

## CHAPTER 383B

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No per diem payment shall be allowed county board members for service on the county board or any other county body. County board members shall pay for parking in county owned parking facilities where payment is required. County board members may be allowed mileage for use of their personal automobile at a rate per mile.

The Hennepin County board may set the salary of board members by resolution limited to that subject. The salary must be stated as a fixed dollar amount. Adjustments in commissioners' salaries shall be adopted by the county board by resolution prior to a general election to take effect January 1 of the succeeding year. Any resolution that makes an adjustment must state the change and the resulting salary for a member as fixed dollar amounts.

*History: 1982 c 577 s 14; 1985 c 66 s 1*

COUNTY OFFICERS

383B.025 COUNTY BOARD APPOINTS AUDITOR, TREASURER, RECORDER.

Subdivision 1. **Board may abolish under subdivision 2.** In the county of Hennepin, the offices of county auditor, county treasurer and county recorder shall not be elective but shall be filled by appointment by the Hennepin County Board of Commissioners as hereinafter provided, unless such office is hereafter abolished pursuant to a reorganization or consolidation under subdivision 2.

Subd. 2. **Heads are unclassified; statutory duties remain.** The duties, functions and responsibilities which have been heretofore and which shall be hereafter required by statute to be performed by the various elected officials whose offices are by this section

made appointive shall be vested in and performed by the Board of Commissioners of Hennepin County through department heads appointed by the board for that purpose. Any such department head shall be in the unclassified service as defined by sections 383B.26 to 383B.42. The Board of Commissioners of Hennepin County shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions, or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes, including the abolishing of the offices of auditor, treasurer and county recorder or the transfer of personnel, as are deemed necessary for this purpose. Such reorganization, reallocation or delegation or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute to be performed by those officials whose office is now made appointive.

**History:** 1967 c 599 s 1,2; 1976 c 181 s 2; 1979 c 198 art 4 s 14

## ELECTIONS

### 383B.031 BOARD VACANCIES: MORE OR NOT MORE THAN SIX MONTHS OUT.

Subdivision 1. **More than six months; special election.** Notwithstanding the provisions of section 375.101, if a vacancy occurs in a seat on the Board of County Commissioners of Hennepin County more than six months before the general election in which a commissioner will next be selected to occupy such seat the county auditor shall, within seven days after the vacancy occurs, call a special election within the affected district to fill such vacancy. The auditor shall specify a date for the election which shall be between 56 and 77 days after the vacancy occurred. Candidates shall file with the county auditor prior to the 35th day before the election. The primary election shall be held 14 days before the election. If no more than two candidates file for the office, the primary election shall be canceled and the date of the general election advanced 14 days.

Subd. 2. **Minnesota Statutes controls; affidavit of candidacy.** Each person who wishes to file as a candidate in the election for which provision is made in subdivision 1 shall submit to the county auditor an affidavit for candidacy. Except as otherwise specifically provided in this section, the special election shall be held in accordance with the provisions of Minnesota Statutes 1965, chapter 203. The candidate who receives a plurality of the votes cast in the special election shall be certified the winner.

Subd. 3. **Not more than six months; general election.** A vacancy in a seat on a board of county commissioners which occurs not more than six months before the general election in which a commissioner will next be selected to occupy the seat shall be filled at the general election.

Subd. 4. **Elected for unexpired term.** A person elected to the office of commissioner pursuant to the provisions of this section shall hold office for the unexpired term of the person's predecessor.

**History:** 1967 c 719 s 1-4; 1986 c 444; 1987 c 384 art 2 s 1

### 383B.035 COUNTY TO PAY CITY, TOWN SPECIAL ELECTION EXPENSES.

Subdivision 1. **County board must adopt resolution.** Notwithstanding section 204B.32, which relates to election expenses, whenever the Board of County Commissioners of Hennepin County shall duly provide for a special election to be held within said Hennepin County, all of the expenses necessarily incurred by the several municipalities, home rule charter or statutory cities, and townships within the county of Hennepin concerning such special election, shall be paid by the county of Hennepin upon a resolution duly adopted by the Board of County Commissioners for Hennepin County providing for such payment of special election expenses.

Subd. 2. **Unless local same-day election.** If the date for any special election set by the board of county commissioners pursuant to subdivision 1 falls on the same day as any other election to be held in any of the several municipalities, home rule charter or statutory cities, and townships within the county, then each such municipality, home

rule charter or statutory city, or township shall pay for its own election expenses for such election and the county of Hennepin shall not be responsible therefor.

**History:** 1971 c 331 s 1,3; 1973 c 123 art 5 s 7; 1987 c 384 art 2 s 85

### 383B.041 CAMPAIGN FINANCING, DISCLOSURE OF ECONOMIC INTERESTS.

Sections 383B.041 to 383B.058 apply to the financing of campaigns for county elections in Hennepin County and for city elections in home rule charter cities and statutory cities located wholly within Hennepin County, having a population of 75,000 or more, and for school board elections in the Special School District No. 1, Minneapolis, and to disclosure of economic interests by candidates and elected public officials of those jurisdictions. The provisions of sections 211A.02 to 211A.07 do not apply to the financing of campaigns for elections subject to the provisions of sections 383B.041 to 383B.058.

**History:** 1980 c 362 s 1; 1987 c 218 s 2; 1988 c 578 art 1 s 5

### 383B.042 DEFINITIONS.

Subdivision 1. **For county campaign finance provisions.** For the purposes of sections 383B.041 to 383B.058, the terms defined in this section have the meanings given them. The terms defined in chapter 200 also apply to sections 383B.041 to 383B.058, unless a different meaning is specified in this section.

Subd. 2. **Advance of credit.** "Advance of credit" means any money owed for goods provided or services rendered. An advance of credit is an expenditure in the year in which the goods or services are used or consumed. "Advance of credit" does not mean "loan" as defined in subdivision 12.

Subd. 3. **Association.** "Association" means a business, corporation, firm, partnership, committee, labor organization, club, or any other group of two or more persons, which includes more than an immediate family, acting in concert.

Subd. 4. **Business with which the individual is associated.** "Business with which the individual is associated" means any association in connection with which the individual is compensated in excess of \$50 except for actual and reasonable expenses in any month as a director, officer, owner, member, partner, employer or employee, or is a holder of securities worth \$2,500 or more at fair market value.

Subd. 5. **Candidate.** "Candidate" means an individual, not within the definition of candidate of section 10A.01, subdivision 10, who seeks nomination or election to any county office in Hennepin County, to any city office in any home rule charter city or statutory city located wholly within Hennepin County and having a population of 75,000 or more or to the school board of Special School District No. 1, Minneapolis.

Subd. 6. **City.** "City" means any statutory or home rule charter city wholly within Hennepin County and having a population of 75,000 or more.

Subd. 7. **Contribution.** "Contribution" means a transfer of funds or a donation in kind.

"Contribution" includes any loan or advance of credit to a political committee, political fund, or principal campaign committee, if that loan or advance of credit is (a) forgiven, or (b) paid by an entity other than the political committee, political fund, or principal campaign committee to which the loan or advance of credit is made.

"Contribution" does not include services provided without compensation by an individual volunteering personal time on behalf of a candidate, political committee or political fund, or the publishing or broadcasting of news items or editorial comments by the news media.

Subd. 8. **Donation in kind.** "Donation in kind" means anything of value other than money or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the outcome of an election.

Subd. 9. **Election.** "Election" means any election held to nominate or elect any candidate or to decide any question on a county ballot in Hennepin County or on the

ballot of any home rule charter city or statutory city located wholly within Hennepin County and having a population of 75,000 or more, or on the ballot of Special School District No. 1, Minneapolis.

Subd. 10. **Expenditure.** "Expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the outcome of any election. "Expenditure" does not include services provided without compensation by an individual volunteering personal time on behalf of a candidate, political committee or political fund, or the publishing or broadcasting of news items or editorial comments by the news media.

Subd. 11. **Filing officer.** "Filing officer" means the official responsible under law for administration of the election laws for Hennepin county.

Subd. 12. **Loan.** "Loan" means an advance of money or anything of value made to a political committee, political fund, or principal campaign committee.

Subd. 13. **Political committee.** "Political committee" means any political party, association or person other than an individual that seeks as its major purpose to influence the outcome of any election.

Subd. 14. **Political fund.** "Political fund" means any accumulation of dues or voluntary contributions by an association other than a political committee, which accumulation is collected or expended for the purpose of influencing the outcome of any election.

Subd. 15. **Population.** "Population" means population as determined by the most recent federal census.

Subd. 16. **Principal campaign committee.** "Principal campaign committee" means the single political committee designated by a candidate.

Subd. 17. **Transfer of funds.** "Transfer of funds" or "transfer" means money or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the outcome of any election.

*History: 1980 c 362 s 2; 1986 c 444; 1987 c 218 s 3,4; 1999 c 220 s 50*

### 383B.043 POLITICAL COMMITTEES; COUNTY AND CERTAIN OTHER ELECTIONS.

Subdivision 1. **Officers.** Every political committee shall have a chair and a treasurer, who may be the same individual. The treasurer may designate deputy treasurers and shall be responsible for their accounts. The treasurer shall designate a single depository and account for all contributions received by the political committee.

Subd. 2. **Prohibitions; acceptance of certain contributions; commingling of funds.** No contribution shall be accepted and no expenditure shall be made by or on behalf of a political committee while the office of treasurer is vacant. No anonymous contribution in excess of \$20 shall be retained by the political committee but shall be forwarded to the state campaign finance and public disclosure board and deposited in the general fund. No funds of the political committee shall be commingled with the personal funds of any officer, member or associate of the committee. Any individual who violates a provision of this subdivision is guilty of a misdemeanor.

*History: 1980 c 362 s 3; 1986 c 444; 1997 c 202 art 2 s 63*

### 383B.044 POLITICAL FUNDS.

Subdivision 1. **When required.** No association other than a political committee shall transfer more than \$100 in aggregate in any one year to candidates or political committees or make any expenditure unless the transfer or expenditure is made from a political fund.

Subd. 2. **Treasurer; commingling of funds; anonymous contributions.** Each association which has a political fund shall elect or appoint a treasurer of the political fund. No contributions to the political fund shall be accepted and no expenditures from the fund shall be made while the office of treasurer is vacant. The contents of the political

fund shall not be commingled with any other funds or with the personal funds of any officer or member of the fund. No anonymous contribution in excess of \$20 shall be retained by the political fund but shall be forwarded to the state campaign finance and public disclosure board and deposited in the general fund.

**Subd. 3. Use of dues and membership fees.** Notwithstanding subdivision 1, the association may, if not prohibited by other law, deposit in its political fund money derived from dues or membership fees. The treasurer of the fund, in any report required by section 383B.049, shall disclose the name of any member whose dues, membership fees and contributions deposited in the political fund in any one year exceed \$50 in the aggregate.

**Subd. 4. Penalty.** Any person who knowingly violates the provisions of this section is guilty of a misdemeanor.

**History:** 1980 c 362 s 4; 1997 c 202 art 2 s 63

### **383B.045 PRINCIPAL CAMPAIGN COMMITTEE.**

Every candidate who receives contributions or makes expenditures in excess of \$100 shall designate and cause to be formed a single political committee which shall be known as the candidate's principal campaign committee. The candidate shall make expenditures only through the candidate's principal campaign committee. The candidate may be the chair and treasurer of the principal campaign committee.

**History:** 1980 c 362 s 5; 1986 c 444

### **383B.046 POLITICAL, CAMPAIGN COMMITTEES, FUNDS TO REGISTER.**

**Subdivision 1. Filing office; deadline.** Every political committee, political fund and principal campaign committee shall register with the filing officer within 14 days after the date by which the committee or fund has received contributions or made expenditures in excess of \$100.

**Subd. 2. Statement required.** A political committee or fund registers by filing a statement of organization that includes:

- (a) the name and address of the political committee or fund;
- (b) the name and address of the chair, the treasurer, and any deputy treasurers;
- (c) the name and address of the depository used by the committee or fund;
- (d) the name and address of any supporting association of a political fund; and
- (e) a statement as to whether the committee is a principal campaign committee.

The statement of organization shall be filed by the treasurer of the political committee, political fund or principal campaign committee.

**History:** 1980 c 362 s 6; 1986 c 444

### **383B.047 ACCOUNTS WHICH MUST BE KEPT.**

**Subdivision 1. Contributions; expenditures; transfers.** The treasurer of any political committee, political fund or principal campaign committee shall keep an account of:

- (1) the sum of all contributions, except any donation in kind valued at \$20 or less, made to the political committee or fund;
- (2) the name and address of each source of a transfer or donation in kind in excess of \$20, together with the date and amount;
- (3) each expenditure made by or on behalf of the committee together with the date and amount; and
- (4) the name and address of each political committee or fund to which transfers in excess of \$20 have been made, together with the date and amount.

**Subd. 2. Authorization of expenditures; receipts.** Each expenditure by a political committee, political fund or principal campaign committee shall be authorized by the treasurer. The treasurer may authorize not more than \$20 per week as petty cash for miscellaneous expenditures. The treasurer shall obtain a receipted bill stating the particulars for every expenditure of more than \$100 made by or on behalf of the

political committee or fund, and for any expenditure of a lesser amount if the aggregate amount of lesser expenditures to the same individual or association during a year exceeds \$100.

**History:** 1980 c 362 s 7

### **383B.048 CAMPAIGN REPORTS.**

Subdivision 1. **Committees required to report; deadlines.** The treasurer of any political committee, political fund or principal campaign committee required to register pursuant to section 383B.046 shall also file campaign reports with the filing officer. In each year in which the name of the candidate is on the ballot, the report of the principal campaign committee shall be filed ten days before a regular primary and a regular election. Political committees and political funds other than principal campaign committees shall file campaign reports ten days before a regular primary or regular election. The treasurer of a principal campaign committee shall file additional reports ten days before a special primary or other special election and 30 days after a special election. The reports shall cover the period from the last day of the previous reporting period to seven days before the filing date. An additional campaign report shall be filed by all treasurers on January 31 of each year covering the period from the last day of the previous reporting period to December 31 of the preceding calendar year.

Subd. 2. **Content of reports.** Each campaign report required under this section shall disclose:

- (1) the amount of liquid assets on hand at the beginning of the reporting period;
- (2) the name, address and employer, or occupation if self-employed, of each individual, committee or political fund that made transfers or donations in kind to the political committee in an aggregate amount or value in excess of \$100, together with the amount and date;
- (3) the sum of all contributions made to the political committee or political fund;
- (4) each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. A loan made to a political committee or political fund which is forgiven or is repaid by an entity other than that political committee or fund shall be reported as a contribution;
- (5) the sum of all receipts, including all contributions and loans, during the reporting period;
- (6) the name and address of each person to whom aggregate expenditures have been made by or on behalf of the political committee or fund within the year in excess of \$100, the amount, date and purpose of each expenditure and the ballot question or the name and address of the candidate supported or opposed by the expenditure;
- (7) the sum of all expenditures made by the political committee or fund;
- (8) the amount and nature of any advance of credit incurred by the political committee or fund continuously reported until paid or forgiven. An advance of credit incurred by a political committee or fund which is forgiven or is paid by an entity other than that political committee or fund shall be reported as a donation in kind;
- (9) the name and address of each political committee or fund to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;
- (10) the sum of all transfers made to political committees or funds; and
- (11) the sum of all disbursements not made to influence the outcome of an election.

