

(e) The insurance premium finance company may make a finance charge in accordance with section 59A.09 for additional premiums financed and added to an open end insurance premium finance agreement; however, only one flat rate service fee may be made or charged for each insurance premium finance agreement entered into and no additional flat service fee may be made or charged for adding additional or subsequent premiums to an open end insurance premium finance agreement for which a flat service fee was previously made or charged.

Approved June 4, 1975.

CHAPTER 310—S.F.No.578

[Coded in Part]

An act relating to public health; authorizing the state board of health to establish mobile health clinics; prescribe fees and requirements for licenses, inspections, and permits; receive funds; enter into agreements for performance of duties by local agents; inspect, license, and regulate hotels and restaurants; providing penalties; amending Minnesota Statutes 1974, Sections 62D.21; 144.02; 144.076; 144.12; 144.121; 144.122; 144.53; 144.653, Subdivisions 2, 6 and 8; 144.802; 145.866; 149.02; 149.03, Subdivisions 1 and 2; 149.08; 156A.07, Subdivisions 5, 6 and 7; 157.01; 157.02; 157.03; 157.04; 157.05, Subdivisions 1, 2 and 3; 157.08; 157.09; 157.12; 157.13; 157.14; 326.42; 326.62; 327.15; 327.16, Subdivision 3; Chapters 144 and 145, by adding sections; repealing Minnesota Statutes 1974, Sections 157.05, Subdivisions 4, 5, 6 and 7; 157.06; 157.07; and 157.11; and Laws 1974, Chapter 205.

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

Section 1. Minnesota Statutes 1974, Section 62D.21, is amended to read:

62D.21 PUBLIC HEALTH; MOBILE HEALTH CLINICS; FEES.
~~Subdivision 1.~~ Every health maintenance organization subject to sections 62D.01 to 62D.29 shall pay to the board fees as prescribed by the board pursuant to section 144.122 for the following fees:

- (a) ~~For~~ Filing an application for a certificate of authority, ~~€250.~~
- (b) ~~For~~ Filing an amendment to a certificate of authority, ~~€50.~~
- (c) ~~For~~ Filing each annual report, ~~€50.~~ and
- (d) ~~For~~ Other filings, ~~€25.~~ as specified by regulation.

~~Subd. 2. Fees received pursuant to this section shall be deposited in the general fund of the state treasury.~~

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Sec. 2. Minnesota Statutes 1974, Section 144.02, is amended to read:

144.02 MEETINGS; OFFICERS; QUORUM. The state board of health shall hold an annual meeting during the first quarter of every year at a time and place designated by the board at which time it shall elect from its members a president. Regular meetings, one of which shall include the annual meeting, shall be held not less than four times a year. At least one such regular meeting shall be held each quarter. The time and place of all such meetings shall be determined by the board, and all board members shall be notified thereof by mail seven days in advance. Special meetings may be held at such times and places as the secretary or any two members of the board shall appoint upon three days' notice to the members by mail. The board shall elect a secretary, with the advice and consent of the senate, to serve during its pleasure, who may or may not be one of its members. A majority shall be a quorum and any meeting may be adjourned from time to time.

Sec. 3. Minnesota Statutes 1974, Section 144.076, is amended to read:

144.076 MOBILE HEALTH CLINIC. The ~~department-state board~~ of health may establish, equip, and staff with its own members or volunteers from the healing arts, or may contract with a public or private nonprofit agency or organization to establish, equip, and staff a mobile unit, or units to travel in and around poverty stricken areas and Indian reservations of the state on a prescribed course and schedule for diagnostic and general health counseling, including counseling on and distribution of dietary information, to persons residing in such areas. For this purpose the ~~department-state board~~ of health may purchase and equip suitable motor vehicles, and furnish a driver and such other personnel as the department deems necessary to effectively carry out the purposes for which these mobile units were established or may contract with a public or private nonprofit agency or organization to provide the service.

Sec. 4. Minnesota Statutes 1974, Section 144.12, is amended to read:

144.12 REGULATION, ENFORCEMENT, LICENSES, FEES. Subdivision 1. The board may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof, such regulations shall have the force of law, except insofar as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

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- (1) The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter;
- (2) The business of scavenging and the disposal of sewage;
- (3) The location of mortuaries and cemeteries and the removal and burial of the dead;
- (4) The management of lying-in houses and boarding places for infants and the treatment of infants therein;
- (5) The pollution of streams and other waters and the distribution of water by private persons for drinking or domestic use;
- (6) The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain;
- (7) The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease, and the reporting of sicknesses and deaths therefrom;

Provided, that neither the board nor any local board of health nor director of public health shall have authority to make or adopt any rule or regulation for the treatment in any penal or correctional institution of any person suffering from any such communicable disease or venereal disease or infection, which rule or regulation requires the involuntary detention therein of any person after the expiration of his period of sentence to such penal or correctional institution, or after the expiration of the period to which the sentence may be reduced by good time allowance or by the lawful order of any judge or magistrate, or of any parole board;

- (8) The prevention of infant blindness and infection of the eyes of the newly born by the designation, from time to time, of one or more prophylactics to be used in such cases and in such manner as the board may direct, unless specifically objected to by the parents or a parent of such infant;
- (9) The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated, but no rule of the board or of any public board or officer shall at any time compel the vaccination of a child, or exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools for the reason that such child has not been vaccinated; any person thus required to be vaccinated may select for that purpose any licensed physician and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condi-

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tion vaccination would be dangerous;

(10) The accumulation of filthy and unwholesome matter to the injury of the public health and the removal thereof;

(11) The collection, recording, and reporting of vital statistics by public officers and the furnishing of information to such officers by physicians, undertakers, and others of births, deaths, causes of death, and other pertinent facts;

(12) The construction, equipment, and maintenance in respect to sanitary conditions of lumber camps, migratory or migrant labor camps, and other industrial camps;

(13) The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases; and, to that end, may prescribe the respective duties of county and local health officers; and all county and local boards of health shall make such investigations and reports and obey such directions as the board may require or give and, under the supervision of the board, enforce such regulations;

(14) Atmospheric pollution which may be injurious or detrimental to public health; and

(15) Sources of ionizing radiation, and the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials.

