

commission merchant. Separate licenses shall be required for each city or location at which consignments are received and disposed of by such commission merchant, and the licenses shall be kept posted in each office of licensee. All licenses shall expire May thirty-first of each year. The fee for each license shall be \$50. Such license may be revoked by the department for cause, upon notice and hearing. All moneys collected under this chapter shall be deposited in the state treasury.

Sec. 4. Minnesota Statutes 1980, Section 223.05, is amended to read:
223.05 **STATEMENT BY LICENSEE TO CONSIGNOR.**

When a licensee sells any grain he shall render a true statement in writing to the consignor within 24 hours of the amount sold, price received, name and address of purchaser, and the day, hour, and minute of sale, and forward vouchers for all charges and expenses. ~~When consignments of hay and straw are sold, the licensee shall render a true statement in writing to the consignor within such reasonable time and in such manner and form as may be prescribed by the department.~~ All licensees handling grain shall keep a separate record of all cars handled on commission in such manner as the department may prescribe. It is expressly forbidden for a licensee hereunder to carry any of the accounts of grain commission business in an open account.

Sec. 5. **REPEALER.**

Minnesota Statutes 1980, Sections 223.06; and 223.12, are repealed.
Approved May 4, 1981

CHAPTER 91 — S.F.No. 375

An act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

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

Section 1. **AUTHORIZATION.**

The board of commissioners of Hennepin county may establish, organize and reorganize a department, bureau or administration for the purpose of providing comprehensive health care and related services as required by law and as determined by the board to be in the best interests of the county.

Sec. 2. **POWERS AND DUTIES.**

All powers and duties pertaining to health care and related services now or hereafter exercisable or imposed by law upon Hennepin county shall be

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vested in the board of commissioners. If, by general statute, provision is made for separate health boards, the board of commissioners may assume the powers and duties of the boards or may create separate health boards and make appointments to them as provided by statute. The board may delegate authority and responsibility to the county administrator, who may designate a person or persons to perform the tasks empowered or assigned. The powers and duties of the board shall include, but not be limited to:

- (a) Those provided in Minnesota Statutes, Chapter 145.
- (b) Those created by contract entered into with any other unit of government or the University of Minnesota for health care and related services, or by contract or affiliation agreement under section 4, subdivision 5.
- (c) Those relating to mental health in Minnesota Statutes, Chapter 245.
- (d) Those authorized under Minnesota Statutes, Section 471.59.
- (e) Those contained expressly or by necessary implication in special statutes applicable to Hennepin county.

Sec. 3. **ADDITIONAL AUTHORITY.**

In addition to the powers and duties enumerated in this act, the county:

- (a) Shall maintain a system for the registration of vital statistics.
- (b) Shall prepare and publish an annual report of the health services provided and available in the preceding year.
- (c) Shall enforce all laws and regulations relating to public health within its jurisdiction and authority.
- (d) Shall establish fee schedules for services rendered.
- (e) May purchase services for health care and related services consistent with Laws 1979, Chapter 198.

Sec. 4. **HENNEPIN COUNTY MEDICAL CENTER.**

Subdivision 1. ESTABLISHMENT. Hennepin county may establish a medical center to provide hospital and medical services to the general public, including the indigent as defined by state and federal law, and as determined by the county board, and may provide for health education and training, and research, and may provide for other service as the board of commissioners determines, by resolution, to be in the best interests of the county. The county board may determine to continue the operation of the medical center, to expand or limit its operation, or discontinue it, if the services provided by the medical center in the judgment of the county board can better be provided by other means. If the county board determines that the care and services provided by the medical center is better provided by other hospitals, the cost of

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the care and services shall be paid by the county at reasonable rates established by the county board.

Subd. 2. ORGANIZATION AND MANAGEMENT. With the advice and assistance of persons to whom health, medical and hospital administrative authority has been delegated by the county administrator, the county administrator, subject to approval of the county board, shall establish bylaws, rules and regulations for the organization and management of the medical center.

