

CHAPTER 314—H.F.No.1938

[Not Coded]

An act relating to Dakota county; authorizing creation of a comprehensive health department with powers to enforce state and local regulations; providing for county ordinances pertaining to 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 such county.

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

Section 1. **DAKOTA COUNTY; HEALTH DEPARTMENT; PURPOSE.** It is the purpose of this act to provide enabling authority for the county board of Dakota county to establish a comprehensive health department and to provide coordinated public and mental health services to the residents of such county.

Sec. 2. **DEFINITIONS.** Subdivision 1. As used in this act the terms defined in this section shall have the meanings given them.

Subd. 2. "County board" means the county board of Dakota county.

Subd. 3. "Department" means the comprehensive health department established in Dakota county.

Subd. 4. "Health board" means the comprehensive health board established in Dakota county.

Sec. 3. **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. 4. **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.

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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 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 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 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 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 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 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

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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, 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. 5. **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. 6. **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. 7. **TRANSFER OF FUNCTIONS.** Upon assignment by the county board of responsibilities under section 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. 8. **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. 9. 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. 10. 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. 11. 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. 12. EFFECTIVE DATE. This act shall become effective upon its approval by the majority of the board of commissioners of

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Dakota county, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 15, 1971.

CHAPTER 315—H.F.No.2032

[Not Coded]

An act relating to the school board of Independent School District No. 709 (Duluth); providing for the appointment of members to fill vacancies on the school board and election of successors; amending Laws 1969, Chapter 699, Section 3.

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

Section 1. Laws 1969, Chapter 699, Section 3, is amended to read:

Sec. 3. INDEPENDENT SCHOOL DISTRICT NO. 709, CITY OF DULUTH; BOARD; VACANCIES. Subdivision 1. The present governing body of the special school district shall be the school board of the independent school district created by this act until the 1971 general municipal election in Duluth. Prior to January 1, 1971, the school board shall establish four election districts of equal population. In the 1971 election and each four years thereafter, the five members whose terms expire shall be elected three at large and two from election districts. In the election of 1973 and each four years thereafter, two directors shall be elected at large and two from the remaining two election districts. The terms for all members elected pursuant to this section shall be prescribed in Laws 1963, Chapter 253, as amended. Nothing in this section shall be deemed to preclude a member of the school board on the effective date of this act from running for re-election when his term expires.

Subd. 2. In the event of any vacancy occurring on the school board more than six months prior to a school board election pursuant to Minnesota Statutes 1969, Section 123.33, such vacancy shall be filled by a majority of the remaining members of the board as provided in said statute or any acts amendatory thereto, except that the term of the appointee to fill any vacancy as provided by Minnesota Statutes 1969, Section 123.33, Subdivision 4, shall expire at the time of the regular meeting of the school board held in May next succeeding the next regular election of members to the school board, and there shall be elected at said election a member to fill the

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