Subd. 2. Applications for licenses or permits issued pursuant to section 144.12 shall be submitted with a fee prescribed by the board pursuant to section 144.122. Licenses or permits shall expire and be renewed as prescribed by the board pursuant to section 144.122.

Sec. 5. Minnesota Statutes 1974, Section 144.53, is amended to read:

144.53 FEES. Each application for a license, or renewal thereof, to operate a hospital, sanatorium, rest home, or boarding home, or related institution, within the meaning of sections 144.50 to 144.56, except applications by the commissioner of public welfare for the licensing of state institutions or by the administrator for the licensing of the university of Minnesota hospitals, shall be accompanied by a fee to be determined by the number of beds available for persons accommodated; the fee to be prescribed by the state board of health pursuant to section 144.122. No such fee shall be refunded. Licenses shall expire and shall be renewed on the dates specified on the licenses as prescribed by the board pursuant to section 14.122. All such fees received by the state board of health shall be paid into the state treasury.

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No license granted hereunder shall be assignable or transferable.

Sec. 6. Minnesota Statutes 1974, Section 144.653, Subdivision 2, is amended to read:

Subd. 2. **PERIODIC INSPECTION.** All facilities required to be licensed under the provisions of sections 144.50 to 144.58 shall be periodically inspected by the state board of health to insure compliance with its rules, regulations and standards. Inspections shall occur at different times throughout the calendar year. The state board of health may enter into agreements with political subdivisions providing for the inspection of such facilities by locally employed inspectors.

Sec. 7. Minnesota Statutes 1974, Section 144.653, Subdivision 6, is amended to read:

Subd. 6. **REINSPECTIONS; FINES.** If upon reinspection it is found that the licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 has not corrected ~~the deficiency or~~ deficiencies specified in the correction order, a notice of noncompliance with a correction order shall be issued stating all deficiencies not corrected. Unless a hearing is requested under subdivision 8, the licensee shall forfeit to the state within 15 days after receipt by him of such notice of noncompliance with a correction order a sum of up to \$250 \$1,000 for each ~~such~~ deficiency not corrected. For each subsequent reinspection, the licensee may be fined an additional amount for each deficiency which has not been corrected. All forfeitures shall be paid into the state treasury and credited to the general fund. The board of health shall promulgate by rule and regulation a schedule of fines applicable for each type of uncorrected deficiency.

Sec. 8. Minnesota Statutes 1974, Section 144.802, is amended to read:

144.802 **LICENSING.** No operator shall operate an ambulance service within this state unless it possesses a valid license to do so issued by the state board of health. The cost of ~~such the~~ license shall be in an amount prescribed by the board pursuant to section 144.122 ; ~~the proceeds thereof to be paid to the general fund~~ . Licenses shall expire and be issued for a period-renewed as prescribed by the board pursuant to section 144.122 . The state board of health shall not issue licenses for the operation of a newly established ambulance service in the state unless the service meets the standards required by sections 144.801 to 144.806 and the applicant has demonstrated to the satisfaction of the state board of health at a public hearing that the public convenience and necessity require the proposed ambulance service.

Sec. 9. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

[144.074] **FUNDS RECEIVED FROM OTHER SOURCES.** The

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state board of health may receive and accept money, property, or services from any person, agency, or other source for any public health purpose within the scope of its statutory authority. All money so received is annually appropriated for those purposes in the manner and subject to the provisions of law applicable to appropriations of state funds.

Sec. 10. Minnesota Statutes 1974, Section 145.866, is amended to read:

145.866 FEES. A fee prescribed by the board ; subject to the approval of the department of administration shall establish reasonable fees for the processing of applications, for the administration of the examination and for the issuance of original and renewal credentialing certificates. All fees received shall be deposited with the state treasurer to be credited to the general fund—pursuant to section 144.122 shall be submitted with each application for examination and issuance of a credential established by the board pursuant to sections 145.861 to 145.865. Each credential shall expire and be renewed as prescribed by the board pursuant to section 144.122 .

Sec. 11. Minnesota Statutes 1974, Chapter 145, is amended by adding a section to read:

[145.031] AGREEMENTS TO PERFORM FUNCTIONS OF STATE BOARD OF HEALTH. Subdivision 1. The state board of health may enter into an agreement with any county, two or more contiguous counties, or city, hereafter called the designated agent, under which agreement the designated agent may agree to perform all or part of the licensing, inspection, and enforcement duties authorized under sections 144.075 and 144.12 and chapter 157. The agreement shall also set forth criteria by which the board will determine that the performance by the designated agent complies with state standards and is sufficient to replace licensing by the board. The agreement may specify minimum staff requirements and qualifications and provide for termination procedures if the board finds that the designated agent fails to comply with the terms and requirements of the agreement.

Subd. 2. No designated agent may perform any licensing, inspection, or enforcement duties pursuant to the agreement in any territory outside of its jurisdiction.

Subd. 3. The scope of the agreements shall be limited to duties and responsibilities agreed upon by the parties and may provide a basis for automatic renewal and provisions for notice of intent to terminate by either party.

Subd. 4. During the life of the agreement the board shall not perform any licensing, inspection, or enforcement duties which the designated agent is required to perform under the agreement, except for inspections necessary to determine compliance with the agreement

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and this section. The board shall consult with, advise, and assist a designated agent in the performance of its duties under the agreement.

Sec. 12. Minnesota Statutes 1974, Section 149.02, is amended to read:

149.02 EXAMINATION; LICENSING. The state board of health is hereby authorized and empowered to examine, upon submission of an application therefor and fee as prescribed by the board pursuant to section 144.122, all applicants for license to practice mortuary science or funeral directing and to determine whether or not ~~such the~~ applicants possess the necessary qualifications to practice mortuary science or funeral directing; ~~and,~~ If upon ~~such~~ examination the board shall determine that ~~such an~~ applicant is properly qualified to practice mortuary science or funeral directing, it shall grant a license to ~~such the~~ person to practice mortuary science or funeral directing ~~for a period ending the thirty-first day of December following.~~ Licenses shall expire and be renewed as prescribed by the board pursuant to section 144.122.