Subd. 3. **Party sample ballots.** Expenditures by a political party as defined in section 200.02, subdivision 7, or a substate unit of such a party, for the preparation, display and distribution of an official party sample ballot containing the names of three or more individuals whose names are to appear on the ballot shall not be considered contributions or expenditures on behalf of any candidate.

Subd. 4. **Termination reports.** A political committee or political fund may dissolve upon filing of a termination report indicating that the committee or fund has settled all of its debts and disposed of all assets in excess of \$100. The termination report shall include all information required in a periodic campaign report.

**History:** 1980 c 362 s 8; 1986 c 475 s 21; 1987 c 214 s 10

### 383B.049 EXPENDITURES BY INDIVIDUALS.

Subdivision 1. **Reports.** Except as provided in subdivision 2, any individual who makes expenditures in an aggregate amount of \$100 or more in any year, which expenditures are not required to be reported by any political committee or fund as contributions to that political committee or fund, shall file campaign reports in the form required by section 383B.048 with respect to those expenditures.

Subd. 2. **Exception; independent expenditures.** An individual shall not be required to report any expenditure which is made without the cooperation or express or implied consent of any candidate, political committee or agent of a candidate or political committee, unless the expenditure expressly advocates the election or defeat of a clearly identified candidate or the approval or rejection of a clearly identified county or city ballot question at any election.

**History:** 1980 c 362 s 9

### 383B.05 ADDITIONAL INFORMATION TO BE DISCLOSED.

Subdivision 1. **Earmarked contributions.** Any individual, political committee or political fund that receives a contribution from any person or association in an aggregate in excess of \$50 with the express or implied condition that the contribution or any part of it be directed to a particular candidate shall disclose to the ultimate recipient and in any report required by section 383B.048, the original source of the contribution, the fact that it was earmarked and the candidate to whom it is directed. The ultimate recipient of any earmarked contribution shall also disclose the original source and the individual, political committee or political fund through which it was directed. Any individual, political committee or political fund that knowingly accepts earmarked funds and fails to make the disclosure required by this subdivision is guilty of a misdemeanor.

Subd. 2. **Bills when rendered and paid.** Every person who has a bill, charge or claim against any political committee or political fund for any expenditure shall render in writing to the treasurer of the committee or fund the bill, charge or claim within 60 days after the material or service is provided. Failure to present the bill, charge or claim as required by this subdivision is a petty misdemeanor.

**History:** 1980 c 362 s 10

### 383B.051 CIRCUMVENTION PROHIBITED.

Any person who attempts to circumvent disclosure of the source or amount of contributions or expenditures by redirecting funds through or contributing funds on behalf of another person is guilty of a misdemeanor.

**History:** 1980 c 362 s 11

### 383B.052 ECONOMIC REPRISALS PROHIBITED.

No individual or association shall engage in economic reprisals or threaten loss of employment or physical coercion against any individual or association because of the political contributions or political activity of that individual or association. This subdivision does not apply to compensation for employment or loss of employment when the political affiliation or viewpoint of the employee is a bona fide occupational qualification of the employment. Any individual or association that violates this subdivision is guilty of a misdemeanor.

**History:** 1980 c 362 s 12



**383B.053 ECONOMIC INTEREST DISCLOSURE.**

Subdivision 1. **Officials required to file; deadlines.** Every candidate for county office, every elected official of Hennepin County, every candidate for office and every elected official of a home rule charter city or statutory city located wholly within Hennepin County and having a population of 75,000 or more, and every candidate for school board and every elected official in Special School District No. 1, Minneapolis shall file statements of economic interest as required by this section with the filing officer. A candidate shall file an original statement within 14 days of the filing of an affidavit or petition to appear on the ballot. All elected officials of Hennepin County and of a home rule charter city or statutory city located wholly in Hennepin County and having a population of 75,000 or more who are in office on March 19, 1980, shall file an original statement of economic interest 60 days after forms for disclosure are provided to the filing officer. Every individual required to file a statement shall file a supplementary statement on April 15 of each year in which the individual remains a candidate or elected official. An official required to file a statement of economic interest under section 10A.09 is not required to comply with this section.

Subd. 2. **Content of statement.** An individual required to file a statement of economic interest shall disclose:

- (1) the individual's name, address, occupation and principal place of business;
- (2) the name of each business with which the individual is associated and the nature of that association;
- (3) a listing of all real property within the state, excluding homestead property, in which the individual holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, and which interest has a market value in excess of \$2,500 as shown on the real estate tax statement for the property or (ii) an option to buy, which property has a fair market value of \$50,000 or more;
- (4) a listing of all real property within the state in which a partnership of which the individual is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if the individual's share of the partnership interest has a market value in excess of \$2,500 as shown on the real estate tax statement for the property or (ii) an option to buy, which property has a fair market value of \$50,000 or more; and
- (5) In supplementary statements only, the amount of each honorarium in excess of \$50 received since the last statement, together with the name and address of the source.

Any listing under clause (3) or (4) shall indicate the street address and the municipality or the section, township range and approximate acreage, whichever applies, and the county wherein the property is located.

**History:** 1980 c 362 s 13; 1986 c 444; 1987 c 218 s 5; 1990 c 608 art 2 s 5

**383B.054 REPORTS AND STATEMENTS; REQUIREMENTS.**

Subdivision 1. **Certification.** A report or statement required by sections 383B.046 to 383B.054 shall be signed and certified as true by the individual required to file the report. Any individual who signs and certifies to be true a report or statement which the individual knows contains false information or who knowingly omits required information is guilty of a gross misdemeanor.

Subd. 2. **Transmittal, retention, public inspection.** The filing officer shall promptly transmit to the appropriate city clerk a copy of each statement and report filed by a candidate for city office, a political committee or fund that discloses contributions or expenditures to influence a city or an elected city official. The filing officer and each city clerk shall retain the statements, reports and copies and make them available for public inspection for a period of five years after the date of receipt by the filing officer.

Subd. 3. **Changes and corrections.** Any material changes in information previously submitted and any corrections to a report or statement shall be reported in writing to

the filing officer within ten days following the date of the event prompting the change or the date upon which the individual filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph containing the information to be changed or corrected. Any individual who willfully fails to report a material change or correction is guilty of a misdemeanor.

**Subd. 4. Record keeping.** Each individual required to file any report or statement or to keep any account pursuant to sections 383B.046 to 383B.054 shall maintain and preserve for four years the records, including any vouchers, canceled checks, bills, invoices, worksheets and receipts, that will provide in sufficient detail the necessary information from which the accounts and the filed reports and statements may be verified, explained, clarified and checked for accuracy and completeness.

**Subd. 5. Penalties.** The filing officer shall notify by certified mail or personal service any individual who fails to file a statement or report required by sections 383B.046 to 383B.054. Except for any campaign report of a principal campaign committee due before an election, if an individual fails to file any statement or report within seven days after receiving a notice, the filing officer may impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the eighth day after receiving notice. If a treasurer of a principal campaign committee fails to file a campaign report due before an election within three days of the date due, regardless of whether the treasurer has received any notice, the filing officer may impose a late filing fee of \$50 per day, not to exceed \$500, commencing on the fourth day after the date the statement was due. The filing officer shall further notify by certified mail or personal service any individual who fails to file any statement or report within 21 days after receiving a first notice that the individual may be subject to a criminal penalty for failure to file the statement or report. An individual who knowingly fails to file the statement or report within seven days after receiving a second notice from the filing officer is guilty of a misdemeanor. A filing officer who violates any provision of this subdivision is guilty of a misdemeanor.

**Subd. 6. Recovery of late filing fees.** A filing officer may bring an action in the Fourth Judicial District court to recover any late filing fee imposed pursuant to subdivision 5. All money recovered shall be deposited in the general fund of Hennepin County.

**Subd. 7. Reports of violations.** If any individual other than a county official or candidate for county office fails to file the required statement or report within seven days after a second notice as provided in subdivision 5, the filing officer shall inform the Hennepin County attorney that a second notice was sent and that the individual failed to file the required statement or report. If a county official or candidate fails to file a report or statement after a second notice as provided in subdivision 5, the filing officer shall notify the attorney general.

**Subd. 8. Report by subordinate.** (a) Any deputy, clerk, employee or other subordinate of a filing officer who has knowledge or reason to believe that a violation of sections 383B.041 to 383B.057 has occurred, shall immediately transmit a report of that knowledge or belief to that filing officer, together with any evidence of the violation coming into the subordinate's possession.

(b) Any filing officer who has knowledge or reason to believe that a violation of sections 383B.041 to 383B.058 has occurred shall immediately transmit a report of that knowledge or belief to the county attorney of the county in which the violation is thought to have occurred, together with any evidence of the violation coming into the filing officer's possession.

(c) The filing officer shall also immediately send a copy of the report to the Campaign Finance and Public Disclosure Board.

(d) A violation of this subdivision is a misdemeanor.

**History:** 1980 c 362 s 14; 1986 c 444; 1997 c 202 art 2 s 63; 1998 c 254 art 2 s 39

**383B.055 DUTIES OF CAMPAIGN FINANCE BOARD; FILING OFFICERS.**

Subdivision 1. **Board: advisory opinions, disclosure exemptions.** The state Campaign Finance and Public Disclosure Board shall:

(1) issue and publish advisory opinions concerning the requirements of sections 383B.041 to 383B.057 upon application in writing by the county filing officer of Hennepin County or any individual or association who wishes to use the opinion to guide the applicant's own conduct; and

(2) exempt any individual or association required to disclose information under sections 383B.046 to 383B.05 from any requirement of those sections in the same manner as it exempts any individual or association from disclosure requirements under chapter 10A. An individual or association exempted from the disclosure provisions of chapter 10A, shall also be exempt from the disclosure provisions of sections 383B.046 to 383B.05.

Subd. 2. **Filing officer: develop, distribute needed forms.** The county filing officer of Hennepin County shall develop forms for all statements and reports required to be filed under sections 383B.041 to 383B.054. The filing officer shall furnish sufficient copies of the forms to all officers with whom candidates file affidavits or applications of candidacy and nominating petitions.

Subd. 3. **Candidacy filing officer: forms to candidates; penalty.** An officer who receives affidavits or applications of candidacy or nominating petitions shall mail or deliver a copy of each form required to be filed by a candidate to each candidate who files an affidavit, application or petition with that officer or for whom a write-in vote is cast on the ballot of that jurisdiction. Any officer who fails to carry out the duties imposed by this subdivision is guilty of a misdemeanor.

**History:** 1980 c 362 s 15; 1986 c 444; 1990 c 608 art 7 s 4,5; 1997 c 202 art 2 s 63

**383B.056 PENALTIES.**

Except as expressly provided to the contrary in sections 383B.041 to 383B.055, a violation of sections 383B.041 to 383B.055 is not a crime.

**History:** 1980 c 362 s 16

**383B.057 PROSECUTION OF VIOLATIONS.**

Except as otherwise provided in this section, a violation of a criminal provision of sections 383B.041 to 383B.056 shall be prosecuted by the Hennepin County attorney in the Fourth Judicial District Court. A violation by a county official or candidate shall be prosecuted by the attorney general in the district court of Ramsey County.

**History:** 1980 c 362 s 17; 1998 c 254 art 2 s 40

**383B.058 LOCAL ORDINANCES AND CHARTERS SUPERSEDED.**

(a) Except as provided in this section, sections 383B.041 to 383B.057 supersede the provisions of any ordinance or resolution of a jurisdiction governed by sections 383B.041 to 383B.058 or any existing special law or home rule charter provision requiring disclosure of information related to the financing of election campaigns or requiring disclosure of economic interests by candidates and elected officials of that jurisdiction.

(b) The governing body of Hennepin County, the governing body of any home rule charter city or statutory city located wholly in Hennepin County, and the school board of Special School District No. 1, Minneapolis may adopt or continue in force ordinances or resolutions that:

(1) impose limits on the amount that any individual or association may contribute to any candidate for elected office in that jurisdiction;

(2) require disclosure of economic interests in addition to those required to be disclosed under section 383B.053; or

(3) require other public officials of that jurisdiction to make such disclosure.

(c) Any home rule charter city that adopts a charter provision modifying or superseding any provision of sections 383B.041 to 383B.057 shall file a copy of the charter provision with the Campaign Finance and Public Disclosure Board within 60 days of its adoption.

**History:** 1980 c 362 s 18; 1987 c 218 s 6; 1997 c 202 art 2 s 63

### **383B.061 LEGISLATIVE RESEARCH COMMITTEE.**

In Hennepin County there is hereby created a Legislative Research Committee. The committee shall consist of the senators and representatives in the legislature from the county.

The committee may investigate and study, accumulate, compile, analyze, and report on information concerning policies, plans, programs, and procedures relating to or affecting the fiscal and legislative needs of the county and any governmental or political subdivision within the county, including any school district, and any metropolitan or district authority having jurisdiction in any area of the county. The committee shall gather information and provide material to be used by senators and representatives from the county in their work while the legislature is in session and in connection with any legislative proposals affecting the county and such subdivisions. It may appoint subcommittees to perform any of its functions or duties.

The committee or any subcommittee appointed by it may sit at any time and place as it deems advisable. It shall meet at least once in each quarter and shall meet at any time upon the call of the chair. Nine members constitute a quorum. A majority of the quorum may act in any matter coming within the jurisdiction of the committee.

The committee shall select a chair and a vice-chair from its own members and may prescribe its rules of procedure. It may appoint a secretary who need not be a member. The committee may employ such other persons and obtain the assistance of such research agencies as it deems necessary.

The members of the committee and the members of any subcommittee shall be compensated for expenses necessarily incurred in the performance of their official duties.

The county board shall appropriate from the county general revenue fund for the purpose of this section the sum of \$20,000 for the use of the committee during the biennium ending December 31, 1966, and the sum of \$20,000 for the use of the committee during each biennium thereafter. For the payment of the expenses of the committee it shall draw its warrants upon the county treasurer. These warrants shall be signed by the chair and one other member of the committee and approved by the county auditor. The county treasurer shall pay them as and when presented but not exceeding in any year the amount provided therefor.

**History:** 1965 c 849 s 1-6; 1986 c 444

### **383B.063 FORT SNELLING PRECINCT.**

That part of Fort Snelling Reservation in the 32nd legislative district of the state of Minnesota shall constitute one precinct for the electors resident therein. The county board of Hennepin County shall provide for and designate a polling place for this precinct, which may be within the municipality of Richfield.

**History:** 1963 c 477 s 1,2

## **COUNTY ADMINISTRATOR**

### **383B.101 COUNTY ADMINISTRATOR'S OFFICE; ESTABLISHMENT.**

The office of the Hennepin County administrator is created. The Hennepin County administrator shall be the chief administrative officer of the county government and shall be responsible to the Hennepin County Board of Commissioners for the administration of all departments, offices and agencies of county government which, by law, are subject to the authority of the board. The county administrator shall exercise

all authority and shall perform all duties, which, by resolution, are delegated to the office of administrator by the board. Notwithstanding any other law to the contrary, all of the business of the county acted upon by the board shall be referred to the administrator, who shall implement such action as the board directs or authorizes.

**History:** 1979 c 198 art 1 s 1

### 383B.102 POWERS AND DUTIES.

(a) The administrator shall exercise general supervision over all county institutions, departments and agencies, and with the approval of the board, coordinate the activities of the county and unify the management of its affairs.

(b) If directed by the board, the administrator may act as the head of any bureau or department, the appointment of which is made by the board, provided the administrator has the qualifications required by law.