Subd. 3. MEDICAL CENTER ADMINISTRATOR. The medical center shall be managed by a medical center administrator who is qualified by education and experience in the management of hospitals. The medical center administrator shall be in the unclassified service, notwithstanding any other statutory provision to the contrary. The medical center administrator shall be appointed, suspended and removed by the county administrator subject to approval of the county board.

Subd. 4. LICENSED PROFESSIONAL STAFF. Personnel employed by the county, who are required by law to be licensed as a condition to the performance of medical and related services, shall be subject to the provisions of Laws 1980, Chapter 573, except that bylaws adopted by the county board may provide for alternative or exclusive grievance procedures for their discipline or dismissal.

Subd. 5. AFFILIATION AGREEMENTS. The county board may enter into affiliation agreements or contracts with the state, political subdivisions of this state or other states, educational institutions, nursing homes, public or private hospitals and organizations for the purposes provided in section 1.

Subd. 6. MEDICAL FACILITIES. The county board may acquire by purchase, gift or condemnation, or may lease, the property necessary for the provision of hospital and medical services as required under this act.

Subd. 7. PURCHASES. Contracting and purchasing made on behalf of the Hennepin county medical center of goods, materials, supplies, equipment and contracted services shall comply with Laws 1979, Chapter 198, Article IV.

Subd. 8. FINANCIAL PROCEDURES. Laws 1979, Chapter 198, Article II, shall apply to financial procedures of the medical center.

Sec. 5. AMBULATORY HEALTH CENTERS AND CLINICS.

Subdivision 1. AUTHORIZATION. In addition to the authority conferred in this act to provide health and medical care, the county board may provide general or special medical care, service and treatment at health centers and clinics within the county.

Subd. 2. ORGANIZATION AND MANAGEMENT. With the advice and assistance of persons to whom health, medical and hospital administrative

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authority has been delegated by the county administrator, the county administrator, subject to approval of the county board, shall establish bylaws, rules and regulations for the organization and management of health centers and clinics. The county administrator may incorporate the bylaws, rules and regulations of the medical center as deemed appropriate and shall make the bylaws, rules and regulations as uniform as practicable. The county administrator may delegate to a person or persons the duties and powers necessary to assist in the management of ambulatory health centers and clinics.

Subd. 3. LICENSED PROFESSIONAL STAFF. Section 4, subdivision 4, applies to this section.

Subd. 4. FACILITIES. The county board may acquire, by purchase, gift or condemnation, or may lease, the property necessary, for the provision of ambulatory health center and clinical services as required under this act.

Subd. 5. PURCHASES. Contracting and purchasing made on behalf of health centers and clinics of goods, materials, supplies and equipment and contracted services shall comply with Laws 1979, Chapter 198, Article IV.

Subd. 6. FUNDS. The county may finance the medical care, service and treatment at health centers and clinics from the general revenue fund and other sources as authorized by law, or as authorized by the county board.

Sec. 6. EMERGENCY MEDICAL SERVICE.

Subdivision 1. AUTHORIZATION. The county board may provide for emergency medical service and training in connection with the purposes and in accordance with section 1.

Subd. 2. COMPLIANCE WITH STATE LAWS. Emergency medical service established under subdivision 1 shall comply with applicable provisions of Minnesota Statutes, Sections 144.801 to 144.8092, and 145.911 to 145.922, and Laws 1967, Chapter 753. The county board may also establish and operate a communications system in connection with emergency medical services, may contract with other units of government or private entities and may exercise the authority provided in Minnesota Statutes, Section 471.59 in the establishment, operation and maintenance of the system.

Sec. 7. FOOD SERVICE.

Subdivision 1. AUTHORIZATION AND PURPOSE. The county may establish and operate a food service facility for the purposes stated in section 1 and for other public institutions and facilities as determined by the county board.

Sec. 8. MEDICAL EXAMINER.