On or after the thirty-first day of December, 1955, separate licenses as embalmer or funeral director shall not be issued, except that a license as funeral director shall be issued to those apprentices who have been registered under regulations of the board as apprentice funeral directors on the first day of July, 1955, qualify by examination for licensure under such regulations as funeral directors before the first day of August, 1957. Such applicants shall file an application for license as a funeral director in the manner as is required in section 149.03 for a license in mortuary science. It shall be accompanied by a fee in an amount prescribed by the board pursuant to section 144.122. However, a single license as a funeral director shall be issued to those persons whose custom, rites, or religious beliefs forbid the practice of embalming. An applicant for a single license as a funeral director under this exception shall submit to the board of health two affidavits substantiating the beliefs and convictions of the applicant and shall meet any other standards for licensure as are required by law or by regulation of the board. Such a funeral director shall only direct funerals for persons of his customs, rites or religious beliefs. In the case of a funeral conducted for persons of such customs, rites or religious beliefs where embalming and funeral directing is necessary according to law, such embalming and funeral directing shall be performed only by a person licensed to do so in this state.

All licensees who on the thirty-first day of December, 1955, hold licenses as embalmers only shall be granted licenses to practice mortuary science and may renew ~~such their~~ licenses at the times and in the manner specified by the board pursuant to section 144.122 .

All licensees who on the thirty-first day of December, 1955, hold licenses as funeral director only may continue to renew ~~such their~~ licenses at the times and in the manner specified by the board pursuant

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to section 144.122 . If ~~such a~~ licensee fails to renew, as in this chapter required, his license as a funeral director shall not thereafter be reinstated.

To assist in the holding of ~~such the~~ examination and enforcement of the provisions of this chapter, ~~such the~~ board shall establish a committee of examiners in the mortuary sciences to which it shall appoint four examiners. Two examiners shall be licensed in mortuary science and shall have had at least five years experience immediately preceding their appointment in the preparation and disposition of dead human bodies and in the practice of mortuary science. A third examiner shall be a representative of the board, and the fourth examiner shall be a full-time academic staff member of the course in mortuary science of the university of Minnesota. The members of the committee shall serve for one, two, and three years, respectively, and thereafter each for a term of three years and until their successors qualify. Vacancies in ~~such the~~ committee shall be filled by like appointments for unexpired terms and members thereof may be removed by the board for cause. Each member shall receive ~~such sum a~~ per diem, and be reimbursed his necessary expenses for each day of actual service rendered, as the board may determine by its order.

Sec. 13. Minnesota Statutes 1974, Section 149.03, Subdivision 1, is amended to read:

149.03 APPLICANTS, QUALIFICATIONS; LICENSEES FROM OTHER STATES; APPRENTICES AND TRAINEES. Subdivision 1. The applicant for an examination for license in mortuary science shall make application therefor in writing verified on a form prescribed as to details and furnished by the state board of health. ~~Such Each~~ application shall be accompanied by a fee in an amount prescribed by the board pursuant to section 144.122 and be supported by affidavits from at least two reputable residents of the county in which the applicant resides or proposes to carry on the practice of mortuary science certifying that the applicant is of good moral character. No person shall be granted a license in mortuary science unless he shall be at least 18 years of age and of good moral character and temperate habits. Before the study of embalming or funeral directing in mortuary science was commenced, he shall have satisfactorily completed at least two scholastic years at an accredited college or university in ~~such any~~ subjects as the board may prescribe by regulation as suitable and desirable preparation for the study of mortuary science. The applicant for license in mortuary science, after having secured a certificate of graduation from the course in mortuary science conducted by the University of Minnesota or from a school or college of mortuary science duly accredited, shall serve at least one year of apprenticeship experience in mortuary science. Previous registered apprenticeship experience in Minnesota may be accepted by the board for a period not exceeding three months in partial fulfillment of this apprenticeship requirement. The applicant shall have ~~such~~ sufficient knowledge, experience, and training as the board may determine to properly qualify for a license in

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mortuary science.

When the applicant has successfully completed the examination and requirements for his original license, he shall submit to the board a license application and a fee in an amount prescribed by the board pursuant to section 144.122, upon receipt of which the board may issue a license. The license shall expire and be renewed as prescribed by the board pursuant to section 144.122.

Sec. 14. Minnesota Statutes 1974, Section 149.03, Subdivision 2, is amended to read:

Subd. 2. Any holder of a license issued by state authority in any other state maintaining a system and standard of examination for license to engage in the business or practice of mortuary science, which, in the judgment of the board, shall be substantially the equivalent to that required in this state for the issuance of a license therefor, may obtain a license from the board without examination in the discretion of the board upon payment of an application fee in an amount prescribed by the board pursuant to section 144.122 and upon proof of good moral character, temperate habits, and practical experience. ~~Such~~ The license shall expire and be valid only until the following thirty-first day of December—renewed as prescribed by the state board of health pursuant to section 144.122 .

A licensee of any bordering state or province, the proximity of whose establishment makes possible the provision of service to Minnesota, may upon application be granted a mortuary science courtesy card at the discretion of the board. ~~Such~~ An application shall be made upon forms provided by the board, shall contain proof of good moral character, temperate habits, and practice, and shall bear the endorsement of the applicant's licensing authority. A fee in an amount prescribed by the board pursuant to section 144.122 shall accompany the application. The mortuary science courtesy card will permit the licensee to exercise the privileges granted by the license in mortuary science except that he may not operate a funeral establishment in Minnesota. The courtesy card shall expire ~~on the thirty-first day of December in the year of its issuance and may be renewed at the discretion of and on a date specified by the board upon payment of a renewal fee in an amount—as~~ prescribed by the board pursuant to section 144.122. The board may cancel a mortuary science courtesy card for abuse of the privileges it confers.