(c) The administrator's powers and duties shall include, but are not limited to, the following:

(1) hire qualified office staff in the classified or unclassified service to assist in the performance of the administrator's duties as approved by the board;

(2) provide for the execution of all ordinances, resolutions and orders of the board and all laws of the state required to be enforced through the board by the administrator or by officers who are under the direction and supervision of the administrator;

(3) appoint, suspend and remove, with approval of the board, all personnel in the unclassified service who directly report to the administrator;

(4) provide for county purchases, including purchases of service, as directed by the county board;

(5) perform all duties, functions, and responsibilities provided by law of the offices enumerated in Laws 1967, chapter 599, notwithstanding contrary provisions therein as are provided by general and special law;

(6) prepare and submit to the board a proposed annual budget and long-range capital expenditure program as provided for in sections 383B.111 to 383B.119;

(7) prepare, submit and update, if directed by the board to do so, an administrative code incorporating the details of administrative procedures for the operation of the county;

(8) Examine the books and papers of officers and departments of the county with the assistance of internal audit or independent audit, as the board may direct, and report the findings to the board;

(9) keep the board fully advised as to the financial condition and needs of the county and make such other reports as the board or the administrator deems advisable; and

(10) attend meetings of the board and make recommendations.

(d) The administrator may, with approval of the board, appoint and designate persons to carry out those duties, functions, and responsibilities referred to in paragraph (c), clause (5).

**History:** 1979 c 198 art 1 s 2; 1980 c 573 s 16

### 383B.103 COMPENSATION; REMOVAL.

The administrator shall be appointed by the board. The administrator shall serve at the pleasure of the board. The board may designate a properly qualified person to perform the duties of the administrator during the absence or disability of the administrator. The board shall set the administrator's compensation and provide for a termination allowance, which shall be equal to the severance pay allowable to employees of the unclassified service.

**History:** 1979 c 198 art 1 s 3

## FINANCIAL PROCEDURES

**383B.111 BUDGET AND FINANCIAL ADMINISTRATION.**

Subdivision 1. **Duties of the county board.** The Board of Commissioners of Hennepin County shall annually adopt a budget for the next fiscal year. The budget shall be a complete financial plan for the next year. The board may create fund accounts which shall be in accordance with generally accepted accounting principles and such statutes and regulations issued by state or federal regulatory agencies as may be applicable to account for the assets, liabilities, revenues and expenditures of the county.

Subd. 2. **Duties of the county administrator.** The county administrator shall prepare and present recommendations concerning the budget to be adopted for the next fiscal year, implement accounting practices consistent with generally accepted accounting principles and implement other matters of a budget, financial or accounting nature as required. The administrator may establish administrative guidelines and procedures necessary to carry out the purposes of sections 383B.111 to 383B.119.

**History:** 1979 c 198 art 2 s 1

**383B.112 ANNUAL BUDGET.**

Subdivision 1. **Format.** The board may utilize any combination of expenditure classifications by fund, organization, program, purpose or activity. The budget shall begin with a general summary of its contents and shall detail all estimated revenues, including the property tax levy, and all estimated expenditures, including debt service for the next fiscal year. The total of estimated expenditures for the next fiscal year shall not exceed the total of estimated revenues and any surplus amounts deemed to be available at the end of the current fiscal year. Amounts in funds unexpended at the end of the fiscal year which are permitted by generally accepted accounting principles to be carried over from one fiscal year to the next may be carried over in accordance with those principles. Unexpended amounts may be restricted by the board to finance contingent obligations which may become payable in subsequent fiscal years. The budget shall include both operating and capital revenues and expenditures as detailed in subdivisions 2 and 3.

Subd. 2. **Operating budget.** The budget shall include information showing operating revenues, expenditures and personnel for the applicable fiscal year.

Subd. 3. **Capital budget.** The budget shall include the capital expenditures proposed for the applicable fiscal year by project and the proposed method and plan of financing of each capital project.

**History:** 1979 c 198 art 2 s 2

**383B.113 LONG-RANGE CAPITAL PROGRAM.**

Subdivision 1. **Format.** The board shall review and consider a long-range capital improvement program at the time of approval of the budget specified in section 383B.112. The capital program shall contain information specifying:

- (a) a general summary of its contents;
- (b) a list of all capital projects proposed to be undertaken during the term of the program, with appropriate supporting information as to the necessity for such proposed project; and
- (c) cost estimates, method of financing and recommended time schedules for each project. Information may be revised and extended with regard to capital projects still pending or in the process of construction or acquisition.

Subd. 2. **Advisory committee.** The board may appoint a citizens advisory committee to assist the board in preparing the capital program. Advisory committee members shall be allowed a per diem not to exceed \$50 for meetings relating to advice and

recommendations concerning the capital program. In addition, each member may be reimbursed for actual and necessary expenses incurred as a result of the meetings.

*History: 1979 c 198 art 2 s 3*

### 383B.114 APPROPRIATIONS AND TAX LEVY.

Subdivision 1. **Budget adoption.** Adoption of the budget, pursuant to section 383B.111, by the board shall constitute appropriations of the amounts specified therein to the funds and departments indicated and shall constitute for each fund a levy of the tax therein as required.

Subd. 2. **Lapse of appropriations.** Each appropriation, except an appropriation for a capital expenditure and those restricted or varied forward pursuant to section 383B.112, subdivision 1, lapses at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure continues in force until the purpose for which it was made has been accomplished or abandoned. The purpose of a capital expenditure appropriation shall be deemed abandoned if three years pass from the date of the appropriation without a disbursement from or encumbrance of the appropriation.

*History: 1979 c 198 art 2 s 4*

### 383B.115 AMENDMENTS.

Subdivision 1. **Supplemental appropriations.** The board may make supplemental appropriations during the course of a budget year. Such appropriations may authorize the use and expenditure of amounts accruing to the county which were not previously anticipated as revenues by the board in the adoption of the budget.

Subd. 2. **Changes in appropriations.** The board may by resolution make modifications in the adopted budget or in the appropriation to any department or fund, or may transfer amounts from one department or fund to another department or fund except as the transfers may be otherwise restricted by law.

*History: 1979 c 198 art 2 s 5*

### 383B.116 PAYMENT PROCEDURES AND ACCOUNTING.

Subdivision 1. **Payment of obligations.** The county shall pay for obligations in accordance with appropriations duly made. Payment and distribution shall be made in accordance with methods and procedures established by the county administrator, pursuant to section 383B.111 and consistent with sections 471.35 to 471.41.

Subd. 2. **Payment methods.** Payments of claims and obligations of the county may be made by warrant, check, or all forms of electronic or wire funds transfer. Section 471.38 does not apply to any claim for which payment is made by electronic or wire funds transfer. Where the county is authorized by law to make investments, the county may make electronic or wire transfers of funds notwithstanding any other law to the contrary.

Subd. 3. **Prohibited payments and obligations.** The making of payments or the incurring of obligations in excess of appropriations or when sufficient moneys are not or will not be available to cover claims or meet obligations when they become due and payable shall be prohibited. This subdivision shall not apply to investments authorized by law to be made on behalf of the county.

Subd. 4. **Illegal expenditure.** A commissioner who knowingly authorizes or makes a payment or incurs an obligation in violation of the provisions of sections 383B.111 to 383B.119 is guilty of a gross misdemeanor. When deficits are incurred or anticipated as a result of services required to be performed pursuant to Minnesota Statutes, chapters 393 and 401, and Laws 1963, chapter 738, as amended, this subdivision shall not apply.

Subd. 5. **Borrowing between funds.** Subject to procedures developed by the administrator, warrants issued on one fund in which there is a temporary insufficiency of money may be redeemed by the county treasury through temporary borrowing from any other fund in the treasury for a period not to exceed one year.

Subd. 6. **May take credit, debit card or funds transfer.** The county may accept payment by use of a credit card, debit card, or all forms of electronic or wire funds transfer. Subject to any other law to the contrary, the county may add to the amount due a service charge for the acceptance of a payment method authorized in this subdivision. The county shall adopt policies and procedures regarding the payments.

**History:** 1979 c 198 art 2 s 6; 2000 c 475 s 1,2

### 383B.1161 ELECTRONIC APPROVALS.

“Electronic approval” means any electronic identifier intended by the person making, executing, or adopting it to authenticate and validate a county administrative action. Notwithstanding any other general or special law to the contrary, the county may use electronic approvals. The electronic approval has the same validity and consequences as the actual signing by the person. The county shall establish policies and procedures to ensure the validity of electronic approvals.

**History:** 2000 c 475 s 3

### 383B.1162 CREDIT CARDS.

The county may allow officials, officers, and employees of the county to incur charges for county purposes by use of county credit cards. The county shall adopt policies and procedures regarding such credit card usage to establish individual accountability.

**History:** 2000 c 475 s 4

### 383B.117 CERTIFICATES OF INDEBTEDNESS.

Subdivision 1. **Tax anticipation certificates.** At any time after the first day of the year following the making of an annual tax levy, the county board may, by resolution and without public referendum, issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total of all certificates issued against any fund for any year with interest thereon until maturity, together with all orders outstanding against the fund, shall not exceed the total current taxes for the fund uncollected at the time of issuance plus the cash currently in the fund. If certificates are issued against the anticipated tax levy for any fund, any unpaid orders outstanding against the fund shall be redeemed from the proceeds of the certificates. All tax anticipation certificates shall be negotiable and shall be payable to the order of the payee and shall have a definite due date but may be payable on or before that date. No certificate shall be issued to become due and payable later than the first day of April of the year following the year of issuance. Certificates shall be sold for not less than par and accrued interest and shall bear interest at a rate that conforms to section 475.55, payable at maturity or at such earlier times as the board may determine. Each certificate shall state upon its face the fund for which the proceeds of the certificate shall be used, the total amount of the certificates so issued against the fund and the total amount embraced in the tax levy for that fund. They shall otherwise be issued on terms and conditions as the board may determine. The proceeds of the taxes assessed on account of the fund against which tax anticipation certificates are issued and the full faith and credit of the county shall be irrevocably pledged for the redemption of the certificate in the order of issuance against the fund.

Subd. 2. **Equipment acquisition; capital notes.** The board may, by resolution and without public referendum, issue capital notes within existing debt limits for the purpose of purchasing ambulance and other medical equipment, road construction or maintenance equipment, public safety equipment and other capital equipment having an expected useful life at least equal to the term of the notes issued. The notes shall be payable in not more than five years and shall be issued on terms and in a manner as the board determines. The total principal amount of the notes issued for any fiscal year shall not exceed one percent of the total annual budget for that year and shall be issued solely for the purchases authorized in this subdivision. A tax levy shall be made for the payment of the principal and interest on such notes as in the case of bonds.



Subd. 3. **Public emergencies.** The board may, by resolution and without public referendum, issue certificates of indebtedness pursuant to section 475.754, to meet expenses incurred or to be incurred by reason of any natural disaster or other public emergency requiring the making of extraordinary expenditures.

**History:** 1979 c 198 art 2 s 7; 1982 c 577 s 12,13

### 383B.118 FEES.

Subdivision 1. **Fee system.** Where the legislature does not by statute establish a charge or the imposition of a fee for the recording, filing, certification, or providing of copies of any instrument, document or other papers, or for the services of any county office, official, department, or employee thereof, or a court system located entirely within any county: the board of county commissioners after a public hearing may establish a system of fees or charges for such services.

Subd. 2. **Extraordinary services.** When in the discretion of the board of county commissioners, a service is requested of any county office or agent, beyond that which would normally be provided in the ordinary course of business of such office or agent, the board of county commissioners after a public hearing may establish a fee or charge therefor based upon the cost of providing such service.

**History:** 1979 c 198 art 2 s 8

### 383B.119 FINANCIAL STATEMENTS AND AUDITS.

Subdivision 1. **Financial statements.** Annually, the board of commissioners shall cause to be prepared a financial report, including financial statements for all of the funds of the county of Hennepin prepared in accordance with generally accepted accounting principles.

Subd. 2. [Repealed, 1991 c 345 art 1 s 117]

Subd. 3. **Publication and distribution.** The board of commissioners shall publish the annual financial statements in accordance with the requirements of section 375.17. The annual audited financial statements shall be made available for public inspection upon request.

**History:** 1979 c 198 art 2 s 9; 1991 c 345 art 1 s 91; 1992 c 363 art 1 s 16

## CORRECTIONS

### 383B.121 ADULT CORRECTIONS FACILITY.

Subdivision 1. **Authority to establish.** To implement the provisions of Laws 1975, chapter 402, section 1, and Laws 1977, chapter 453, section 4, subdivision 3, the Hennepin County Board of Commissioners is authorized to establish and operate a corrections facility in Hennepin County for the confinement of adult males and females as the district court for the Fourth Judicial District shall order confined there for the service of sentences which alone or in combination with any other sentence requires imprisonment for no longer than one year.

Subd. 2. **Name.** The corrections facility provided for in sections 383B.121 to 383B.129 shall be called the Hennepin County Adult Corrections Facility.

Subd. 3. **Location, land and buildings.** The corrections facility shall be located in Hennepin County and shall be maintained and operated upon lands and in buildings, structures, and appurtenances thereto as the county has acquired or shall acquire by transfer from or exchange with any municipality within the county, or by purchase, lease, gift, or by the provisions of section 375.181.

**History:** 1979 c 198 art 3 s 1-3; 1998 c 254 art 2 s 41

### 383B.122 SUPERINTENDENT.

The board may employ a superintendent for the corrections facility. The superintendent shall manage the land, structures, and equipment of the corrections facility, and shall direct the work of all personnel employed at or in connection with the

operation of the corrections facility and the conduct of all activities at the corrections facility.

**History:** 1979 c 198 art 3 s 4,5; 1980 c 573 s 17

### 383B.123 RULES.

The superintendent of the corrections facility shall, subject to the approval of the board, adopt rules, regulations, and procedures necessary for:

- (1) implementing the provisions of sections 383B.121 to 383B.123;
- (2) providing for the secure confinement, health, and safety of, and the provision of programs and services for inmates of the corrections facility; and
- (3) complying with the laws of the state and provisions of the federal and state Constitutions applicable to the status and rights of inmates of corrections facilities.

**History:** 1979 c 198 art 3 s 6

### 383B.124 WORK RELEASE PROGRAM.

The provisions of the inmate work release program set out in section 631.425 shall be applicable to the inmates of the corrections facility and, for the purposes of application of the statute to the inmates and personnel of the corrections facility, the superintendent shall be a "sheriff," and the corrections facility shall be a "jail."

**History:** 1979 c 198 art 3 s 7

### 383B.125 BOARD MAY RUN FACTORY WITH INMATES AND STAFF.

Subdivision 1. **At corrections facility.** The board, upon the recommendations of the county administrator and the superintendent, is authorized to establish, equip, maintain, and operate at the corrections facility a factory for the manufacture, processing, repairing, and production of goods, wares, and merchandise and for that purpose to make use of the labor of inmates and to employ a staff which the board determines necessary for the proper instruction and employment of inmates.

Subd. 2. **Must set procedures for sales, price, service charge.** Notwithstanding the provisions of sections 373.01, subdivision 1, clause (3) and 375.21, the board shall establish procedures for setting the terms and conditions under which the county will either sell the products manufactured or will charge for the production, repair, or processing of materials by inmates of the corrections facility.