Subdivision 1. OFFICE CREATED. The office of the Hennepin county medical examiner is established.

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Subd. 2. APPOINTMENT, QUALIFICATIONS, TERM. The county board shall designate three licensed physicians who shall constitute a medical examiner board. One member shall be a dean or professor of the department of pathology of a Class A medical school as designated by the American Medical Association. Another member of the board shall be a member of the Minnesota society of clinical pathologists. The third member shall be designated by the Hennepin county medical association from its membership. The medical examiner board shall accept applications for the position of Hennepin county medical examiner when a vacancy exists in the office. Applications therefor shall be considered from doctors of medicine who are: (a) graduates of a medical school recognized by the American Medical Association, (b) members in good standing in the medical profession, (c) eligible for appointment to the staff of the Hennepin county medical center, and (d) certified or eligible for certification in forensic pathology by the American board of pathology. The medical examiner board shall review the qualifications of the applicants and shall rank the applicants deemed qualified for the position and provide to the county board a report of the seven highest ranked applicants together with their qualifications. The county board shall appoint a county medical examiner from those listed in the report. The term of the examiner shall continue for four years from the date of appointment. Compensation shall be set by the county board. Reappointment shall be made at least 90 days prior to the expiration of the term. If a vacancy requires a temporary appointment, the board of commissioners shall appoint a medical doctor on the staff of the county medical examiner's office to assume the duties of the medical examiner until an appointment can be made in compliance with the specified selection procedure. Any vacancy shall be filled within a reasonable time. Actual and necessary expenses of the medical examiner board shall be paid in accordance with Minnesota Statutes, Sections 471.38 to 471.415.

Subd. 3. REMOVAL. The county medical examiner may be removed by the county board during a term of office for cause shown after a hearing upon due notice of written charges. The hearing shall be conducted in accordance with the bylaws of the Hennepin county medical center. Appeal to the district court shall be allowed if, within 20 days of receipt of a finding of cause for removal, service of a notice of appeal is made upon the chair of the county board or clerk to the board.

Subd. 4. MEDICAL EXAMINER STAFF. The county medical examiner shall appoint assistant medical examiners to the office of medical examiner as are necessary to fulfill the duties of the office, subject to authorization by the county board. Other members of the staff shall be in the classified service. Duties and authority may be delegated by the examiner to assistant medical examiners or members of the staff as required.

Subd. 5. REPORTS OF DEATH. All violent deaths, including homicidal, suicidal and accidental, all deaths due to thermal, chemical, electrical or radiational injury, deaths due to criminal abortion, including those self-induced, all sudden deaths of persons not disabled by recognizable diseases, all deaths of

nonautopsied persons to be cremated, and all deaths of persons confined in jails or other public institutions, occurring in the county shall be promptly reported for investigation to the county medical examiner by the law enforcement officer, attending physicians, mortician, person in charge of the public institution or jail, or other person having knowledge of them. Deaths occurring in public hospitals, sanatoriums, convalescent and nursing homes are not required to be reported to the examiner, unless the deaths occur as described in this subdivision.