Sec. 15. Minnesota Statutes 1974, Section 149.08, is amended to read:

149.08 FUNERAL ESTABLISHMENT PERMIT. ~~On and after July 1, 1969;~~ No person shall conduct, maintain, manage, or operate a funeral establishment unless a permit for each ~~such~~ establishment has been issued by the state board of health and is conspicuously displayed in ~~such—the~~ funeral establishment. Each permit shall be valid only for

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one specific location, and separate permits shall be required of two or more firms operating from the same funeral establishment.

“Funeral establishment” means every place or premise devoted to or used in the care and preparation for the funeral and burial of human dead, or as the office or place for carrying on the profession of funeral service, or for any combination of the foregoing purposes.

A permit to operate a funeral establishment shall be issued by the state board of health upon application ~~for such permit~~ made on blanks furnished by the state board of health and filed with the secretary of the board and payment of a fee in an amount prescribed by the board pursuant to section 144.122. ~~All such permits~~ A permit shall expire on the dates specified on the permits and be renewed as prescribed by the board pursuant to section 144.122 .

Violation of any provision of Laws 1969, Chapter 109 or any rules or regulations of the state board of health committed by any person operating a funeral establishment or with his knowledge and consent by his officer, agent or employee, shall be considered sufficient cause for suspension or revocation of ~~such a~~ funeral establishment permit.

Sec. 16. Minnesota Statutes 1974, Section 156A.07, Subdivision 5, is amended to read:

Subd. 5. When an applicant has successfully passed the examination for original license, he shall submit to the board a license application and a fee ~~of \$50 in an amount prescribed by the board pursuant to section 144.122~~ , upon the receipt of which the board may issue a license.

Sec. 17. Minnesota Statutes 1974, Section 156A.07, Subdivision 6, is amended to read:

Subd. 6. The license issued pursuant to this section is not transferable ~~and expires on December 31 of each year~~ . Application to renew the license shall be submitted ~~by December 31~~ on a date specified by the board , accompanied by a fee ~~of \$50 in an amount prescribed by the board pursuant to section 144.122~~ . A penalty fee ~~of \$10 in an amount prescribed by the board pursuant to section 144.122~~ shall also be paid if the renewal application is submitted after ~~December 31~~ the prescribed renewal date . If a water well contractor submits his renewal application after ~~December 31~~ the prescribed renewal date , he shall not work as a water well contractor after ~~December 31~~ that date until he has submitted ~~such an~~ application, fee, and penalty fee.

Sec. 18. Minnesota Statutes 1974, Section 156A.07, Subdivision 7, is amended to read:

Subd. 7. The license issued pursuant to this section shall include the registration of one drilling machine. Each licensed water well con-
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tractor shall pay an annual fee of ~~\$5~~ in an amount prescribed by the board pursuant to section 144.122 for the registration with the board of each additional drilling machine.

Sec. 19. Minnesota Statutes 1974, Section 157.01, is amended to read:

157.01 DEFINITIONS. Every building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week shall for the purpose of this chapter be deemed an hotel.

Every building or other structure or enclosure, or any part thereof and all buildings in connection, kept, used or maintained as, or advertised as, or held out to the public to be an enclosure where meals or lunches are served or prepared for service elsewhere ~~without sleeping accommodations, and furnishing accommodations for periods of less than one week,~~ shall for the purpose of this chapter be deemed to be a restaurant, and the person in charge thereof, whether as owner, lessee, manager or agent, for the purpose of this chapter shall be deemed the proprietor of ~~such the~~ restaurant, and whenever the word "restaurant" occurs in this chapter, it shall be construed to mean ~~such a~~ structure as described in this section.

Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public, shall, for the purpose of this chapter, be deemed a lodging house.

Every building or structure or enclosure, or any part thereof, used as, maintained as, or advertised as, or held out to be an enclosure where meals or lunches are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more, shall, for the purpose of this chapter, be deemed a boarding house.

Every building or structure, or any part thereof, used as, maintained as, or advertised as, or held out to be a place where confectionery, ice cream, or drinks of various kinds are made, sold or served at retail, shall, for the purpose of this chapter, be deemed to be a place of refreshment. This chapter shall not be applicable in any manner to a general merchandise store, grocery store, oil station, cigar stand, confectionery store, or drug store not providing meals, lunches, lodging, or fountain, bar, booth, or table service.

For the purpose of this chapter, a resort means any building, structure, or enclosure, or any part thereof, located on, or on property

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neighboring, any lake, stream, or skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public, and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

Sec. 20. Minnesota Statutes 1974, Section 157.02, is amended to read:

157.02 **HOTEL INSPECTOR.** The hotel inspector shall keep a set of books for public use and inspection showing the condition of all hotels, motels, restaurants, lodging houses, boarding houses, resorts, and places of refreshment, together with the name of the owner, proprietor, or manager thereof, showing their sanitary condition, ~~the number and condition of fire-escapes~~; and any other information that may be for the betterment of the public service, and likewise assist in the enforcement of any orders promulgated by the state board of health and the department of agriculture relating to hotels, motels, restaurants, lodging houses, boarding houses, resorts, and places of refreshment.

Sec. 21. Minnesota Statutes 1974, Section 157.03, is amended to read:

157.03 **LICENSES REQUIRED; FEES.** Each year every person, firm, or corporation engaged in the business of conducting an hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment, or who shall hereafter engage in conducting any such business, except vending machine operators licensed under the license provisions of sections 28A.01 to 28A.16, must procure a license for each hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment so conducted; ~~provided, that~~. For any hotel, motel or resort in which food, fountain, or bar service is furnished, one license, in addition to the hotel or resort license, shall be sufficient for all restaurants and places of refreshment conducted on the same premises and under the same management with ~~such the~~ hotel, motel or resort. Each license shall expire on the date specified on the license and be renewed as prescribed by the board pursuant to section 144.122. Any proprietor who operates a place of business after the expiration date without first having made application for a license and without having made payment of the fee thereof shall be deemed to have violated the provisions of this chapter and be subject to prosecution, as provided in this chapter; ~~and~~. In addition thereto, a penalty of ~~\$1.50 in an amount prescribed by the board pursuant to section 144.122~~ shall be added to the amount of the license fee and paid by the proprietor, as provided herein, if the application has not reached the office of the state board of health within 30 days following the expiration of license; or, in the case of a new business, 30 days after the opening date of ~~such the~~ business. The state board of health shall furnish to any person, firm or corporation desiring to conduct an hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment

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an application blank to be filled out by ~~such~~ the person, firm, or corporation, for a license therefor, which shall require the applicant to state the full name and address of the owner of the building, structure, or enclosure, the lessee and manager of ~~such~~ the hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment, the location of the same, the name under which the business is to be conducted, and ~~such~~ any other information as may be required therein by the state board of health to complete the application for license ; ~~and~~. The application shall be accompanied by a license fee as hereinafter provided.