Subd. 3. **Wages set by superintendent; how.** The superintendent, with the approval of the board, shall provide for wages to inmates employed under this section as the superintendent may deem proper, the amount of the wage to depend upon the quality and character of the work performed as determined by the superintendent.

**History:** 1979 c 198 art 3 s 8; 1986 c 444

### 383B.126 BOARD MAY LEASE SPACE OUT TO RUN FACTORY.

Subdivision 1. **Written contract; fiscal interests of county.** Notwithstanding the provisions of any law to the contrary, the board, upon the recommendations of the administrator and the superintendent may lease space in any of the buildings of the corrections facility together with real estate needed for reasonable access to the leased building to a private person, firm or corporation for the purpose of establishing and operating a factory under written contract for the manufacture and processing of goods, wares, or merchandise, in a manner and upon terms determined by the board to be consistent with the proper training and employment of inmates of the corrections facility and in the best fiscal interests of the county.

Subd. 2. **Duties of operator; indemnify county.** The private person, firm, or corporation operating a factory or other business or commercial enterprise under this section shall:

- (1) select the inmates to be employed, subject to the approval of the superintendent, consistent with the superintendent's responsibility for security, control, and public safety;

(2) provide coverage for workers' compensation benefits as provided in chapter 176;

(3) pay wages and benefits to the inmates employed at the prevailing minimum wages and benefits for work of a similar nature performed by employees with similar skills in the county;

(4) withhold from the wages of the inmates employed and pay all amounts in the manner required by law for state and federal income taxes and FICA taxes and keep and maintain records required by state and federal law in that connection; and

(5) be solely liable for and indemnify and save the county, its officers, agents, and employees harmless from all claims of every type, nature, or description that arise out of or are connected with the conduct of a factory, business, or commercial enterprise under this section. This provision shall be a part of all leases and contracts entered into hereunder irrespective of any references thereto in a lease and contract.

Subd. 3. **Superintendent's authority undiminished.** The authority of the superintendent over the corrections facility and its inmates shall not be diminished by this section.

Subd. 4. **Rents, costs to be in best interest of county.** The rents and costs to be paid by any person, firm, or corporation employing inmates under this section shall be fixed and determined by the board upon the recommendations of the administrator and the superintendent and shall be in an amount the board determines to be in the best interests of the county and consistent with the operations and programs of the corrections facility.

*History:* 1979 c 198 art 3 s 9

### **383B.127 DIMINUTION OF SENTENCE.**

The provisions of section 643.29 shall be applicable to the diminution of sentences of inmates of the corrections facility.

*History:* 1979 c 198 art 3 s 10

### **383B.128 PLACE OF CRIME MUST PAY WORKHOUSE INMATE DAILY EXPENSE.**

Subdivision 1. **Includes building overhead; monthly bills.** Each municipality in which conduct alleged in a misdemeanor complaint occurs shall pay to Hennepin County for the maintenance cost of the inmate convicted thereon and sentenced to confinement in the corrections facility the sum per diem as it may cost the county for the average maintenance per inmate. The administrator and superintendent shall at the first meeting of the county board in August of each year submit for the board's approval a determination of the maintenance cost per diem per inmate of the corrections facility which shall be based upon the actual costs, records of receipts, disbursements, and other data for the preceding year, adjusted by applying to the preceding years' rate any cost of living increase or decrease for the year ending June 30 of the current year. The costs shall include the cost, not to exceed \$1 per day per inmate, of the premises or structures of the corrections facility or of any permanent improvements or repairs. The superintendent shall render monthly bills to the municipalities for the maintenance costs provided for by this section.

Subd. 2. **Cost-sharing for concurrent sentences.** The obligation to pay the maintenance cost per inmate for inmates serving concurrent sentences for misdemeanors committed shall be borne equally by the municipalities in which the misdemeanor conduct occurred. The obligation to pay the maintenance cost provided in this section for any inmate serving a misdemeanor sentence imposed by a court of Hennepin County concurrently with any sentence imposed by courts of another county or counties shall be borne equally by the different county or counties and the municipality within Hennepin County in which the misdemeanor conduct occurred.

Subd. 3. **Nonliability for city of Plymouth.** The city of Plymouth shall not be liable for the maintenance cost of any inmate confined at the corrections facility for the

service of a sentence imposed for conviction of any offense committed on or arising out of the inmate's confinement at or escape from the premises of the corrections facility in the city of Plymouth.

Subd. 4. **Inmate per diem contribution.** The superintendent shall collect from each inmate employed under the provisions of sections 383B.125 and 383B.126 and each inmate in the work release program provided for in section 631.425, a per diem amount as a contribution to the inmate's maintenance cost provided for in this section. The superintendent shall determine with the approval of the county board the per diem amount provided for herein. The per diem amount collected from each inmate shall be subtracted from any amount charged to a municipality or another county for the maintenance cost of the inmate.

**History:** 1979 c 198 art 3 s 11; 1986 c 444; 1988 c 665 s 3

### 383B.129 INMATES FROM OTHER JURISDICTIONS.

To the extent that the proper confinement, health, and safety of inmates permit, the superintendent may accept for confinement for periods not exceeding one year persons ordered confined at the corrections facility for the execution of sentences imposed in any district court of the state or in a United States magistrate's court or a district court. The maintenance cost for the inmate shall be the same as that provided for in section 383B.128 and shall be borne by the county or counties wherein the offense for which the inmate was convicted occurred. With respect to any inmate convicted in a United States magistrate's court or a district court the maintenance cost of the inmate shall be the same as that provided in section 383B.128 and shall be borne by the United States. Prior to accepting any inmate for confinement pursuant to this section, the superintendent shall have completed an agreement with the appropriate county, state, or federal authority as to the terms, conditions, and duration of the confinement and for the payment of maintenance costs.

**History:** 1979 c 198 art 3 s 12; 1998 c 254 art 2 s 42

## CENTRAL PURCHASING

### 383B.141 AUTHORIZATION.

The county of Hennepin is authorized to establish, organize and reorganize central purchasing within the county for the purpose of purchasing all goods, materials, supplies, equipment and contracted services required by any department, board, commission or agency, and to perform or cause to be performed all acts necessary and incidental to the acquisition, handling, utilization and disposition of goods, materials, supplies, equipment and contracted services.

**History:** 1979 c 198 art 4 s 1

### 383B.142 PROCEDURE.

Subdivision 1. **Delegation of authority.** The county board may by resolution delegate the powers and duties enumerated in sections 383B.141 to 383B.151, and those powers and duties necessary to the implementation of the purposes of central purchasing specifying the nature, scope and extent of the delegation. The authority and responsibility subject to delegation shall include, but not be limited to the following:

- (a) purchasing and contracting for all goods, materials, supplies, equipment and contracted services, as provided in section 383B.143;
- (b) preparation, review, modification and approval of all plans and specifications for goods, materials, supplies, equipment and contracted services;
- (c) the transfer of any goods, materials, supplies, equipment or contracted services to or between departments, boards, commissions and agencies;
- (d) selling or otherwise disposing of goods, materials, supplies, equipment and contracted services which are unusable or no longer required; and

(c) periodically reviewing and requiring department heads to supply necessary data concerning inventories and surpluses and monitoring compliance by department heads with purchasing laws, rules, regulations and procedures.

Subd. 2. **Administrator's duties.** Notwithstanding the provisions of section 373.02, the county board may delegate its purchasing powers and duties to the county administrator. The county administrator, wherever referred to in sections 383B.141 to 383B.151, may designate and delegate a purchasing manager or other person to perform the tasks empowered or assigned to the county administrator. Any purchase in excess of \$3,500 shall require the signature of the county administrator or designee.

**History:** 1979 c 198 art 4 s 2; 1986 c 444

### 383B.143 CONTRACTS FOR PURCHASES.

Subdivision 1. **Contracts.** Notwithstanding the provisions of sections 373.01 and 373.02, the administrator has authority to enter into contracts for the purchase of goods, materials, supplies, equipment or services under the terms, conditions or restrictions contained in sections 383B.141 to 383B.151 or of any resolution of the board. Authority to enter into price agreements may be delegated to the administrator, who may authorize heads of departments to make purchases within the scope of the agreements.

Subd. 2. **Installment purchases.** The board may enter into agreements for installment purchases or lease purchases of equipment for periods not to exceed seven years. Authority therefor shall not be delegated. When the agreements have been entered into, the board shall make annual appropriations sufficient to pay the annual amount due under the agreements.

Subd. 3. **Agreement duration.** Agreements, other than installment purchase agreements or lease purchases, may be entered into by the board for a duration not to exceed seven years where performance thereunder so requires.

Subd. 4. **Small purchases; rules.** The board may authorize, subject to rules promulgated by the administrator, purchases other than those defined in subdivision 1.

Subd. 5. **Joint power agreements.** The board shall have sole authority for entering into joint powers agreements or cooperative purchase agreements under the provisions of section 471.59. Upon the execution of agreements thereunder, the board may delegate authority relating to purchases of goods, materials, supplies, equipment or services.

**History:** 1979 c 198 art 4 s 3; 1998 c 259 s 1

### 383B.144 PREQUALIFICATION.

Subdivision 1. **Rules.** Upon establishment of rules and regulations defining the criteria and conditions for prequalification of a bidder, the criteria and conditions and lists of qualified bidders shall be made available for public inspection by the administrator.

Subd. 2. **Wrongful exclusion.** Any prospective bidder who claims to have been wrongfully deleted from the list of qualified bidders shall have the right to receive in writing, upon request, the reasons for such deletion.

**History:** 1979 c 198 art 4 s 4

### 383B.145 COMPETITIVE BIDDING.

Subdivision 1. **Governing law.** Competitive bidding for purchases under the provisions of sections 383B.141 to 383B.151 shall be performed in compliance with the uniform municipal contracting law, section 471.345, except as otherwise provided for herein.

Subd. 2. **Emergency exception.** In the case of an emergency arising from breakage, damage or decay or when the public interest would suffer by delay, purchases may be made without compliance with section 471.345, by the board or administrator if authority has been delegated to make purchases under sections 383B.141 to 383B.151.

If the administrator makes the purchase, the board shall present the matter for ratification and record it in the official proceedings of the board at its next meeting.

Subd. 3. **Bidding not required.** When, by reason of a copyright, patent or exclusive franchise, purchases can be made only at a standard, fixed or uniform price and no advantage can be secured by advertisement and competitive bidding because of the noncompetitive nature of the item to be purchased, section 471.345 shall not apply.

Subd. 4. **Certain services, exceptions.** Contracts for professional, noncompetitive, unique, or shared medically related services provided for in the Hennepin County Hospital Act, Laws 1963, chapter 738, shall not be governed by the provisions of section 471.345.

Subd. 5. **Set-aside contracts.** Notwithstanding any other law to the contrary, the board may set aside an amount, for each fiscal year, for awarding contracts to businesses and social services organizations which have a majority of employees who would be eligible for public assistance or who would require rehabilitative services in the absence of their employment. The set-aside amount may not exceed two percent of the amount appropriated by the board in the budget for the preceding fiscal year. Failure by the board to designate particular procurements for the set-aside program shall not prevent vendors from seeking the procurement award through the normal solicitation and bidding processes pursuant to the provisions of the Uniform Municipal Contracting Act, section 471.345.

The board may elect to use a negotiated price or bid contract procedure in the awarding of a procurement contract under the set-aside program. The amount of the award shall not exceed by more than five percent the estimated price for the goods or services, if they were to be purchased on the open market and not under the set-aside program. Before contracting with a business or service organization under the set-aside program, the board or authorized person shall conduct an investigation of the business or service organization with whom it seeks to contract and shall make findings, to be contained in the provisions of the contract, that:

(1) the vendor has in its employ at least 50 percent of its employees who would be eligible to receive some form of public assistance or other rehabilitative services in the absence of the award of a contract to the vendor;

(2) the vendor has elected to apply to the board for a contract under the set-aside provisions; and

(3) the vendor is able to perform the set-aside contract.

The board shall publicize the provisions of the set-aside program, attempt to locate vendors able to perform set-aside procurement contracts and otherwise encourage participation therein.

Subd. 6. **Notice of sales and purchases.** All purchases of, and contracts for, goods, materials, supplies, equipment and services and all sales of personal property which has become obsolete and unusable, where the amount of the expenditure or sale is estimated to be \$10,000 or more, shall be solicited by reasonable public notice under rules promulgated by the administrator with approval of the board. The administrator shall also solicit sealed bids by sending requests by mail to prospective vendors. Where by the provisions of sections 383B.141 to 383B.151, section 471.345 does not apply, the requirements of this subdivision shall not apply.

Subd. 7. **Sealed bids.** All bids estimated to cost \$10,000 or more shall be sealed, in writing, accompanied by the required deposit and shall remain sealed until opened as provided by this subdivision. The bids shall be publicly opened by the administrator at a time and manner specified in the published advertisements for bids, shall be read aloud and tabulated by the administrator, or a designee. The administrator shall sign the tabulation immediately upon the close of the bid opening and retain a signed copy for public inspection.

Subd. 8. **Bid acceptance.** The administrator shall award the contract to the lowest bid meeting specifications. On deeming that a bid other than the lowest bid is more advantageous to the county, the administrator shall recommend the award of the bid to the county board. The board may approve or disapprove the bid other than the lowest

bid. On recommending a bid to the board other than the lowest bid, the administrator shall state the reasons therefor and provide documentation as the board may require. The documentation shall be available for public inspection.

Subd. 9. **Property transfers.** The administrator shall have authority, upon approval by the county board, to transfer to or to accept personal property from any unit of government for no consideration or consideration as may be agreed upon without compliance with the uniform municipal contracting law or the advertising and bidding provisions in sections 383B.141 to 383B.151.

Subd. 10. **Collusive bids.** All bidders shall submit statements, on forms provided by the administrator, of noncollusion with all bids. Failure to provide the statement shall disqualify the bidder. Collusive bidding shall be punishable by a fine not to exceed \$10,000 or imprisonment for a period up to five years, or both.

**History:** 1979 c 198 art 4 s 5; 1986 c 444

### **383B.146 PURCHASES CONSISTENT WITH LAW.**

The board, or the person or persons to whom purchasing and contracting authority may be delegated, shall exercise the authority consistent with sections 383B.141 to 383B.151.

**History:** 1979 c 198 art 4 s 6

### **383B.147 VENDOR DISCOUNTS.**

Notwithstanding the provisions of sections 471.38 to 471.41, when purchases and agreements have been authorized and when vendor discounts are available thereunder to the county upon early payment, the administrator shall have authority to authorize such early payment without prior board approval. Authority hereunder may only be exercised when purchases and agreements have been approved by the board and contain provisions permitting discounts for early payment. When early payment is made, the board shall ratify such action and record it in the official proceedings of the board.