Subd. 6. INVESTIGATION PROCEDURE. Upon notification of the death of any person, as provided in subdivision 5, the county medical examiner or his designee may proceed to the body, take charge of it, and order, when necessary, that there be no interference with the body or the scene of death. Any person violating the order of the examiner is guilty of a misdemeanor. The examiner or his designee shall make inquiry regarding the cause and manner of death and prepare written findings together with the report of death and its circumstances, which shall be filed in the office of the examiner. When it appears that death may have resulted from a criminal act and that further investigation is advisable, a copy of the report shall be transmitted to the county attorney. The examiner may take possession of all property of the deceased, mark it for identification, and make an inventory. The examiner shall take possession of all articles useful in establishing the cause of death, mark them for identification and retain them securely until they are no longer needed for evidence or investigation. The examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation. When a reasonable basis exists for not releasing property or articles to law enforcement officers, the examiner shall consult with the county attorney. If the county attorney determines that a reasonable basis exists for not releasing the property or articles, the examiner may retain them. The property or articles shall be returned immediately upon completion of the investigation. When the property or articles are no longer needed for the investigation or as evidence, the examiner shall release the property or articles to the person or persons entitled to them. Notwithstanding any other law to the contrary, when personal property of a decedent has come into the possession of the examiner, and is not used for a criminal investigation or as evidence, and has not been otherwise released as provided in this subdivision, the name of the decedent shall be filed with the probate court, together with a copy of the inventory of the decedent's property. At that time, an examination of the records of the probate court shall be made to determine whether a will has been admitted to probate or an administration has been commenced. Property of a nominal value, including wearing apparel, may be released to the spouse or any blood relative of the decedent or to the person accepting financial responsibility for burial of the decedent. If property has not been released by the examiner and no will has been admitted to probate or administration commenced within six months after death, the examiner shall sell the property at a public auction upon notice and in a manner as the probate court may direct. If the name of

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the decedent is not known, the examiner shall inventory the property of the decedent and after six months may sell the property at a public auction. The examiner shall be allowed reasonable expenses for the care and sale of the property and shall deposit the net proceeds of the sale with the county administrator, or his designee, in the name of the decedent, if known. If the decedent is not known, the examiner shall establish a means of identifying the property of the decedent with the unknown decedent and shall deposit the net proceeds of the sale with the county administrator, or his designee, so, that, if the unknown decedent's identity is established within six years, the proceeds can be properly distributed. In either case, duplicate receipts shall be provided to the examiner, one of which shall be filed with the court, the other of which shall be retained in the office of the examiner. If a representative shall qualify within six years from the time of deposit, the county administrator, or his designee, shall pay the amount of the deposit to the representative upon order of the court. If no order is made within six years, the proceeds of the sale shall become a part of the general revenue of the county.

Subd. 7. AUTOPSIES. If the county medical examiner deems it advisable and in the public interest that an autopsy be performed upon a body coming under the jurisdiction and control of the examiner, or if an autopsy is ordered by a district court judge, an autopsy shall be performed without unnecessary delay. A report of the facts developed by the autopsy and findings of the person performing the autopsy shall be promptly made and filed in the office of the county medical examiner. When further investigation is deemed advisable, a copy of the report shall be delivered to the county attorney, and to any other official at whose request the autopsy was performed. Every autopsy performed pursuant to this subdivision shall, whenever practicable, be performed in the county morgue. Nothing herein shall require the examiner to perform an autopsy upon the body of a deceased person if the deceased person died of known or ascertainable causes or had been under the care of a licensed physician immediately prior to death if the examiner determines the autopsy to be unnecessary. Autopsies performed pursuant to this subdivision may include the removal, retention and use of organs and parts of organs and tissues, at the discretion of the medical examiner, when removal, retention and use are necessary for determining the cause of death. When removal, retention and use of organs and parts of organs and tissues are deemed beneficial for the advancement of medical knowledge and progress, written consent shall be obtained from the heirs, if any, of the deceased person prior to the removal, retention and use.

Subd. 8. DISINTERMENT. Upon application by the county medical examiner, pursuant to the performance of his duties under this act, the district court, upon good cause shown, may order disinterment of any dead body. The application shall set forth the names and addresses of those of the next of kin of the deceased person who are known to the examiner. Notice of an application shall be given by personal service, not less than three days prior to the date of hearing on it, upon those of the next of kin of the deceased person

who reside in the county. If none of the next of kin of the deceased person can be found in the county, then notice shall be given to the next of kin who reside outside the county in the manner and at the time the court shall direct, unless, upon a proper showing, the court determines that an immediate post-mortem examination is necessary. If the next of kin are unknown, the court shall issue its order, upon a proper showing, without notice to any adverse party. When a dead body is disinterred by an order of court to ascertain facts relating to the cause of death, and the examiner has information which indicates that death may have resulted from a criminal act, he shall perform a post-mortem examination, or autopsy, and shall perform the other duties as required.

