

Subd. 2. The board of health shall employ a health officer who shall be a doctor of medicine duly licensed and registered in the State of Minnesota who shall have the approval of the State Board of Health. He shall be appointed for a term of five years subject to removal for cause after a hearing before the board of health. He shall be the executive officer of the board of health, shall select subordinate personnel subject to the approval of the board and shall have general supervision of all work conducted by such health department.

Subd. 3. Whenever a county or multiple county health department is established under this act the county health nurse in each of said counties shall be under the supervision

and jurisdiction of such county or multiple county health department.

Subd. 4. Every such board of health shall enter into a joint agreement with the boards of county commissioners of the counties and the governing bodies of participating cities of the first and second class within its jurisdictional area to regulate such matters as salary scales, merit systems, the acquisition of property and personnel of previously existing health departments, the distribution of assets upon withdrawal of any county or city and other matters wherein practices may vary in different participating counties and cities.

Subd. 5. Every such health officer and board of health shall annually prepare a budget of the proposed expenditures of such health department for the ensuing year and the proportionate cost thereunder to each participating county; provided, however, that for the first year of operation of any such health department this function may be performed by the said board alone.

Subd. 6. Each such board of health shall prepare and cause to be published for free public distribution an annual report of the work of its health department.

Subd. 7. Each such board of health may make recommendations to the boards of county commissioners for local legislation pertaining to the public health and generally applicable throughout their counties. It may also recommend to any municipality within its jurisdiction local legislation having specific application to health problems peculiar to such municipality.

[145.53] Sec. 7. **Rules and regulations.** Subdivision 1. The board of county commissioners of any county within the jurisdiction of any health department created under this act shall have the power to adopt and to alter by resolution, and to enforce reasonable regulations for the preservation of the public health, applicable throughout the whole or any portion of the county. Proposed regulations shall be published at least once in a newspaper of general circulation throughout the county or counties served by the health department before adoption. Provided, however, in counties containing a city of the first class and wherein a majority of the county commissioner district lies within a city of the first class, it shall require the unanimous vote of the county board to adopt such

rules and regulations, and no county regulation shall supersede or conflict with higher standards established by statute, the regulations of the state board of health, or the provisions of the charter or ordinances of any city pertaining to the same subject matter.

Subd. 2. Nothing in this act shall prohibit any municipality from adopting ordinances or resolutions for the regulation of the public health setting higher standards than those of the state board of health, the board of county commissioners, or the statutes.

[145.54] Sec. 8. **Supervised by state board of health.** Subdivision 1. Every health department created under this act, subject, however, to the general supervision of the state board of health, shall cause all laws and regulations relating to public health to be obeyed and enforced within its jurisdictional area.

Subd. 2. After any two or more counties shall have taken action to establish a joint health department under this act, any participating county may withdraw therefrom not earlier than one year from the beginning of the next fiscal year following written notice to its board of health and the boards of county commissioners of all other participating counties of its intention so to do.

Subd. 3. Any city of the first or second class participating in a health department established under this act may withdraw therefrom in the manner provided for the withdrawing of a participating county. Thereafter its population shall not be considered in the computation of apportionment of taxes for health department purposes and the health department tax levy of the county thereof shall not include the taxable property within such city.

Subd. 4. Whenever any county or city of the first or second class shall withdraw from any health department established under this act, all provisions of law relating to local health boards and officers as defined in Minnesota Statutes 1945, Sec. 145.01, shall immediately become applicable within such county or city.

Sec. 9. **Severable.** If any of the provisions of this act shall be held unconstitutional, the validity of the remaining provisions thereof shall not be affected thereby.

Sec. 10. **Effective date.** This act shall take effect and be in force from and after its passage.

Approved April 14, 1949.

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CHAPTER 406—S. F. No. 524

[Not Coded]

*An act to provide for and continue the organization of a policemen's relief association in each city of the first class of this state now or hereafter having a population of 450,000 inhabitants or more, including each such city now operating under a charter adopted pursuant to the provisions of Section 36, Article 4, of the state constitution, and for the creation, maintenance and administration of a policemen's pension fund by any such association; repealing Laws 1943, Chapter 280.*

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

**Section 1. Police pension in certain cities of the first class.** In each city of the first class of the State now or hereafter having a population of 450,000 inhabitants or more, including each such city operating under a charter adopted pursuant to the provisions of Section 36, Article 4, of the state constitution, the members of its police department shall organize a policemen's relief association, or maintain any policemen's relief association existing therein at the time of the taking effect of this act, as provided by this act. This association shall create, maintain and administer a policemen's pension fund for the benefit of its members, the widows and children of its members, and the beneficiaries of any policemen's pension or benefit fund in operation at the time of the taking effect of this act.

Each policemen's relief association now existing or which may hereafter be organized, may become incorporated pursuant to the provisions of any applicable law or may function as an unincorporated association. Each such association shall be governed and maintained by its members as provided in this act. Each such association may regulate and manage its affairs by its articles of incorporation, constitution, and by-laws, subject to the provisions of the laws of this state. The governing board of each association shall consist of five mem-