**History:** 1979 c 198 art 4 s 7

### **383B.148 RULES AND REGULATIONS.**

The administrator, subject to the approval of the board, shall adopt, promulgate, amend, as necessary, and file with the board rules and regulations for the following purposes:

(a) prescribing the manner in which goods, materials, supplies and equipment shall be purchased, delivered, stored and distributed;

(b) prescribing the forms for requisitions, the manner of their authentication and their revision by the administrator;

(c) prescribing the manner of inspecting all deliveries of goods, materials, supplies and equipment and of making chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;

(d) requiring reports by county departments, boards and agencies of stocks of supplies, obsolete or unusable goods, materials, supplies and equipment on hand and of purchases made by department heads and prescribing the form of such report;

(e) providing for the sale and transfer to or between county departments, boards, commissions and agencies of goods, materials, supplies and equipment which are surplus with other departments, boards, commissions or agencies, and for the disposition by sale, after receipt of competitive bids of goods, materials, supplies and equipment which are obsolete, unusable or not needed;

(f) determining whether a deposit is to be submitted with a bid on a purchase contract or sale and, if required, prescribing the amount and form thereof and providing that the deposit shall be forfeited if the successful bidder refuses to enter into a contract and post a bond as required under section 383B.15, subdivision 2;

(g) defining the criteria and conditions for prequalification of bidders for the establishment of bidder lists in a manner as to provide for competitive bidding from the largest relevant market and to eliminate unqualified bidders, products and services. The criteria and conditions may take into consideration quality, maintenance costs, available warranties and other legal protections and other elements as would be considered by any reasonable purchaser in selecting the greatest value for the cost;

(h) prescribing the procedure and form for securing the data necessary from bidders and prospective bidders to determine whether or not they are responsible;

(i) prescribing the manner in which invoices for goods, materials, supplies and equipment delivered to any and all departments, boards, commissions and agencies of the county shall be submitted, examined and approved; and

(j) providing for other matters necessary to effect the provisions of sections 383B.141 to 383B.151.

**History:** 1979 c 198 art 4 s 8

### **383B.149 PURCHASES OR CONTRACTS FORBIDDEN.**

If any department, board, commission or agency of the county government shall purchase or contract for any goods, materials, supplies, equipment or services, or shall sell any obsolete or unusable materials or equipment contrary to the provisions of sections 383B.141 to 383B.151, such order, contract or sale shall be void. The head of the department, board, commission or agency shall be personally liable for the cost of the order or contract and for the reasonable value of the materials or equipment sold. If the order or contract is already paid for out of county funds, the amount thereof may be recovered in the name of the county by appropriate action. Property sold contrary to the provisions of sections 383B.141 to 383B.151 or the reasonable value thereof may be likewise recovered in the name of the county.

**History:** 1979 c 198 art 4 s 9

### **383B.15 BONDS.**

Subdivision 1. **Employees.** All persons authorized to make purchases and agreements on behalf of the county shall be bonded in an amount fixed by the county board for the protection of the county. The bonds shall be approved and filed in the manner as are official bonds of county officers.

Subd. 2. **Contractors.** The successful bidder under the competitive bidding provisions shall at the time of execution of the contract provide the county with a bond or bonds conditioned as required by law. The county administrator may waive a bond or bonds, at discretion, on deciding that the bond or bonds are not reasonable or necessary for the protection of the county.

**History:** 1979 c 198 art 4 s 10

### **383B.151 FINANCIAL INTEREST FORBIDDEN.**

No official, person authorized to make purchases, or county employee shall be financially interested, either directly or indirectly, in any contract or purchase order for any goods, materials, supplies, equipment or contracted service furnished to or used by any department, board, commission or agency of the county government. No public official, person authorized to make purchases, or county employee may accept or receive, directly or indirectly from any person, firm or corporation to which any contract or purchase order may be awarded any money or anything of value whatsoever or any promise, obligation or contract for future reward or compensation. Any violation of the provisions of this section shall be a gross misdemeanor.

**History:** 1979 c 198 art 4 s 11

### **383B.152 BUILDING AND MAINTENANCE FUND.**

The county board may by resolution levy a tax to provide money which shall be kept in a fund known as the county reserve building and maintenance fund. Money in



the fund shall be used solely for the construction, maintenance, and equipping of county buildings that are constructed or maintained by the board. The levy shall not be subject to any limit fixed by any other law or by any board of tax levy or other corresponding body, but shall not exceed 0.02215 percent of taxable market value, less the amount required by chapter 475 to be levied in the year for the payment of the principal of and interest on all bonds issued pursuant to Extra Session Laws 1967, chapter 47, section 1.

**History:** *Ex1967 c 47 s 3; 1969 c 930 s 3; 1979 c 198 art 2 s 13; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 38; 1992 c 511 art 5 s 11*

### **383B.153 CONTINGENT ACCOUNT.**

The Board of County Commissioners of Hennepin County is hereby authorized to appropriate from the general revenue fund of the county annually a sum not to exceed \$7,000 as a contingent account. All expenditures from such account shall be made only upon approval of five-sevenths of the members of such board for such purposes as they deem for the best interests of the county.

**History:** *1965 c 533 s 1; 1967 c 235 s 1; 1979 c 198 art 2 s 14*

### **383B.155 SELF-INSURANCE.**

Notwithstanding any contrary provision of other law, the Board of Commissioners of Hennepin County may insure the county against any claim of liability or loss using funds of the county, without procuring insurance from any private insurance company when the county board considers it to be in the best interests of the county. This provision shall not be construed as an increase of the liability limitations or as a waiver of defenses allowable in any action pursuant to chapter 466. The board may transfer amounts of money from funds of the county to the funds the county may establish for the above purposes in accord with generally accepted accounting principles. The term "liability" shall extend to all liability or loss that may be covered by any form of insurance, including but not limited to malpractice, general liability, or workers' compensation. Section 471.617 applies to Hennepin County.

When Hennepin County purchases commercial insurance, the coverage may include a deductible, the amount of which shall be determined by the board of commissioners.

**History:** *1979 c 55 s 1,2; 1982 c 577 s 11*

**383B.157** [Repealed, 1979 c 55 s 3]

## **DESIGN-BUILD CONTRACTS**

### **383B.158 DESIGN-BUILD CONTRACTS.**

Subdivision 1. **Definitions.** (a) In sections 383B.158 to 383B.1586, the definitions in this subdivision apply.

(b) "Best value" describes a result intended in acquiring design-build services. Best value determination must include price and must measure a responder's qualifications, experience, prior performance, and responses to technical and qualitative criteria.

(c) "County board" means the Hennepin County Board of Commissioners.

(d) "Designer selection committee" means the designer selection committee appointed by the county to advise the county administrator and county board in preparing and conducting the design-build selection process. At least three members of the committee must be individuals who are not county employees, a minimum of two members must be professionally licensed under chapter 326, and at least one must be or must have been a commercial contractor. No committee member shall have personal financial interest in the project or with any of the design-build proposals.

(e) "Design-build contract" means a single contract between the county and a design-builder to furnish the architectural, engineering, and related design services as

well as the labor, materials, supplies, equipment, and construction services for a project.

(f) "Design-build firm" means a proprietorship, partnership, limited liability partnership, joint venture, corporation, or any type of limited liability company, professional corporation, or any legal entity.

(g) "Design-builder" means the design-build firm that proposes to design and build a project governed by the procedures of this section.

(h) "Design professional" means a person who holds or employs individuals who hold a license under chapter 326 and who is required to be registered under Minnesota law.

(i) "Project" means an undertaking for the county to design, construct, erect, or remodel a building or facility, or to design, construct, or reconstruct a county road, bridge, or other infrastructure relating to a county roadway.

(j) "Proposal" means an offer by a design-builder to enter into a design-build contract for a project in response to a request for proposals, including a phase-one or phase-two proposal.

(k) "Request for proposals" or "RFP" means the document or publication through which the county solicits proposals from prequalified design-builders to design and construct a design-build project.

(l) "Request for qualifications" or "RFQ" means a document to prequalify and short-list potential design-builders for a project.

Subd. 2. **Authority.** Notwithstanding section 471.345 or any other law to the contrary, the county board may solicit and award a design-build contract for a project on the basis of a best value selection process as provided in this section.

Subd. 3. **Restriction.** (a) The authority granted in sections 383B.158 to 383B.1586 shall be to evaluate the effectiveness of the design-build process for a county project.

(b) The board may not enter into a design-build contract under this section unless the county has as employees at least one of each of the following, each of whom must be licensed and registered under state law: an architect, a mechanical engineer, and a civil engineer. In addition, the county must employ a full-time project manager with at least five years of construction management experience.

Subd. 4. **Procedures.** (a) The county board shall, by resolution, adopt implementation procedures consistent with this section for the award of design-build contracts.

(b) The implementation procedures must, at a minimum, govern:

(1) the establishment of a designer selection committee appointed by the county to advise the county administrator and the county board in preparing and conducting the design-build selection process, including a recommendation for the selection of a design-build proposal it considers to be of best value to the public;

(2) preparing requests for proposals, including procedures for determining the appropriate content for each request for proposal;

(3) standards to be used to qualify or prequalify design-builders;

(4) preparing and submitting proposals;

(5) establishing procedures for evaluating proposals in as objective a manner as possible;

(6) establishing safeguards to preserve confidential information and proprietary information supplied by those submitting proposals including, but not limited to, an offeror's price, technical solutions, innovative or unique technology, and innovative or unique use of commercially available items; and

(7) awarding and executing design-build contracts.

Subd. 5. **Licensing requirements.** (a) A design-builder must be licensed and registered to provide the services required to complete the project and do business in this state.

(b) A design-builder may enter into a contract with the county to provide professional or construction services that the design-builder is not licensed, registered,

or qualified to perform, so long as the design-builder provides the services through subcontracts with licensed, registered, or otherwise qualified persons in accordance with this section.

(c) This section does not intend to limit or eliminate the responsibility or liability owed by a professional on a design-build project to the county or other parties under other law.

**History:** 2002 c 393 s 57

**NOTE:** See section 383B.1586 for expiration date.

### **383B.1581 DESIGN-BUILD PROCESS.**

Subdivision 1. **Two-phase procedure.** If the county board determines that the design-build best value method of project delivery is appropriate for a project, the county board shall establish a two-phase procedure for awarding the design-build contract.

Subd. 2. **Contents.** The county, after considering recommendations from the designer selection committee, shall prepare or have prepared an RFQ. The RFQ must include the following:

- (1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;
- (2) a scope of work statement and schedule;
- (3) documents defining the project requirements;
- (4) the form of contract to be awarded;
- (5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;
- (6) a description of the request for proposals (RFP) requirements;
- (7) the maximum time allowed for design and construction;
- (8) the county board's estimated cost range of design and construction;
- (9) requirements for construction experience, design experience, financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build projects or similar projects, provided that these requirements may not unduly restrict competition; and
- (10) a statement that "past performance" or "experience" does not include the exercise or assertion of a person's legal rights.

Subd. 3. **Evaluation.** (a) The county shall solicit and evaluate proposals and select a design-builder in two phases.

(b) In phase one, the county board, after considering the recommendations from the designer selection committee, shall adopt a short list of at least two but no more than five of the most highly qualified firms in accordance with qualifications criteria described in the RFQ. Prior to adoption of the short list, the designer selection committee or the county board may require clarification from the design-builders to ensure conformance of proposals to the RFQ. The county must not consider cost-related or price-related evaluation factors in phase one.

(c) In phase two, the designer selection committee and the county shall use the evaluation criteria in the RFP to determine the design-build proposal to be the most advantageous and the best value to the public. Prior to award of a contract, the designer selection committee and, if necessary, the county board may require clarification from the design-builders to ensure conformance of proposals to the RFP.

**History:** 2002 c 393 s 58

**NOTE:** See section 383B.1586 for expiration date.

### **383B.1582 RFP FOR DESIGN-BUILD.**

During phase two, the county shall issue an RFP to the design-builders on the short list. The request must include:

(1) the scope of work, including (i) performance and technical requirements, (ii) conceptual design, (iii) minimum specifications, and (iv) functional and operational elements for the delivery of the completed project, which must be prepared by a design professional qualified to prepare the necessary documents;

(2) a description of the qualifications required of the design-builder;

(3) a description of the selection criteria, including the weighting of each criterion;

(4) copies of the contract documents that the successful proposer will be expected to sign;

(5) the maximum time allowable for design and construction;

(6) the county's estimated range of cost for design and construction;

(7) the requirement that a submitted proposal be segmented into two parts, a technical proposal and a price proposal;

(8) the requirement that each proposal be in a separately sealed, clearly identified package and include the date and time of the submittal deadline;

(9) the requirement that the technical proposal include a critical path method, bar schedule of the work to be performed, or similar schematic; design plans and specifications; technical reports; calculations; permit requirements; applicable development fees; and other data requested in the RFP;

(10) the requirement that the price proposal contain all design, construction, engineering, inspection, and construction-related costs, and all other costs of any kind of the proposed project;

(11) the date, time, and location of the public opening of the sealed price proposals;

(12) a statement that "past performance" or "experience" does not include the exercise or assertion of a person's legal rights; and

(13) other information relevant to the project.

**History:** 2002 c 393 s 59

**NOTE:** See section 383B.1586 for expiration date.

### **383B.1583 REPLACING TEAM MEMBERS.**

An individual or a design-build firm identified in a response to an RFQ or RFP may not be replaced without the written approval of the county board. The county board may revoke an awarded contract if an individual or a design-build firm identified in a response to an RFQ or RFP is replaced without the county board's written approval. To qualify for the approval, the written request must document that the proposed replacement individual or design-build firm will be equal to or better than that described in the response to the RFQ or RFP. The county board shall use the criteria specified in the RFQ or RFP to evaluate the request.

**History:** 2002 c 393 s 60

**NOTE:** See section 383B.1586 for expiration date.

### **383B.1584 DESIGN-BUILD AWARD.**

The county board, after considering the recommendations of the designer selection committee, shall award the design-build contract to the proposer with the highest scored proposal based on the evaluation criteria in the RFP. The rationale for the selection of the proposal must be stated at the time of the contract award. The county board may reject any or all proposals, but must not do so to evade the other provisions and policies of this section. If the county board rejects all proposals, it may then solicit new proposals after making appropriate modifications to performance criteria, budget constraints, or qualifications.

**History:** 2002 c 393 s 61

**NOTE:** See section 383B.1586 for expiration date.

**383B.1585 STIPULATED FEE.**

The county board, depending on the project's complexity and scope and at the board's discretion for each project, may determine that a stipulated fee be paid to each short-listed responsible proposer who provides a responsive but unsuccessful proposal. If a stipulated fee is to be paid, it must be clearly identified in the RFQ or RFP. If the county board does not award a contract, all short-listed proposers must receive the stipulated fee. If the county board cancels the contract before reviewing the technical proposals, the county board shall award each design-builder on the short list a stipulated minimum fee as set out in the RFP. The county board shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract. In consideration for paying the stipulated fee, the county board may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the county may not use ideas and information contained in that proposer's proposal. Upon the request of the county, a proposer who waived a stipulated fee may withdraw the waiver, in which case the county board shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

**History:** 2002 c 393 s 62

**NOTE:** See section 383B.1586 for expiration date.

**383B.1586 EXPIRATION.**

Sections 383B.158 to 383B.1586 expire December 31, 2007, and apply only to design-build contracts entered into on or before January 1, 2008, for the Northwest Busway and the Lowry Avenue Bridge.

**History:** 2002 c 393 s 63

**COUNTY AS LESSEE****383B.159 REAL PROPERTY LEASES.**

The County Board of Commissioners of Hennepin County may contract for the leasing of real property from individuals, private or public corporations, or other governmental agencies.

**History:** 1969 c 476 s 1; 1977 c 69 s 1; 1979 c 198 art 4 s 12; 2002 c 359 s 1

**PARKING FACILITIES****383B.20 PARKING FACILITIES.**

Subdivision 1. **Acquisition.** The county of Hennepin may use and develop any property heretofore acquired or hereafter acquired by gift, lease, purchase or condemnation proceedings, which condemnation proceedings shall be in accordance with chapter 117, any real property within said county of Hennepin, or any interest therein, deemed by the board of county commissioners to be needed for the purposes of providing off-street parking facilities. If the off-street parking facilities are not acquired or bettered in conjunction with or primarily to serve any of the public buildings which are under the control of the board of county commissioners for county purposes, the off-street parking project must be approved by the city council of the city in which the facilities are to be located. The term "off-street parking facilities" as used in this section includes lots, lanes, garages, ramps or other structures and accessories.