For hotels, motels, lodging houses, and resorts the license fee ~~shall~~ may be graduated according to the number of sleeping rooms and the amount of ~~such~~ the fees shall be prescribed by the state board of health pursuant to section 144.122.

For restaurants, places of refreshment, and boarding houses the license fee ~~shall~~ may be based on the average number of employees ~~which~~. If the license fee is so computed, the board shall be computed by considering ~~consider~~ each full time employee as one employee and each part time employee as that fraction of one employee as the number of months in which he is employed is to the 12 months of the year. Employees shall include all persons, except children of the licensee under the age of 18, at work in any capacity, either voluntary or paid, and whether or not reported under the labor laws of this state.

If the license fee is based upon the average number of employees, every licensee shall, at the time of application, certify as to the number of his employees on forms provided by the state board of health and the state board of health shall have access, on demand, to any and all employment records for purposes of substantiating or correcting numbers of declared employees.

License fees for restaurants, places of refreshment, and boarding houses shall be in an amount prescribed by the state board of health pursuant to section 144.122.

~~From and after October first of each year the license fee for new establishments or new operators shall be one half the annual license fee plus any penalty which may be required.~~

~~All such fees shall be turned in to the state treasury as provided by law.~~

Sec. 22. Minnesota Statutes 1974, Section 157.04, is amended to read:

157.04 ANNUAL INSPECTION. It shall be the duty of the hotel inspector to inspect, or cause to be inspected, at least once annually, every hotel, motel, restaurant, lodging house, boarding house, or resort, or place of refreshment in this state ; ~~and~~. For ~~such~~ this pur-

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pose, he shall have the right to enter and have access thereto at any time ~~between the hours of seven a. m. and six p. m.; during the conduct of business~~ and when, upon ~~such~~ inspection, it shall be found that ~~such the~~ business and property so inspected is not being conducted, or is not equipped, in the manner required by the provisions of this chapter or the regulations of the state board of health, or is being conducted in ~~such manner as to violate~~ violation of any of the laws of this state pertaining to the business, it shall thereupon be the duty of the hotel inspector to notify the owner, proprietor, or agent in charge of ~~such the~~ business, or the owner or agent of the buildings so occupied, of ~~such the~~ condition so found ~~and such~~. Each owner, proprietor, or agent shall forthwith comply with the provisions of this chapter or the regulations of the board, unless otherwise herein provided. A reasonable time may be granted by the hotel inspector for compliance with the provisions of this chapter.

Sec. 23. Minnesota Statutes 1974, Section 157.05, Subdivision 1, is amended to read:

157.05 PLUMBING, LIGHTING, VENTILATION. Subdivision 1. APPROVED METHODS. Every hotel, motel, restaurant, lodging house, boarding house, resort, or place of refreshment shall be properly plumbed, lighted, and ventilated and shall be conducted in every department with strict regard to the health, comfort, and safety of the guest; ~~provided; that such proper lighting shall be construed to apply to both daylight and illumination; that such proper plumbing shall be construed to mean that all plumbing and drainage shall be constructed and plumbed according to the local approved sanitary principles and that such proper ventilation shall be construed to mean at least one door and one window in each sleeping room.~~

Sec. 24. Minnesota Statutes 1974, Section 157.05, Subdivision 2, is amended to read:

Subd. 2. SLEEPING ROOMS. No room shall be used for a sleeping room which does not open to the outside of the building or light wells, air shafts, or courts and all sleeping rooms shall have at least ~~one window to the outside of the building or light wells; air shafts; or courts~~ and one door opening on a hallway and, unless adequate provision is made for unobstructed egress to the outside of building at the bottom of the aforesaid light wells, air shafts, or courts, the hallway upon which ~~such the~~ doors open shall run through to an outside wall and there be provided with proper, safe, and unobstructed egress from the building. Storm windows ~~on all~~ provided for sleeping rooms must be so arranged that rooms can be thoroughly ventilated. All light wells, air shafts, or courts shall be open at the top or properly ventilated.

Sec. 25. Minnesota Statutes 1974, Section 157.05, Subdivision 3, is amended to read:

Subd. 3. SCREENS. Outside windows and used entrances of all ~~Changes or additions indicated by underline deletions by strikeout~~

hotels, motels, restaurants, lodging houses, boarding houses, resorts, or places of refreshment shall be properly screened or approved ventilators installed; to keep out otherwise protected against the entrance of flies and other insects ; except in cases where swinging doors, vestibules, or revolving doors are installed .

Sec. 26. Minnesota Statutes 1974, Section 157.08, is amended to read:

157.08 LINENS, OTHER FURNISHINGS; PENALTY. Every hotel and lodging house in this state occupied and used as such and which is more than three stories high shall be equipped with an iron stairway on the outside of the building extending from the cornice of the building to within 12 feet of the ground; and connecting on each floor above the ground with an opening from such floor; which stairway shall have platform landings at each floor not less than six feet in length and three feet in width; and which stairway and landing shall be guarded by an iron railing not less than 30 inches in height and safely fastened and secured. The stairway shall not be less than two feet wide with steps not less than six inches tread and placed at an angle of not more than 45 degrees. The way of egress to such fire-escape shall at all times be kept free and clear of any and all obstructions of any and every nature. Fire-escapes shall be placed where the hotel inspector may direct. If there are more than 15 sleeping rooms on any floor above the third floor there shall be provided one such additional fire-escape for each 15 sleeping rooms, or fractional number thereof, on any floor. Every hotel or lodging house less than four stories high shall have hallways placarded to indicate all stairways and exits and keep a five-eighths-inch manilla rope of sufficient length to reach the ground in lieu of the described iron stairway fire-escape or properly constructed fire-escape stairway inside the building; having knots at least every 15 inches apart; in each bedroom; such rope to be fastened six feet above the floor near a window in a substantial manner and capable of sustaining at least 500 pounds weight; provided; that nothing in this section shall be construed to prevent the use of any recognized automatic fire-escape in lieu of knotted rope.

