

assets of any foreign insurance company, including reciprocals and fraternal, admitted, or applying for admission, to do business under the laws of this state. *In making such an examination or appraisal, the commissioner may examine, in addition to the insurance company, any person, association, or corporation he could examine in connection with the examination or appraisal of a domestic insurance company, if in his discretion he has cause to believe that he is unable to obtain relevant information from such foreign insurance company.* In lieu of such an examination the commissioner may, in his discretion, accept the report of examination made by the commissioner of insurance, or corresponding officer, in the state of which the company has its home office; provided, however, that the commissioner shall not accept such a report of examination unless:

(1) the company so examined has sold policies of insurance in the state of examination on which the annual premiums for the preceding calendar year exceeded \$500,000 in amount or 25 percent of its total premiums for said year, or

(2) the company so examined has been doing business in the examining state without a change in management, whether as the result of a management contract, any other agreement or arrangement, or a change in control, for more than 3 1/2 years ~~and the examining state will examine companies domiciled therein as frequently as required by this act.~~

Sec. 2. Minnesota Statutes 1967, Section 60.081, is amended by adding a subdivision to read:

Subd. 6. Notwithstanding Minnesota Statutes, Section 72A.05, any person who violates or aids and abets any violation of a written order issued pursuant to this section may be fined not more than \$5,000 for each violation of the order in an action commenced in Ramsey County by the attorney general on behalf of the state of Minnesota and the money so recovered shall be paid into the general revenue fund.

Approved April 29, 1969.

CHAPTER 235—H. F. No. 1316

[Not Coded]

An act relating to Anoka and Washington counties; authorizing creation of a comprehensive health department with powers to en-

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force state and local regulations; providing for county ordinances pertaining to air and water pollution, vermin control, communicable diseases and other public health problems; authorizing employment of personnel to administer service programs for nursing, mental health, and services for the mentally retarded and handicapped; providing authority to levy taxes and to accept gifts and grants for the provision of public health services; establishing a comprehensive health board for either county.

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

Section 1. Anoka and Washington counties; health departments; purpose. It is the purpose of this act to provide enabling authority for the county boards of Anoka and Washington counties to establish comprehensive health departments for their respective counties and to provide coordinated public and mental health services to the residents of their respective counties. The term "county board" as used in this act shall mean the county board of either Anoka or Washington county. The term "department" as used in this act shall mean the comprehensive health department established in either Anoka or Washington county. The term "health board" as used in this act shall mean the comprehensive health board established in either Anoka or Washington county.

Sec. 2. Creation of department. The county board may by resolution create a county health department. Such resolution shall indicate the effective date for the initiation of the department and shall name the members of the board of health as required under the terms of this act. It shall further indicate the initial responsibilities of the department and shall set forth the initial budget for the operation of the department until the following January 1.

Sec. 3. Powers and responsibilities. Subdivision 1. The county board in its initial resolution establishing a health department or in subsequent resolutions shall enumerate the responsibilities assigned to the department and the health board to include all or some of the responsibilities as set forth in the following subdivisions.

Subd. 2. All powers and duties now or hereafter vested in or imposed upon the local health boards defined in Minnesota Statutes, Section 145.01, shall, in all areas be transferred to, vested in and imposed upon the county department from the date as may be determined by such health department, except that the jurisdiction of local boards of health shall continue in any municipality or township within the county if the governing body thereof indicates within 30 days after notice of assignment of this responsibility to the county health department its intent to continue its local board of health. In

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such municipality, the county board of health shall not have local board of health jurisdiction and it shall not assume such jurisdiction until such time as an agreement to such transfer of jurisdiction is made between the county board of commissioners and the governing body of the municipality or township.

Subd. 3. The department and the health board may be authorized to operate a mental health program and may utilize the authorities of community mental health boards as set forth in Minnesota Statutes, Sections 245.61 to 245.68. When so authorized, the health board shall suffice to function in lieu of the community mental health board provided for in Minnesota Statutes, Section 245.66.

Subd. 4. The department and the health board may be authorized to employ and direct public health nurses and to provide public health nursing and other nursing and home health services under the authority of Minnesota Statutes, Sections 145.08 to 145.125. The health board shall suffice to function in lieu of the public health nursing committee provided for in Minnesota Statutes, Section 145.12.

Subd. 5. The department and the health board may be authorized to establish and operate daytime activity centers for the mentally retarded under the authority provided in Minnesota Statutes, Sections 252.21 to 252.26. The health board shall suffice to function in lieu of the daytime activity center board of directors provided for in Minnesota Statutes, Section 252.25.

Subd. 6. The department and the health board may be authorized to establish and operate community long term sheltered workshops under the authority of Minnesota Statutes, Sections 121.71 to 121.715. The health board shall suffice to function in lieu of the workshop board provided for in Minnesota Statutes, Section 121.713.

Subd. 7. The department and the health board may be authorized to employ personnel to investigate public health nuisances and violations of applicable state or local regulations or ordinances relating to public health, including but not limited to regulations applicable to the county relating to air pollution, water pollution or vermin control. Subject to the supervision of the state board of health, the department and the health board shall cause all laws relating to public health to be obeyed and enforced within the county. The health board may recommend ordinances which may be adopted by the county board for the preservation of the public health and which may be applicable to the whole or any portion of the county,

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but no county regulation shall supersede higher standards established by statute, the regulations of the state board of health, or the provisions of the charter or ordinances of any city within the county pertaining to the same subject. Nothing in this subdivision 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 county board, or state law.