Subd. 2. **Financing.** To finance the acquisition and betterment of off-street parking facilities referred to in subdivision 1, the board of county commissioners may issue general obligation bonds or revenue bonds of Hennepin County, or any combination of

them. The bonds shall be sold and issued in accordance with chapter 475. The net revenues derived from any and all off-street parking facilities, whether financed by the bonds or previously owned by the county, may be pledged to repay the bonds and interest on them. The board may by resolution establish covenants concerning the operation, maintenance, and financial records of the facilities, the establishment and collection of sufficient charges for service, the custody and use of the revenues, the priority of claims on revenues for the payment of particular bonds, and other matters the board may determine to be necessary or desirable for the marketing of the bonds and the security of the holders or of the taxpayers. No election shall be required to authorize revenue bonds or general obligation bonds for which revenues are pledged, and the bonds shall be included in computing the net debt of the county. Revenue bonds, for which the taxing power of the county is not pledged, may be sold by private negotiation on the terms and conditions the board of county commissioners may determine.

Subd. 3. **Lease and rental charges.** The county of Hennepin may make such provision for the operation and management of the facilities provided herein as it may deem necessary, and it may lease and rent all or any off-street parking facilities to persons, firms or corporations to be used for purposes of automobile parking and fix the rentals to be charged therefor, and when so leased, to regulate the rates and charges to be exacted for the services so provided. Such lease may require the lessee to make improvements to become the property of the county upon expiration or termination of the lease. The county may, in the alternative, employ any person, firm, or corporation as operating manager and agent for the county to operate and maintain any such facility or facilities in behalf of the county under a contract defining the terms of such employment.

Subd. 4. [Repealed, 2002 c 359 s 3]

**History:** 1969 c 1037 s 1; 1983 c 224 s 1,2,4; 2002 c 359 s 2

**TAX LISTS, SPECIAL ASSESSMENTS**

**383B.203 CERTIFICATION OF TAX LISTS.**

Notwithstanding the provisions of section 275.28, subdivision 2, the auditor in Hennepin County shall deliver to the Hennepin County treasurer a certificate in the following form:

I, A.B., auditor of Hennepin County, and the State of Minnesota, do hereby certify that the correct list of the taxes levied on the real and personal property in the various taxing districts within the county of Hennepin for the year ..... (being the same year the property was assessed and the tax levied), to become payable in the year 19.., has been placed in the electronic data processing system for assessment and tax accounting procedures.

Witness my hand and official seal this ..... day of  
..... , .....  
.....  
County Auditor

Such tax lists, being certified as provided herein, are hereby deemed, for all purposes of taxation, to be the official tax lists for the county of Hennepin, and shall be the basis upon which the Hennepin County treasurer shall collect the taxes on all real and personal property within the county of Hennepin.

**History:** 1969 c 390 s 1; 1998 c 254 art 1 s 107

**383B.205 SPECIAL ASSESSMENTS; CERTIFICATION FEE.**

Each home rule charter or statutory city, town, and every board and department thereof, in any county now or hereafter having a population of 600,000 or more shall

pay to the county auditor of such county a fee of five cents per installment of each special assessment for any local improvement certified by it to the county auditor and which is to be spread by the county auditor on the tax lists of such county.

**History:** 1953 c 74 s 1; 1973 c 123 art 5 s 7

### 383B.207 SPECIAL ASSESSMENTS; COMPUTATION OF INTEREST.

In each county of this state now or hereafter having a population of 600,000 or more the county auditor in computing interest on installments of special assessments where the installment of interest on the first or any subsequent installment of principal is less than 50 cents may compute interest on such first or subsequent installment and add the amount thereof to the first or current installment.

**History:** 1953 c 75 s 1

## HEALTH

### 383B.211 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.

**History:** 1981 c 91 s 1

### 383B.213 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 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 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 383B.217, subdivision 5.
- (c) Those relating to mental health in chapter 245.
- (d) Those authorized under section 471.59.
- (e) Those contained expressly or by necessary implication in special statutes applicable to Hennepin County.

**History:** 1981 c 91 s 2

### 383B.215 ADDITIONAL AUTHORITY.

In addition to the powers and duties enumerated in sections 383B.211 to 383B.229, 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.

**History:** 1981 c 91 s 3

**383B.217 MEDICAL CENTER AND HMO.**

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 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 383B.211.

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 sections 383B.211 to 383B.229.

Subd. 7. **Purchases and marketing.** (a) Contracting and purchasing made on behalf of the Hennepin County Medical Center and its health maintenance organization (HMO) of goods, materials, supplies, equipment, and services that are incidental to or that are included as part of a contract for the purchase of goods, materials, supplies, or equipment are specifically exempted from sections 383B.141 to 383B.151 and 471.345 or other applicable laws related to public procurement. Contracting and purchasing of services shall comply with sections 383B.141 to 383B.151 or other applicable laws related to public procurement.

(b) Notwithstanding chapter 13D, the county board on behalf of the medical center and HMO may meet in closed session to discuss and take action on specific products or services that are in direct competition with other providers of goods or services in the public or private sector, if disclosure of information pertaining to those matters would clearly harm the competitive position of the medical center or HMO.

(c) The medical center and HMO shall inform the county board when there are matters that are appropriate for discussion or action under paragraph (b). The county administrator or the administrator's designee shall give the board an opinion on the propriety of discussion or action under paragraph (b) for each of the matters. The county board may, by a majority vote in a public meeting, decide to hold a closed meeting under paragraph (b). The purpose, time, and place of the meeting must be announced at a public meeting. A written roll of members present at a closed meeting



must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded at the expense of the county board and be preserved for not less than five years after the meeting. The data on the tape are nonpublic data under section 13.02, subdivision 9, until two years after the meeting. A contract entered into by the county board at a meeting held on behalf of the medical center or HMO is subject to section 471.345. All bids and any related materials that are considered at the meeting must be retained for a period of not less than five years. After the expiration of the term of any contract entered into pursuant to this subdivision or a period of two years, whichever is less, the contract, the bids, and any related materials are public data. The contract, the bids, and any related materials are subject to review by the state auditor at any time.

(d) Data concerning specific products or services that are in direct competition with other providers of goods or services in the public or private sector are trade secret information for purposes of section 13.37, to the extent disclosure of information pertaining to the matters would clearly harm the competitive position of the medical center or HMO. The data are trade secret information for the term of the contract or a two-year period, whichever is less.

(e) Notwithstanding section 471.345 or other applicable law, the county board on behalf of the medical center, HMO, ambulatory health center, or other clinics authorized under section 383B.219, may contract, except for services, by any means that the county board or at its direction the medical center or HMO may determine. When contracting for services, the county board must comply with sections 383B.141 to 383B.151 and other applicable law, except that the board may contract with a private or public cooperative purchasing organization if it can be established that the purchasing organization's services that are purchased have been awarded through a competitive or request for proposal process.

(f) This subdivision applies to the medical center, HMO, ambulatory health centers, or other clinics authorized under section 383B.219, as well as any other organization, association, partnership, or corporation authorized by Hennepin County under section 144.581.

Subd. 8. **Financial procedures.** Sections 383B.111 to 383B.119 shall apply to financial procedures of the medical center.

**History:** 1981 c 91 s 4; 1987 c 144 s 3; 2002 c 302 s 1; 2003 c 98 s 1

### **383B.218 BONDING AUTHORITY; HENNEPIN COUNTY MEDICAL BUILDING.**

Hennepin County may issue and sell not more than \$16,000,000 of general obligation bonds to finance or refinance the construction and purchase of the Hennepin County Health Services Building. Issuance of the obligations is not subject to the election requirements of section 475.58. The obligations issued under this section and the property taxes levied to pay the obligations must be included in calculation of Hennepin County's bond and building fund levy limitations under section 373.40.

**History:** 1988 c 519 s 5

### **383B.219 AMBULATORY HEALTH CENTERS AND CLINICS.**

Subdivision 1. **Authorization.** In addition to the authority conferred in sections 383B.211 to 383B.229 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 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 adminis-

trator 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 383B.34, 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 sections 383B.211 to 383B.229.

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 sections 383B.41 to 383B.51.

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.

**History:** 1981 c 91 s 5

### 383B.221 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 383B.211.

Subd. 2. **Compliance with state laws.** Emergency medical service established under subdivision 1 shall comply with applicable provisions of sections 144E.001 to 144E.35, 145A.09 to 145A.131, and 383B.56. 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 section 471.59 in the establishment, operation and maintenance of the system.

**History:** 1981 c 91 s 6; 1987 c 309 s 26; 1995 c 186 s 119; 1997 c 199 s 14; 1Sp2003 c 14 art 8 s 31

### 383B.223 FOOD SERVICE.

The county may establish and operate a food service facility for the purposes stated in section 383B.211 and for other public institutions and facilities as determined by the county board.

**History:** 1981 c 91 s 7

### 383B.225 MEDICAL EXAMINER.

Subdivision 1. **Office created.** The Office of the Hennepin County Medical Examiner is established.

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 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 sudden or unexpected deaths and all deaths which may be due entirely, or in part, to any factor other than natural disease must be reported to the medical examiner for evaluation. These include, but are not limited to:

(1) unnatural deaths, including violent deaths arising from homicide, suicide, or accident;

(2) deaths associated with burns or chemical, electrical, or radiational injury;

(3) maternal deaths due to abortion;

(4) deaths under suspicious circumstances;

(5) deaths of inmates of public institutions who have not been hospitalized primarily for organic disease and deaths of persons in custody of law enforcement officers;

(6) deaths that occur during, in association with, or as the result of diagnostic, therapeutic, or anesthetic procedures;

(7) deaths due to neglect;

(8) stillbirths of 20 weeks or longer gestation unattended by a physician;

(9) sudden deaths of persons not disabled by recognizable disease;

(10) unexpected deaths of persons notwithstanding a history of underlying disease;

(11) deaths of persons to be cremated if an autopsy was not performed;

(12) deaths in which a fracture of a major bone such as a femur, humerus, or tibia, has occurred within the past six months;

(13) deaths unattended by a physician occurring outside of a licensed health care facility;

(14) deaths of persons not seen by their physician within 90 days of demise;

(15) physician attended deaths of persons occurring in an emergency department;

or

(16) deaths of unborn or newborn infants in which there has been maternal use of or exposure to unapproved controlled substances.

No person, other than the medical examiner, shall issue a record of death in cases of accidental, suicidal, violent, or mysterious deaths, including suspected homicides, occurring in the county.

**Subd. 6. Investigation procedurc.** (a) Upon notification of the death of any person, as provided in subdivision 5, the county medical examiner or a 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 the examiner's designee shall make inquiry regarding the cause and manner of death and, in cases that fall under the medical examiner's jurisdiction, 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 any or 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 more than nominal value 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 district court, together with a copy of the inventory of the decedent's property. At that time, an examination of the records of the court shall be made to determine whether a will has been admitted to probate or an administration has been commenced. Personal property, including wearing apparel, may be released to or for the spouse or any blood relative or personal representative 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 may sell the property, other than firearms or other weapons, of a deceased person at a public auction upon notice and in a manner as the court may direct. The examiner shall release all firearms of a deceased person to the law enforcement agency handling the investigation and shall cause to be destroyed any other weapon of a deceased person that is not released to or claimed by a decedent's spouse, blood relative, or representative of the estate, or other person who proves lawful ownership. If the name of 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 the administrator's 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 a 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 a 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.

(b) For the purposes of this section, health-related records or data on a decedent, except health data defined in section 13.3805, subdivision 1, whose death is being investigated under this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, chemical dependency, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the medical examiner,

upon the medical examiner's written request, by a person having custody of, possession of, access to, or knowledge of the records or data. In cases involving a stillborn infant or the death of a fetus or an infant less than one year of age, the records on the decedent's mother shall also be made promptly available to the medical examiner. The medical examiner shall pay the reasonable costs of copies of records or data provided to the medical examiner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the medical examiner's report may contain a summary of such data.

(c) After investigating deaths of unautopsied persons who are to be cremated, the medical examiner shall give approval for cremation and shall record such approval by affixing the examiner's signature on the reverse side of the deceased person's death record.

(d) The medical examiner has the power to subpoena any and all documents, records, and papers deemed useful in the investigation of a death.

**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 practical, 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, testing, and use of organs and parts of organs and tissues, at the discretion of the medical examiner, when removal, retention, testing, or use are useful in determining or confirming the cause of death. When removal, retention, and use of organs and parts of organs and tissues are deemed beneficial, and is done only for the advancement of medical knowledge and progress, written consent or documented oral consent shall be obtained from the heirs, if any, of the deceased person prior to the removal, retention, and use.

The medical examiner may facilitate donation of organs and tissues in compliance with the Uniform Anatomical Gift Act, sections 525.91 to 525.9224.

**Subd. 8. Disinterment.** Upon application by the county medical examiner, pursuant to the performance of duties under sections 383B.211 to 383B.229, 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 postmortem 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, the examiner, having information which indicates that death may have resulted from a criminal act, shall perform a postmortem 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. If the requesting attorney is not a public defender or prosecutor, the medical examiner may make a reasonable charge for the examination or tests.

Subd. 10. **Records and reports.** The county Medical Examiner's Office shall keep full and complete records, properly indexed giving the name, if known, of every person or body of a deceased person who is the subject of investigation by the office, 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 the examiner's office of any cases of a criminal nature. The records and reports, including those of autopsies performed under the provisions of sections 383B.211 to 383B.229, 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 the examiner's personnel shall appear and testify before a Hennepin County grand jury or the Fourth Judicial District 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 promptly to the person or persons entitled to bury the deceased person. 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, the county medical examiner 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 or for other forensic purposes 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.

**History:** 1981 c 91 s 8; 1986 c 444; 1991 c 319 s 18; 1994 c 636 art 2 s 8; 1995 c 89 s 1-6; 1995 c 189 s 8; 1995 c 259 art 1 s 53; 1996 c 277 s 1; 1998 c 254 art 2 s 43; 1999 c 227 s 22; 1Sp2001 c 9 art 15 s 32

**383B.227** [Repealed, 1996 c 310 s 1]

### **383B.229 EXISTING HEALTH SERVICE PROGRAMS NOT AFFECTED.**

Sections 383B.211 to 383B.229 do not affect the authority of any statutory or home rule charter city of the first or second class to operate or to continue to operate a health service program.

**History:** 1981 c 91 s 10; 1989 c 209 art 2 s 37

**383B.233** [Repealed, 1996 c 310 s 1]

### **383B.235 80 PERCENT OF COUNCIL MUST OK MINNEAPOLIS WASTEBURNER.**

Subdivision 1. **If for 1,000 tons a day.** A resource recovery facility that reclaims, burns, uses, processes, or disposes of more than 1,000 tons average daily throughput of mixed municipal solid waste may not be constructed within the boundaries of a city of the first class having a population in excess of 300,000 unless the city council approves the construction by a four-fifths vote.