When it shall be proposed to erect a building three stories or more in height intended for use as an hotel or lodging house in this state it shall be the duty of the owner, contractor, or builder of such hotel or lodging house to construct same so that one main hall on each floor above the ground floor shall run through from one outside wall to another outside wall of the building and every building converted into an hotel or lodging house after the passage of this chapter must comply with the provisions thereof.

The provisions of this chapter relating to outside fire-escapes and ropes or automatic appliances shall not apply to hotels or lodging houses having or making provisions for interior fire-proof stairways approved as such by the hotel inspector.

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All hotels and motels in this state shall hereafter provide each bedroom with at least two clean towels daily for each guest and provide the main public washroom with clean individual towels ; ~~maintaining same in view and reach; and for the use of guests during the regular meal hours; and where no regular meal hours are maintained; then between the hours of six thirty a.m. and nine a.m.; eleven thirty a.m. and two p.m.; and six p.m. and eight p.m.; so that no two or more guests will be required to use the same towel unless it has first been washed .~~ Such Individual towels shall not be less than nine inches wide and 13 inches long after being washed ; ~~provided; that-~~ This shall not prohibit the use of individual paper towels or mechanically operated driers in such washrooms-other acceptable hand drying devices .

All hotels ~~and-~~ motels, lodging houses and resorts where linen is provided, hereafter shall provide each bed, bunk, cot, or sleeping place for the use of guests with pillow-slips and under and top sheets; each sheet shall be not less than 99 inches long nor less than 24 inches wider than the mattress ; ~~provided; that-~~ A sheet shall not be used which measures less than 90 inches in length after being laundered; these sheets and pillow-slips to be made of white cotton or linen-materials acceptable to the state board of health , and all ~~such~~ sheets and pillow-slips, after being used by one guest, must be washed and ironed laundered in a manner acceptable to the board before they are used by another guest, a clean set being furnished each succeeding guest.

All bedding, including mattresses, quilts, blankets, pillows, sheets, and comforts used in any hotel , motel, resort, or lodging house in this state must be ~~thoroughly aired and~~ kept clean ; ~~provided; that-~~ No bedding, including mattresses, quilts, blankets, pillows, sheets, or comforts, shall be used which are worn out or unfit for further use.

Any room in any hotel, restaurant, or lodging house infested with vermin or bedbugs shall be fumigated, disinfected, and renovated at the expense of the proprietor of the hotel or lodging house until the vermin or bedbugs are exterminated and the room shall not be used as a sleeping room until all vermin or bedbugs have been exterminated. All rugs and carpets in all sleeping rooms shall be taken up and thoroughly cleaned at least once a year, and oftener if deemed necessary by the hotel inspector, except where steam or electrically-operated vacuum cleaners are used-Effective measures shall be taken to eliminate any vermin infestation in any establishment licensed under this chapter. All rugs and carpets in all sleeping rooms shall be kept in good repair and maintained in a clean condition .

All tables, table linens, chairs, and other furniture, all hangings, draperies, curtains, carpets, and floors in all ~~dining-rooms of-lodging houses, resorts,~~ hotels, restaurants, boarding houses, or places of refreshment, shall be kept in good repair and in a clean and sanitary condition ; ~~all dishes and table cutlery used in serving food and all drinking glasses shall be thoroughly washed in hot water, and soap or other cleansing material of like efficiency .~~

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No dishes that are badly cracked or chipped on the top side or chipped glasses shall be used.

It shall be unlawful to sweep or dust in any dining-room in any hotel, restaurant, boarding house, or place of refreshment while guests are eating, except in the case of restaurants where a continuous service is maintained; and then only at such times when the smallest number of guests is likely to be present. Sweeping compound, moist sawdust, or other substance to prevent the raising of dust must be used.

Every kitchen in all hotels, restaurants, boarding houses, or places of refreshment shall be provided with soap, clean water, and towels and all employees who in any manner come in contact with or handle foods to be prepared or served shall, before beginning work or after using toilets, thoroughly wash their hands in clean water.

No person known to be suffering from any contagious disease shall be employed in any capacity in any hotel, restaurant, lodging house, boarding house, or place of refreshment.

No hotel, restaurant, boarding house, or place of refreshment, kitchen or dining-room used as such shall be used as a sleeping or dressing room by any employee or other person.

All garbage and kitchen refuse must be kept in water-tight metal containers with tight-fitting metal covers and must be removed as often as necessary to prevent decomposition.

No dishwater, wash water, or other substance which is or may become foul or offensive shall be thrown out on the ground near any hotel, restaurant, lodging house, boarding house, or place of refreshment.

No water-closet shall be maintained in any kitchen or dining-room of any hotel, restaurant, boarding house, or place of refreshment.

All sample rooms shall be kept clean and properly ventilated, heated, and lighted.

An abstract of these laws relating to the operation of hotels, restaurants, lodging houses, boarding houses, and places of refreshment shall be prepared by the state hotel inspector, with the approval of the attorney general, which shall be furnished free of charge to all proprietors of hotels, lodging houses, restaurants, boarding houses, and places of refreshment where the public may have easy access thereto.

All notices to be served by the hotel inspector provided for in this chapter shall be in writing and shall be either delivered personally, or by registered letter, to the owner, agent, lessee, or manager of ~~such~~the hotel, motel, resort, restaurant, lodging house, boarding house, or place

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of refreshment.

Any person, firm, or corporation who shall operate an hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment in this state, or who shall let a building used for such business, without having first complied with the provisions of this chapter and regulations of the state board of health, shall be guilty of a misdemeanor; ~~and, upon conviction thereof, punished by a fine of not less than \$25, nor more than \$100, or by imprisonment in the county jail for not more than 90 days.~~

The county attorney of each county in this state ~~is hereby authorized and required shall~~, upon complaint on oath of the hotel inspector, or his duly authorized deputy, ~~to~~ prosecute to termination before any court of competent jurisdiction, in the name of the state, a proper action or proceeding against any person or persons violating the provisions of this chapter or regulation of the state board of health.