Subd. 9. REQUEST FOR EXAMINATIONS. The county medical examiner may, when requested, make physical examinations and tests incident to any matter of a criminal nature under consideration by the district court or the county attorney or criminal defense counsel and shall deliver a copy of a report of them to the court or attorney making the request. When a copy of the report is delivered to criminal defense counsel, the county attorney shall receive a copy of the same report.

Subd. 10. RECORDS AND REPORTS. The county medical examiner shall keep full and complete records in his office, properly indexed giving the name, if known, of every person or body of a deceased person who is the subject of his investigation, the place where the body was found, date and cause of death, and all other available information relating to it. The final report of the investigating examiner, and the findings of the autopsy, if any, shall be attached to the record of each case. The examiner shall, upon request, deliver to the county attorney copies of records or other information in his office of any cases of a criminal nature. The records and reports, including those of autopsies performed under the provisions of this act, or transcriptions thereof, certified by the county medical examiner, shall be received as evidence in any court or grand jury proceeding in this state. The records and reports which shall be admissible as evidence under this subdivision shall not include statements made by witnesses or other persons unless otherwise admissible. Whenever requested by the Hennepin county attorney, the examiner and his personnel shall appear and testify before a Hennepin county grand jury or any Hennepin county court, without fees or additional compensation.

Subd. 11. DISPOSITION. After the investigation has been completed, including an autopsy if one is made, the dead body shall be released immediately to the relatives or friends of the deceased person for burial. If the deceased person is unknown, or if the body is unclaimed, the county medical examiner may deliver the body for purposes of anatomical study if the body is suitable. Otherwise, he shall provide for decent disposition of the remains.

Subd. 12. PRESERVATION OF IDENTITY. The county medical examiner may preserve and retain photographs, specimens, and other data for establishing or confirming the identification of bodies under the jurisdiction of the office. Upon request by the appropriate agency, the examiner shall make

the information available to aid in the establishment of the identity of the deceased person.

Subd. 13. **CONTRACTS FOR SERVICES.** The board may contract to perform medical examiner services with other units of government or their agencies under a schedule of fees approved by the county board.

Sec. 9. RIGHTS OF EMPLOYEES TRANSFERRED FROM MINNEAPOLIS GENERAL HOSPITAL.

All persons employed by the city of Minneapolis for the operation and maintenance of the Minneapolis general hospital transferred as employees to the county who were entitled to retain comparable status under civil service provisions, accumulated sick leave, vacation leave and retirement benefits at the time of the transfer of the Minneapolis general hospital to Hennepin county shall retain the status and benefits unless otherwise voluntarily waived, cancelled or exhausted prior to the effective date of this act.

Sec. 10. EXISTING HEALTH SERVICE PROGRAMS NOT AFFECTED.

This act does not affect the eligibility of any statutory or home rule charter city of the first or second class to receive a subsidy pursuant to the provisions of Minnesota Statutes, Section 145.917 or otherwise affect the authority of any such city to operate or to continue to operate a health service program.

Sec. 11. REPEALS.

Laws 1963, Chapter 738, as amended by Laws 1967, Chapter 280, Laws 1973, Chapter 616, and Laws 1976, Chapter 67; and Laws 1963, Chapter 848, as amended by Laws 1967, Chapter 801 and Laws 1979, Chapter 71, are repealed.

Sec. 12. EFFECTIVE DATE.

This act is effective the day after the filing of a certificate of local approval by the Hennepin county board in compliance with Minnesota Statutes, Section 645.021, Subdivision 3.

Approved May 4, 1981

CHAPTER 92 — S.F.No. 520

An act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Laws 1981, Chapter 29, Article II, Section 9; Article II, Section 24; and Article V, Section 10.

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