Subd. 2. **One or two sites but not west riverbank.** Provided all environmental laws or regulations administered by the Minnesota Pollution Control Agency or federal agencies are followed, and notwithstanding any ordinance or municipal land use plan to the contrary, Hennepin County may acquire land and construct one or two resource recovery facilities, each not to exceed 1,000 tons average daily throughput within the county; provided however, a resource recovery facility shall not be built at the "west riverbank" site in the city of Minneapolis as identified in the final 1983 report of the city-county resource recovery siting committee. In choosing the two sites, Hennepin County shall fully consult in good faith with any affected municipality. In selecting sites, the county board shall evaluate reasonable alternatives for the resource recovery facilities, including any outside the city of Minneapolis.

Subd. 3. **Existing facility may use its capacity.** Notwithstanding subdivisions 1 and 2, an existing resource recovery facility may reclaim, burn, use, process, or dispose of mixed municipal solid waste to the full extent of its maximum yearly capacity as of January 1, 2000. The facility must continue to comply with all federal and state environmental laws and regulations and must obtain a conditional use permit from the municipality where the facility is located.

**History:** 1984 c 654 art 2 s 29; 2000 c 488 art 3 s 30

## LIBRARY

### 383B.237 LIBRARY SYSTEM.

The Hennepin County Board of Commissioners may establish and maintain a system of public libraries for the free use of the residents of the county. The board shall determine the locations of the libraries, and may levy taxes for library operations and maintenance on all taxable property within the county which was not taxed in 1980 by the city of Minneapolis for the support of any free public library. The county may acquire, lease, construct, alter, or contract for the use of any real or personal property necessary for the establishment and operation of a free county library system. Acquisition of real property may be undertaken in accordance with chapter 117.

**History:** 1981 c 48 s 1; 1987 c 384 art 2 s 86

### 383B.239 BOARD.

The county board shall direct, operate and manage the county library system. A county library board consisting of seven members who reside in the county library service area shall be appointed by the county board. The library board shall provide advice and make recommendations on any matter pertaining to the library system to the county board and the library director and shall exercise the powers and perform the duties delegated to it by the county board, which may include, but are not limited to, the establishment of rules governing library operations, review of the annual operating budget for submission to the county board, development of a long-range plan and acceptance of gift and trust funds. The library board shall determine the contents of the collections of the library system and shall be responsible for the use of library meeting rooms.

**History:** 1981 c 48 s 2

### 383B.241 DIRECTOR.

The library director shall perform administrative and technical duties for the library system and exercise the powers and perform the duties delegated to the director by the county board. The library director shall be appointed and removed by the county administrator, with approval by the county board, pursuant to section 383B.102. Prior to the appointment or removal of the library director, the library board shall make recommendations to the county administrator. The library director shall be qualified by experience and must have an earned degree from a graduate school accredited by the American Library Association.

**History:** 1981 c 48 s 3

**383B.243 PER DIEMS.**

Members of the library board shall be allowed a per diem not to exceed \$50 for meetings relating to advice and recommendations concerning the library program. Each member may also be reimbursed for actual and necessary expenses incurred as a result of the meeting. Payment for meetings of the library board shall be authorized in an amount not to exceed two meetings monthly.

*History:* 1981 c 48 s 4

**383B.245 LIBRARY LEVY.**

The county board may levy a tax on the taxable property within the county outside of any city in which is situated a free public library of the city to acquire, better, and construct county library buildings and branches and to pay principal and interest on bonds issued for that purpose.

The county board may by resolution adopted by a five-sevenths vote issue and sell general obligation bonds of the county in the manner provided in sections 475.60 to 475.73. The bonds shall not be subject to the limitations of sections 475.51 to 475.59, but the maturity years and amounts and interest rates of each series of bonds shall be fixed so that the maximum amount of principal and interest to become due in any year, on the bonds of that series and of all outstanding series issued by or for the purposes of libraries, shall not exceed an amount equal to 0.01612 percent of market value of all taxable property in the county, which was not taxed in 1987 by any city for the support of any free public library, as last finally equalized before the issuance of the new series. When the tax levy authorized in this section is collected it shall be appropriated and credited to a debt service fund for the bonds in amounts required each year in lieu of a countywide tax levy for the debt service fund under section 475.61.

*History:* 1981 c 48 s 5; 1987 c 188 s 1; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 39; 1994 c 505 art 6 s 3

**383B.247 MERGER.**

The county and the library board of the city of Minneapolis may agree to merge their public library systems at a time and in a manner as they may agree. The merger shall be subject to enabling legislation by the legislature.

*History:* 1981 c 48 s 6

**383B.251 LICENSE BUREAU.**

Notwithstanding any law to the contrary, in the Hennepin County License Bureau, created pursuant to sections 373.32 to 373.38, the license bureau director shall have the following additional duties: issue and process marriage licenses and records, record veterinary licenses, record optometry licenses, record chiropractic licenses, record podiatrist licenses, record osteopathic licenses, record medical doctor (M.D.) certificates, record basic science certificates, record ministerial credentials, record notary commissions, record trade names, issue jurats and acknowledgments, issue and process birth and death records, and issue certified copies of any of the above as applicable. On July 1, 1974, all of the duties herein enumerated are transferred from the court administrator of the district court of Hennepin County to the director of the Hennepin County License Bureau.

*History:* 1974 c 166 s 1; 1Sp1986 c 3 art 1 s 82

**383B.255 PUBLIC SAFETY COMMUNICATIONS.**

Subdivision 1. **Radio system.** Hennepin County may establish and rent, lease, construct, equip, and maintain a radio broadcasting station or stations, with land-fixed repeater stations and other necessary communication equipment, to be used for public safety communications. It may acquire land by gift, purchase, lease, or condemnation for use as a site for public safety communications equipment. Public safety communications sites may be acquired by lease for a period of up to 25 years in duration. Public



safety communications may include police, fire, highway maintenance, emergency medical service, local government, forestry conservation, and other communications as determined by the county board.

Subd. 1a. **Antenna site use agreements.** Use of county-owned radio towers, building rooftops, lands, rights-of-way, and easements may be made available to commercial wireless service providers for the purpose of installing antennas and equipment necessary for construction of the national wireless telecommunications infrastructure. Hennepin county may acquire site use fees, or by gift or other means, improvements to public safety communications facilities, or other personal property, as compensation for antenna site use. Antenna site use agreements may be entered into by any means available and in the manner determined by the county board, with or without advertisement for bids.

Subd. 2. **Policy and operations.** The public safety communications system shall be under the direction of the sheriff. Public safety communications policies may be established by the board of county commissioners.

Subd. 3. **Extension of services; charges.** Public safety communications services may be extended to any statutory or home rule charter city within the county, and to any adjoining county or statutory or home rule charter city in an adjoining county, upon the written request of its governing body to the Hennepin County board. All the communications equipment used in connection with the extended service shall, unless otherwise provided by the Hennepin County board, be owned, maintained, and serviced by Hennepin County. The board with the advice of the sheriff may establish a charge for extended public safety communications services pursuant to section 383B.118.

Subd. 4. **Duties of sheriff.** The sheriff shall broadcast all public safety dispatches and reports which, in the sheriff's opinion, relate to public safety communications.

**History:** 1983 c 223 s 1-4; 1997 c 58 s 1,2

### 383B.257 COUNTY MAY RUN CENTRAL MOBILE EQUIPMENT DIVISION.

Subdivision 1. **On county property.** The county board in any county now or hereafter having a population of 600,000 or more may establish and operate a central mobile equipment division upon property owned by any such county.

Subd. 2. **Under county engineer.** The county board may place the general supervision of the central mobile equipment division under the jurisdiction of the county highway engineer, hereinafter designated the "county engineer." The county board may provide the county engineer with office space, equipment, supplies, and assistants to perform the duties of the office.

Subd. 3. **Must transfer existing equipment; may buy or rent more.** Upon the establishment of the central mobile equipment division, all mobile, maintenance and construction equipment then owned by the county or any department thereof shall be transferred to the central mobile equipment division. Equipment needed by the central mobile equipment division which has not been acquired either by transfer or purchase may be rented until acquired under the provisions of this section.

Subd. 4. **Engineer to keep up, report on.** It shall be the duty of the county engineer to provide for the service, maintenance and repair of all equipment transferred to or acquired by the central mobile equipment division, and to make such periodic reports with respect to the operation thereof as the county board may require.

Subd. 5. **Public bodies in county may requisition.** Any county department or any town, home rule charter or statutory city, school district, or other public corporation within such county that may require the use of any mobile, maintenance or construction equipment within the jurisdiction of the central mobile equipment division may requisition for its use to the central mobile equipment division.

Subd. 6. **Rental charge.** The county engineer shall have authority to determine and calculate the cost of furnishing the equipment requisitioned, which cost shall be designated "rental charge," and shall be sufficient to provide for the cost of maintenance, operation, repair, depreciation and replacement of such equipment, and such

rental charge shall be paid to the central mobile equipment division by the department, or the town, home rule charter or statutory city, school district, or other public corporation using such equipment.

Subd. 7. **Annual financial report; county appropriation.** The county engineer shall at the same time and in the same manner as other county departments submit to the county board an annual statement of receipts and disbursements of the central mobile equipment division. Such report shall include the estimated cost of acquiring new construction and maintenance equipment needed by the central mobile equipment division, and the cost of replacing obsolete and outworn equipment. The county board shall examine the report and may appropriate from the general revenue funds of the county the amounts necessary to operate the central mobile equipment division and to purchase new and replace obsolete and outworn construction and maintenance equipment.

Subd. 8. **Applicable law for contracts, purchases.** All contracts and purchases made under the authority of this section shall be made subject to and in compliance with existing laws regulating the manner of purchases and contracts applicable to such county.

**History:** 1957 c 671 s 1-6,8,9; 1961 c 237 s 2; 1973 c 123 art 5 s 7; 1979 c 198 art 4 s 14; 1986 c 444

### 383B.259 PISTOL RANGE.

Subdivision 1. **Establishment.** The county board of Hennepin County is hereby authorized and empowered to establish and maintain on any property owned by the county a pistol range for the training of sheriff's deputies and other law enforcement officers in the use of firearms, as well as encouraging marksmanship by permitting National Rifle Association sanctioned or approved pistol matches to be held at such range.

Subd. 2. **Maintenance costs.** Annual maintenance cost shall include the furnishing of targets and ammunition, except for National Rifle Association matches, said costs to be included in the sheriff's budget.

Subd. 3. **Use.** The county board of any such county is also authorized and empowered to agree with any state agency or department, and with any home rule charter or statutory city, town, or organization affiliated with the National Rifle Association in such county for the use of such pistol range by its law enforcement officers and members of the National Rifle Association on such terms and conditions as may be agreed upon.

Subd. 4. **Control, supervision.** The county board of any such county shall have complete control of any pistol range so established and shall be charged with the supervision thereof and may appoint any competent law enforcement officer, who shall be a resident of such county, in charge of the range and may establish and impose rules and regulations for its use and may deny any person or persons the use of such range as a penalty for violation of such rules or regulations.

**History:** 1953 c 367 s 1-3; 1955 c 720 s 1; 1957 c 222 s 2; 1967 c 703 s 1

## PERSONNEL

### 383B.26 HUMAN RESOURCES SYSTEM; PURPOSE.

The purpose of sections 383B.26 to 383B.42 is to establish a Human Resources Board and a Human Resources Department in the county of Hennepin to promote and improve the economy and effectiveness of the governmental departments under its jurisdiction by the improvement of methods of human resources administration.

**History:** 1965 c 855 s 1; 1980 c 573 s 1; 1994 c 596 s 1; 2000 c 416 s 1

### 383B.27 DEFINITIONS FOR HUMAN RESOURCES BOARD AND DEPARTMENT.

Subdivision 1. **For sections 383B.26 to 383B.42.** For the purposes of sections 383B.26 to 383B.42 and rules promulgated under them, unless the context clearly

indicates that a different meaning is intended, the terms defined in this section have the meanings given them.

Subd. 2. **Board.** "Board" means the county Human Resources Board.

Subd. 3. [Repealed by amendment, 2000 c 416 s 2]

Subd. 4. [Repealed by amendment, 2000 c 416 s 2]

Subd. 5. [Repealed by amendment, 2000 c 416 s 2]

Subd. 6. [Repealed by amendment, 2000 c 416 s 2]

Subd. 7. **Appointing authority.** "Appointing authority" means an elected official, county administrator, or the director and management staff of a department who have the power by law, by resolution of the county board or by lawfully delegated authority to make appointments to positions in the county service within the scope of sections 383B.26 to 383B.42.

Subd. 8. **Classified service.** "Classified service" means the service which includes all positions except those in the unclassified service under sections 383B.26 to 383B.42.

Subd. 9. **Position.** "Position" means a group of current duties and responsibilities assigned or delegated by an appointing authority.

Subd. 10. **Class.** "Class" means one or more positions similar with respect to duties and responsibilities for which the same descriptive title can be used with clarity to designate each position; that similar general qualifications are needed for the performance of the duties; and that the same schedule of compensation shall be applied to all positions.

Subd. 11. [Repealed by amendment, 2000 c 416 s 2]

Subd. 12. [Repealed by amendment, 2000 c 416 s 2]

Subd. 13. [Repealed by amendment, 2000 c 416 s 2]

Subd. 14. [Repealed by amendment, 2000 c 416 s 2]

Subd. 15. **Permanent employee.** "Permanent employee" means an employee in the classified service who has satisfactorily completed a probationary period.

Subd. 16. **Probationary period.** "Probationary period" means that part of the hiring process following certification and appointment from a list of certified candidates, to enable the appointing authority to determine whether employees are fit and suitable for the position to which they have been appointed, transferred, or promoted. The appointing authority may discharge a newly appointed employee during the probationary period without specifying cause or granting a hearing, except as provided by section 197.46. The appointing authority may, during the probationary period, demote an employee appointed to a position as a result of a promotion without specifying cause or granting a hearing, except as provided by section 197.46. The employee so demoted shall be returned to a position in the class previously held by the affected employee. The appointing authority may, during the probationary period, return a transferred employee back to a position in the classification and organizational unit the employee previously held without specifying cause or granting a hearing, except as provided by section 197.46. When an employee has been transferred from one department to another and upon the request of the new appointing authority the employee may be required to serve a probationary period.

Subd. 17. **Classification plan.** "Classification plan" means a list of the classes of positions in the county service by their official title.

Subd. 18. **Unclassified service.** "Unclassified service" means those positions which are exempted from the jurisdiction of the Human Resources Board unless otherwise provided by sections 383B.26 to 383B.42.

Subd. 19. **Transfer.** "Transfer" means a change by an employee from a position in the same class to a different department or organizational unit; or a change from a position in one class to a position in another class of comparable level in the same department or organizational unit or another department or organizational unit.

Subd. 20. **Reassignment.** "Reassignment" means a change by an employee from one position to another position in the same class in the same organizational unit.

**History:** 1965 c 855 s 2; 1980 c 573 s 2; 1994 c 596 s 2; 2000 c 416 s 2

### 383B.28 HUMAN RESOURCES BOARD.

Subdivision 1. **Establishment.** The Hennepin County Human Resources Board and Human Resources Department are created.

Subd. 2. **Appointment; terms.** (a) The county board shall by majority vote appoint seven persons to serve for four-year terms. As the term of each member expires, the board of county commissioners shall by majority vote fill the vacancy for a term of four years.

(b) The expiration date of all expiring terms shall be January 2.

(c) Any vacancies shall be filled by majority vote of the county board for the unexpired term.

(d) Each member shall take an oath of office before assuming the duties of office.