Sec. 27. Minnesota Statutes 1974, Section 157.09, is amended to read:

157.09 REVOCATION OF LICENSE. It shall be the duty of the state hotel inspector to revoke a license; if and when it be found by him that a place of business is being operated in violation of the provisions of this chapter or regulations of the state board of health, so as to constitute a filthy, unclean, and insanitary condition and dangerous to public health; or, if the owner or proprietor persistently refuses or fails to comply with the provisions of this chapter or regulations of the board. Upon ~~such~~ revocation of a license, the place of business shall be immediately closed to public patronage until such time as the owner or proprietor shall have complied with the provisions of this chapter, as certified to by the issuance of a new license.

The third revocation of license in any one year and on any one proprietor shall be made permanent for a period of one year from the date of the last revocation.

Sec. 28. Minnesota Statutes 1974, Section 157.12, is amended to read:

157.12 LICENSE POSTED IN OFFICE. Every hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment securing a license or license fee receipt under the provisions of this chapter shall keep the same posted in a conspicuous place in the office of such hotel, motel, resort, restaurant, lodging house, boarding house, or place of refreshment.

All prosecutions under this chapter shall be conducted by the county attorney of the county in which the offense was committed.

Sec. 29. Minnesota Statutes 1974, Section 157.13, is amended to

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read:

157.13 PAYMENT OF ALTERATIONS. All alterations, changes, reconstruction work, fire-escapes, outside standpipes, inside standpipes, and necessary pumps, fittings, and connections, storm windows and screens, and all other changes, alterations, improvements, structural or otherwise, to, in, on, and about any ~~such~~ building ordered by the hotel inspector to meet the requirements of this chapter or applicable regulations of the state board of health shall be ordered installed and paid for by the owner of the building in question and not by the lessee.

Sec. 30. Minnesota Statutes 1974, Section 157.14, is amended to read:

157.14 EXEMPTIONS. This chapter shall not be construed to apply to interstate carriers under the supervision of the United States Department of Health, Education and Welfare or to any building constructed and primarily used for religious worship, nor to any building owned, operated and used by a college or university in accordance with regulations promulgated by ~~such~~ the college or university. Any person, firm or corporation whose principal mode of business is licensed under sections 28A.04 and 28A.05 is exempt at that premises from licensure as a place of refreshment or restaurant; provided, that the holding of any license pursuant to sections 28A.04 and 28A.05 shall not exempt any person, firm, or corporation from the applicable provisions of the chapter or the regulations of the state board of health relating to food and beverage service establishments.

Sec. 31. Minnesota Statutes 1974, Section 326.42, is amended to read:

326.42 APPLICATIONS. Applications for plumber's license shall be made to the state board of health, with fee. Unless the applicant is entitled to a renewal, he shall be licensed by the state board of health only after passing a satisfactory examination by the examiners showing fitness. Examination fees for both journeyman and master plumbers shall be in an amount prescribed by the state board of health pursuant to section 144.122. Upon being notified that he has successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. License fees shall be in an amount prescribed by the state board of health pursuant to section 144.122. Licenses shall expire ~~on the date specified on the license, but may and~~ be renewed upon application made on the date specified on the license for renewal. The state board of health may prescribe an additional fee for late renewals as prescribed by the board pursuant to section 144.122 .

Sec. 32. Minnesota Statutes 1974, Section 326.62, is amended to read:

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326.62 APPLICATIONS. Applications for water conditioning contractor's or installer's licenses shall be made to the state board of health with the fee prescribed by the board pursuant to section 144.122. Licenses shall expire ~~on the date specified on the license but may and be renewed upon application made on the date specified on the license for renewal.~~ The state board of health may prescribe an additional fee for late renewals as prescribed by the board pursuant to section 144.122 .

Sec. 33. Minnesota Statutes 1974, Section 327.15, is amended to read:

327.15 LICENSE FOR MOBILE HOME PARK AND RECREATIONAL CAMPING AREA. No person, firm or corporation shall establish, maintain, conduct or operate a mobile home park or recreational camping area within this state without first obtaining a license therefor from the state department of health ; ~~provided that~~ . Any person, firm, or corporation desiring to operate either a mobile home park or a recreational camping area on the same site in connection with the other, need only obtain one license. ~~Such A~~ license shall be issued for the period of time specified on the license and shall expire on the date specified on the license and be renewed as prescribed by the board pursuant to section 144.122 . The license shall state the number of mobile home sites and recreational camping sites allowed according to state ~~department board~~ department board of health approval. No renewal license shall be issued if the number of sites specified in the application exceeds those of the original application unless the plans for expansion or the construction for expansion are first approved by the department of health. Any mobile home park or recreational camping area located in more than one municipality shall be dealt with as two separate mobile home parks or camping areas. The license shall be conspicuously displayed in the office of the mobile home park or camping area. The license is not transferable as to place.

Sec. 34. Minnesota Statutes 1974, Section 327.16, Subdivision 3, is amended to read:

Subd. 3. FEES; APPROVAL. The application for the primary license shall be submitted with all plans and specifications enumerated in subdivision 2, and payment of a fee in an amount prescribed by the state board of health pursuant to section 144.122 ~~for each 50 sites or fraction thereof, in such mobile home park or recreational camping area~~ and shall be accompanied by an approved zoning permit from the municipality or county wherein the park is to be located, or a statement ~~that from~~ the municipality or county that it does not require an approved zoning permit. The fee for the annual license shall be in an amount prescribed by the state board of health pursuant to section 144.122. All license fees paid to the ~~department board~~ department board of health shall be turned over to the state treasury. The fee submitted for the primary license shall be retained by the state even though the proposed project is not approved and a license is denied ; ~~provided that the amount of~~

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money retained by the state shall not exceed \$30 .