Subd. 8. The department and the health board may be authorized to provide ambulance service either as a service function of the department or by contract with private or other public agencies. The health board may recommend and the county board may adopt ordinances regulating ambulance service in the county.

Subd. 9. The department and the health board may be authorized to provide such other health services as may be directed by the county board if such services are authorized by law to be provided by the county or by any agency or department thereof.

Sec. 4. **Tax levy authorized.** The county board may levy taxes upon all taxable property in the county in an amount sufficient to establish and operate programs and functions assigned to the health department. Such taxes shall be levied as part of the general revenue fund and subject to existing levy limitations.

Sec. 5. **Budget.** The health board shall prepare a budget detailing the anticipated expenditures for each calendar year and shall submit said budget to the county board by September 1. The county board shall have authority to make such alterations in the budget as they deem proper and necessary and shall proceed to levy taxes as needed to fund the budget as approved.

Sec. 6. **Transfer of functions.** Upon assignment by the county board of responsibilities under section 3, subdivisions 1, 2, 3, or 4, the health board shall replace any administrative board or committee then in existence performing the function assigned and all personnel, records, and commitments of such boards or committees shall be transferred to the health board and thereafter actions taken by the health board shall have the same force and effect as if performed by the previous board or committee.

Sec. 7. **Advisory or standing committees.** The health board may recommend to the county board the creation of such advisory or standing committees as it deems appropriate and may recommend names of persons from the health board itself or other residents of the county to serve on such advisory or standing committees.

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Sec. 8. Membership of the health board. Subdivision 1. The health board shall consist of not less than nine members and not more than 15 members. At least three members of the health board shall be county board members appointed or reappointed annually by the chairman of the county board. The remaining members of the health board shall be appointed by the county board for three year terms except that initial appointments following creation of the health department may be less than three years for appointees designated by the county board to provide for overlapping terms. Vacancies shall be filled for the unexpired term in the same manner as original appointments, and members of the health board may be removed by the county board for neglect of duty or for misconduct or malfeasance in office after being given notice and an opportunity to be heard with respect to the reasons for removal set forth in such notice. The county board shall annually appoint the chairman of the health board.

Subd. 2. Membership on the board of health shall be broadly representative of professional and lay associations concerned with education, public health, medical and nursing services, mental health and retardation, welfare services, business, labor, civil and agricultural interests, and the general public. The membership of the board shall include a licensed physician and a public health or registered nurse.

Subd. 3. The health board shall meet at least once monthly at a time and place designated by its chairman. The health board shall adopt rules of procedure and shall provide for such officers as are deemed necessary.

Sec. 9. Personnel. The health board may, with concurrence of the county board, employ persons qualified to perform the functions assigned to the health department. Compensation, fringe benefits and personnel rules shall be established for such personnel by the county board.

Sec. 10. Authority to establish fees. The health board, with the concurrence of the county board, may establish fees for services rendered by the health department. The schedule of fees shall recognize the inability of some persons served to pay fees for services rendered, and services shall not be denied to any person because he lacks means to pay for the cost of the services he receives. The health board is also authorized to issue permits and to license persons and businesses subject to regulations adopted by the county board pertaining to public health.

Sec. 11. This act shall become effective as to any county

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named in section 1 upon its approval by the majority of the board of commissioners of such county, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved April 29, 1969.

CHAPTER 236—H. F. No. 1341

An act relating to agriculture; rules governing application of economic poisons; amending Minnesota Statutes 1967, Section 18.033.

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

Section 1. Minnesota Statutes 1967, Section 18.033, is amended to read:

18.033 Economic poisons; administration, rules. *Subdivision 1. The commissioner of agriculture shall administer sections 18.034 to 18.035 and may promulgate rules and regulations necessary to administer those sections and effect their purpose in accordance with Minnesota Statutes 1961, Sections 15.0411 to 15.0425, and acts amendatory thereof; may issue regulations to carry out the provisions of this act and in such regulations may prescribe methods to be used in the custom application of pesticides. The regulations may relate to the time, place, manner and method of application of the pesticides, may restrict or prohibit use of materials in designated areas during specified periods of time and shall encompass all reasonable factors which the commissioner deems necessary to prevent damage or injury to: (1) Plants, including forage plants, on adjacent or nearby lands; (2) Wildlife in the adjoining or nearby areas; (3) Fish and other aquatic life in waters in reasonable proximity to the area to be treated; and (4) Pollinating insects, animals, or persons. In issuing such regulations, the commissioner shall give consideration to pertinent research findings and recommendations of other agencies of this state or of the federal government.*

Subd. 2. The commissioner may by regulation require that notice of a proposed application of a pesticide be given to land owners adjoining the property to be treated or in the immediate vicinity thereof, if he finds that such notice is necessary to carry out the purposes of this act. The commissioner may also by regulation adopt a list of restricted use pesticides the use of which he may limit to designated areas, if he finds that the characteristics of such pesticides require that regulations restricting their use are necessary to prevent injury to per-

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