When construction has been completed in accordance with approved plans and specifications the state ~~department~~ board of health shall promptly cause the mobile home park or recreational camping area and appurtenances thereto to be inspected. When ~~such the~~ inspection and report has been made and the state ~~department~~ board of health finds that all requirements of sections 327.10, 327.11, 327.14 to 327.28, and such conditions of health and safety as the state ~~department~~ board of health may require, have been met by the applicant, the state ~~department~~ board of health shall forthwith issue ~~such the~~ primary license in the name of the state.

Sec. 35. Minnesota Statutes 1974, Section 144.121, is amended to read:

144.121 X-RAY MACHINES AND FACILITIES USING RADIUM; FEES; PERIODIC INSPECTIONS. Subdivision 1. The ~~registration~~ fee for the ~~biennial~~ registration for x-ray machines and radium required to be registered under regulations adopted by the state board of health pursuant to section 144.12, shall be as ~~hereinafter provided in an amount prescribed by the board pursuant to section 144.122~~ . The first ~~biennial~~ fee for registration shall be due on January 1, 1975 ; with ~~renewal due on January 1 of each odd-numbered year~~ . ~~The registration shall expire and be renewed as prescribed by the board pursuant to section 144.122. The biennial fee for registration shall be in accordance with the number of x-ray machines and facilities using radium registered by each individual, company, hospital, group, practice, or other organization in one general site as follows:~~

- (a) \$30 for first tube;
- (b) \$10 for each additional tube not to exceed 15;
- (c) Each facility using radium; \$100 per facility;

~~provided that, the total fee per site shall not exceed \$1500 for x-ray machines and \$100 for radium.~~

~~License fees collected by the state board of health shall be deposited in the general fund of the state treasury.~~

Subd. 2. Periodic radiation safety inspections of the sources of ionizing radiation shall be made by the state board of health. The frequency of ~~such~~ safety inspections shall be prescribed by the board on the basis of the frequency of use of the source of ionizing radiation; provided that each ~~such~~ source shall be inspected at least once every four years.

Sec. 36. Minnesota Statutes 1974, Section 144.122, is amended to read:

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144.122 LICENSE AND PERMIT FEES. The state board of health, by rule and regulation, may prescribe reasonable procedures and fees for filing with the board as prescribed by statute and for the issuance of original and renewal permits, licenses, registrations and certifications issued under its authority ; together with reasonable fees for the renewal thereof . The expiration dates of the various licenses, permits, registrations and certifications ~~and the renewal dates thereof~~ as prescribed by the rules and regulations shall be plainly marked thereon. ~~Such Fees shall~~ may include application and examination fees and a penalty fee for renewal applications submitted after the expiration date of the previously issued permit, license, registration, and certification. The board may also prescribe, by rule and regulation, reduced fees for permits, licenses, registrations, and certifications when the application therefor is submitted during the last three months of the permit, license, registration, or certification period . Fees proposed to be prescribed in the rules and regulations shall be first approved by the department of ~~administration-finance~~ . All fees proposed to be prescribed in rules and regulations shall be reasonable. The fees shall be in an amount so that the total fees collected by the board will, where practical, approximate the cost to the board in administering the program. All fees collected shall be deposited in the state treasury and credited to the general fund unless otherwise specifically appropriated by law for specific purposes.

Sec. 37. Minnesota Statutes 1974, Section 144.653, Subdivision 8, is amended to read:

Subd. 8. **HEARINGS.** A licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 is entitled to a hearing on any ~~correction order~~ notice of noncompliance with a correction order issued to him as a result of a reinspection , provided that he makes a written request therefor within 15 days of receipt by him of the ~~correction order-notice of noncompliance with a correction order.~~ Failure to request a hearing shall result in the forfeiture of a penalty as determined by the board in accordance with subdivision 6 . A request for a hearing such request shall operate as a stay during the hearing and review process of the payment of any forfeiture provided for in this section. Upon receipt of the request for a hearing, a hearing officer, who shall not be an employee of the state board of health , shall be appointed by the state board of health, and the hearing officer shall promptly schedule a hearing on the matter, giving at least ten days notice of the date, time, and place of ~~such~~ the hearing to the licensee. Upon determining that the licensee of a facility required to be licensed under sections 144.50 to 144.58 has not corrected the deficiency specified in the correction order, the hearing officer shall impose a penalty as determined by the board in accordance with subdivision 6. The hearing and review thereof shall be in accordance with the relevant provisions of the administrative procedures act.

Sec. 38. Minnesota Statutes 1974, Sections 157.05, Subdivisions 4, 5, 6 and 7; 157.06; 157.07; and 157.11; and Laws 1974, Chapter 205, are

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repealed.

Sec. 39. **EFFECTIVE DATE.** Sections 1, 5, 9, 11, 13, 14, 15, 16, 17, 18, 19, 22, 32, 33, 34, 35, 36 and 37 of this act shall become effective on January 1, 1976. All other sections of this act shall become effective the day following its final enactment.

Approved June 4, 1975.

CHAPTER 311—S.F.No.624

An act relating to local water and related land resources management; granting municipalities authority to construct flood prevention or control facilities on certain bodies of water; amending Minnesota Statutes 1974, Section 459.20.

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

Section 1. Minnesota Statutes 1974, Section 459.20, is amended to read:

459.20 MUNICIPALITIES; FLOOD CONTROL; AUTHORITY OVER PUBLIC WATERS. The governing body of any city in the state has the following powers: (a) In respect to any body of water situated wholly within which the whole of any body of water is situated, shall have the municipal boundaries, all the powers to improve and regulate the use of such body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts under sections 378.41 to 378.56 ; and (b) In respect to any body of water situated partly within the municipal boundaries, the powers conferred on county boards by section 378.31, but only to the extent such powers are necessary for the purpose of preventing or controlling floods within the boundaries of the municipality and only in conjunction with projects undertaken pursuant to or in anticipation of an agreement with the government of the United States or any agency thereof . References in sections 378.31 to 378.35 and 378.41 to 378.56 to the county board shall mean also the appropriate governing body of a city.

Sec. 2. This act is effective the day after final enactment.

Approved June 4, 1975.

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