(e) Each member shall hold office until a successor has been appointed and qualified.

(f) No person shall be appointed or be a member of the board while holding any public office or having filed as a candidate for any office.

(g) No person shall be appointed or be a member of the board while holding or within one year of holding employment with Hennepin county or a position in a political party, except as a political party delegate.

(h) Each member of the board shall be a resident of the county and in the event the member becomes a nonresident, the member thereby forfeits the office.

(i) A board member may be removed from office by the county board for cause, after a copy of the charges has first been given to the member and opportunity of being publicly heard before the county board, upon not less than ten days' written notice. A majority vote of the county board shall be required for removal.

Subd. 3. **Compensation.** Compensation for members of the Human Resources Board shall be set by the county board. Members of the board shall be compensated at the rate not to exceed \$50 per day spent on board meetings and human resources activities when authorized by the board to represent the board. Expenses shall be allowed in the same manner and amount as received by county employees.

Subd. 4. **Organization.** The board shall organize by electing one of its members as chair and one as vice-chair. The human resources director shall serve as secretary.

Subd. 5. **Meetings.** The board shall maintain records and hold public meetings as required for the discharge of its duties.

**History:** 1965 c 855 s 3; 1980 c 573 s 3; 1983 c 307 s 6; 1994 c 596 s 3; 2000 c 416 s 3-5

### 383B.29 DUTIES OF HUMAN RESOURCES BOARD.

Subdivision 1. **Board proceedings.** When any member of the board is not present at the time a matter is submitted to the board such matter shall be deemed submitted to each member of the board with like effect as though each member of the board had been present at the time of submission of such matter. Whenever during the consideration of a matter which is before the board, there is a change in the personnel of the board, the matter shall be deemed submitted to the new member, or members, as though said new member, or members, had been a member of the board at the time of the submission of the matter.

No meetings of the board shall be held unless at least four members are present. A majority vote of all members present shall constitute the decision of the board. The board shall keep records and minutes of its business and official actions which shall be open to public inspection subject to such reasonable rules as to time and place of inspection as the board may establish.

Subd. 2. **Duties.** (a) The board shall establish rules for the classified service with the assistance of the human resources director. All rules and amendments proposed by the board shall be subject to public hearing upon prior notice to department heads, employees, affected labor organizations, and the public, as the board may, by rule prescribe. The rules as approved by the majority vote of the board shall be submitted to the county board for approval or rejection. When approved, by majority vote and in the form of a written resolution, the rules shall have the force and effect of law. The rules may be amended and repealed with the consent of the county board in the same manner as provided for original adoption.

(b) The rules shall provide for:

(1) selection methods and the establishment of lists to fill positions in the county service including promotion;

(2) the appointment of qualified candidates to vacant positions, if the vacancy is not filled by recall from the layoff list, demotion, reinstatement, reassignment, transfer from other employers or with county service. Whenever practicable, vacancies must be filled by promotion. The 20 persons having the highest qualifications that meet the requirements of the position to be filled, when available, must be referred to appointing authority when a vacancy occurs;

(3) a period of probation during which period the probationer may be discharged or demoted, without right of appeal. The period of probation must not exceed six months unless changed by six-sevenths approval of the board due to extreme or unique conditions;

(4) seasonal, provisional, temporary, and emergency appointments. The appointments, except seasonal, must not exceed six calendar months in any 12-month period. Seasonal appointments must not exceed nine calendar months in any 12-month period;

(5) voluntary demotion; reassignment; transfers from within county service or other employers; and reinstatement of persons who without fault or delinquency on their part are separated from the service or demoted;

(6) a compensation plan for classes and positions not represented by an exclusive bargaining representative to be presented to the county board for approval;

(7) a classification plan for positions in the county service to be presented to the county board for approval;

(8) leaves of absence with or without pay; layoffs; hours of employment; vacations and sick leave; severance pay, and other benefits and emoluments as may improve the public service;

(9) suspensions without pay for disciplinary purposes, discharges, or demotion of a permanent employee only when the person has been presented with written charges and has been allowed a hearing;

(10) establishment of reasonable fees, not to exceed the actual cost of service or material provided;

(11) establishment of rules of conduct that are conditions of employment in the county service; and

(12) policies to deal with falsification of an application or record to improve prospects for employment or with interference with the selection process.

(c) Hear and decide appeals within the jurisdiction of the board, if there has been a preliminary showing to the board attorney that a rule violation has occurred. Any such board attorney ruling may be appealed to the board.

Subd. 3. **Hearing officers.** The board, with the assistance of the human resources director, shall utilize and prescribe the duties of hearing officers, or contract with the Office of Administrative Hearings pursuant to section 14.55. When it is determined that a disciplinary or veteran's hearing be held which requires a hearing officer, the director will first ascertain the availability and timeliness of scheduling the hearing through the office of administrative hearings pursuant to section 14.55. If it is determined that a prompt hearing is not readily available through the office of administrative hearings, the board, with the assistance of the human resources director,

may then utilize an impartial hearing officer. Decisions of the hearing officers are final and binding on the parties and the Human Resources Board, except as provided in section 197.46.

**History:** 1965 c 855 s 4; 1977 c 325 s 1; 1980 c 573 s 4; 1980 c 615 s 60; 1982 c 577 s 8; 1987 c 384 art 2 s 1; 1994 c 596 s 4; 2000 c 416 s 6

### 383B.30 DIRECTOR; SELECTION.

The county administrator, with the approval of the county board, shall appoint a human resources director. The director shall be in the classified service and shall not be removed by the board except under written charges in accordance with sections 383B.26 to 383B.42 and after a public hearing by the board.

**History:** 1965 c 855 s 5; 1980 c 573 s 5; 2000 c 416 s 7

### 383B.31 DUTIES OF HUMAN RESOURCES DIRECTOR.

(a) The director as administrator of the Human Resources Department shall cooperate with and assist department heads and elected officials in providing an effective human resources program. The director shall direct and supervise all of the Human Resources Department's administrative and technical activities in addition to the duties imposed on the director in sections 383B.26 to 383B.42.

(b) The director shall:

(1) attend the meetings of the board, act as its secretary and maintain its official records;

(2) appoint the employees of the Human Resources Department in accordance with and subject to the provisions of sections 383B.26 to 383B.42; and

(3) recommend rules and amendments to rules for the administration of sections 383B.26 to 383B.42.

(c) The director shall establish uniform procedures and standards to:

(1) prepare, recommend and maintain a classification plan which shall group all positions in the county into classes;

(2) prepare, recommend, and maintain a compensation plan for the county service;

(3) except as provided in clauses (4) and (5), develop and hold competitive examinations to determine the qualifications of persons seeking employment in any class and to establish lists of those passing such examinations;

(4) develop a procedure and define the criteria for the selection and referral of qualified applicants to fill positions in classifications involving unskilled tasks or in classifications which require state licensure or certification to engage in the activity;

(5) establish alternative selection procedures to measure the ability of persons whose disabilities are so severe that the usual selection process cannot adequately predict job performance;

(6) when a vacancy is to be filled, to certify to the appointing authority upon requisition, the names of the persons highest on the appropriate layoff list, or if there is no such list, the appropriate eligible list for the class;

(7) maintain records necessary for the proper administration of sections 383B.26 to 383B.42;

(8) provide a system for checking payrolls and accounts for the payment of compensation to employees in the classified and unclassified service so as to enable the director, upon evidence thereof, to certify or cause to be certified the persons whose names appear thereon have been employed or on authorized leave before payment may be lawfully made to such employees;

(9) make investigations concerning the administration of sections 383B.26 to 383B.42 and rules made thereunder, and take corrective actions as deemed reasonable and appropriate to the situation;

(10) make investigations and reports required by the county board and report thereon; and

(11) make an annual report to the county board and the Human Resources Board on the activities of the Human Resources Department.

(d) The classification plan authorized in paragraph (c), clause (1), is effective on approval by the county board.

(e) The compensation plan authorized in paragraph (c), clause (2), may include benefits and other emoluments to improve the public service as determined by the human resources director. A plan that is approved by a majority vote of the Human Resources Board is a recommendation to the county board which may approve or reject all or part of it.

(f) The examination process described in paragraph (c), clause (3), must provide for: (1) the rejection of otherwise eligible applicants or candidates who fail to comply with the reasonable requirements of the human resources director; and (2) examinations that may consist of any one or a combination of the following: written or oral tests of the subjective or objective type, physical tests, practical or demonstration tests, or evaluation of past training and experience. Oral tests, either of the question and answer type, or the interview type, may be used to test the candidates.

(g) The classifications described in paragraph (c), clause (4), must be authorized by the county board. Applicants to fill vacancies in the classifications are exempt from ranking and certification provided for in section 383B.29, subdivision 2, paragraph (b), clause (2). The director shall refer all qualified applicants to the appointing authority having vacancies in the appropriate classifications.

**History:** 1965 c 855 s 6; 1967 c 646 s 1; 1980 c 573 s 6; 1994 c 596 s 5; 2000 c 416 s 8

### 383B.32 UNCLASSIFIED AND CLASSIFIED SERVICE.

Subdivision 1. **Definition of coverage.** The officers and employees of the county of Hennepin and all of its agencies, boards, commissions, authorities, or committees heretofore or hereafter created, supported in whole or in part by the taxation of the county of Hennepin, come within the provisions of sections 383B.26 to 383B.42, and the positions are hereby divided into the unclassified and classified service.

Subd. 2. **Unclassified service.** (a) The unclassified service comprises:

- (1) officers chosen by election or appointment to fill an elective office;
- (2) members of boards and commissions appointed by the county board;
- (3) physicians, medical residents, interns, and students in training;
- (4) nonsalaried attending medical staff;
- (5) special sheriff's deputies serving without pay;
- (6) seasonal, temporary, provisional, intermittent, and emergency positions;
- (7) positions funded by specific governmental or nongovernmental grants of intermittent or limited funding duration;
- (8) the director or principal administrative officer of a department appointed pursuant to sections 383B.101 to 383B.103; or appointed by the county board; or appointed for a term pursuant to law;
- (9) chief deputy or principal assistant and secretary for each elected official;
- (10) examiner of titles and deputy examiners;
- (11) chief criminal deputy sheriff, a chief civil deputy sheriff, a chief administrative deputy sheriff, and a chief financial services deputy sheriff;
- (12) public defender;
- (13) county medical examiner;
- (14) office staff appointed by the county administrator pursuant to sections 383B.101 to 383B.103; and
- (15) county administrator.

(b) Notwithstanding any contrary provision of other law, any person coming within paragraph (a), clause (8), who, on August 1, 2000, is in the classified service, remains in

the classified service until vacating the position. After that, an appointee to a position described in paragraph (a), clause (8), is in the unclassified service.

Subd. 3. **Unclassified service, compensation.** The human resources director shall establish a compensation plan in accordance with section 383B.31, paragraph (c), clause (2), for those employees in the unclassified service identified in subdivision 2, clauses (3), (4), (6), (8), (9), (10), (11), (13), and (14).

Subd. 4. **Unclassified service, tenure, benefits.** The positions in the unclassified service enumerated in subdivision 2, clauses (3), (4), (8), (9), (10), (11), (13), and (14) shall not have permanent tenure but shall have all other benefits provided for in sections 383B.26 to 383B.42. The term of office of any position established by another statute shall be as provided in it.

Subd. 5. **Managerial classifications; benefits.** Notwithstanding any contrary provision of other law, the board may, by rule, establish an employee benefit system for certain managerial classifications as identified by the director and approved by the board and county board which may differ from those for other county employees.

Subd. 6. **Classified service.** The classified service shall include all other positions now existing or hereafter created and all employees holding such positions unless specifically placed in the unclassified service by sections 383B.32 to 383B.46. The provisions of section 393.07, subdivision 5, are hereby superseded insofar as they may be inconsistent.

**History:** 1965 c 855 s 7; 1967 c 646 s 2,3; 1979 c 80 s 1; 1980 c 573 s 7; 1982 c 577 s 9,10; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 254 s 1; 1994 c 596 s 6-8; 1996 c 274 s 1; 2000 c 416 s 9,10

### 383B.33 TENURE.

Subdivision 1. [Repealed, 1994 c 596 s 13]

Subd. 2. **Salary shall not be decreased.** In the event a lower salary is assigned to a class, the salary of an employee in such class shall not be affected. However, no salary increase shall be granted such employee until the salary range of the employee's class exceeds the employee's present salary.

Subd. 3. **Transferring employee to retain tenure.** When a permanent employee transfers from the classified service into the unclassified service of the county, the employee shall retain tenure in the classified service with the class from which the transfer occurred.

**History:** 1965 c 855 s 8; 1980 c 573 s 8

### 383B.34 CLASSIFICATION OF EMPLOYEES.

Subdivision 1. **Director to classify.** The director shall be responsible for the classification of each position in the county service. This duty shall extend to all positions held by members of the classified service under sections 383B.26 to 383B.42. A title shall be established for each class. The classifications, when approved by the board and the county board, shall take effect immediately.

Subd. 2. **Allocations.** The director shall allocate positions in the classified service to one of the classes within the classification plan.

(a) When a position is established, the appointing authority shall notify the director who shall allocate that position to a class which will become effective immediately. The appointing authority may request reconsideration from the director in accordance with the rules of the board. The director shall notify the appointing authority of any final action.

(b) Whenever a position appears to be improperly allocated, the director shall, with or without the written request of a permanent employee or an appointing authority, investigate the position. Following that investigation the director may either reallocate the position or deny the request for reallocation. Notice of the action shall be given to the appointing authority and the affected employee. Unless otherwise provided in the notice, the decision of the director shall be immediately effective. The



appointing authority or the affected employee may file a request for reconsideration with the director in accordance with the rules of the board. In all cases the burden of proof shall be upon the person requesting the reallocation.

(c) Except as provided the incumbent of a position which has been reallocated shall continue in the position only if the incumbent is eligible for and actually appointed to the position of the new class in accordance with the rules of the board governing promotion, transfers and demotion. If the incumbent is ineligible to continue in the position and the incumbent is not transferred, promoted or demoted, the layoff provisions of sections 383B.26 to 383B.42 shall apply. Personnel changes required by the reallocation of positions shall be completed in accordance with the rules of the board. Any permanent or probationary employee whose position is reallocated may compete, if qualified as defined in the minimum qualifications for the class specification, in an examination held to fill the reallocated position as provided in the rules of the board and shall be considered for appointment if the employee passes the examination.

(d) When a position is reallocated to a class in a lower salary range, the director may give consideration to the employee's service, qualifications, or other considerations in determining whether the employee shall continue at the same rate of pay. Thereafter, as long as the employee remains in the same position, no salary increase shall be granted until the salary range of the class exceeds the employee's present salary.

(e) The board shall review an allocation upon the written request of the appointing authority or affected employee on the grounds that the action of the director was not in accordance with sections 383B.26 to 383B.42.

The director shall submit the record upon which the action was taken. Thereafter the board may sustain, reverse, or modify the action of the director, or request further evidence from the parties. The appointing authority, subject to county board approval, or any employee may petition the district court for a review and determination of any alleged arbitrary or capricious action on the part of the Human Resources Board involving allocation.

**History:** 1965 c 855 s 9; 1980 c 573 s 9; 1986 c 444; 1994 c 596 s 9

**383B.35** [Repealed, 2000 c 416 s 11]

### **383B.36 PARTY TO LITIGATION.**

Subdivision 1. **Board may be party to litigation.** In any litigation under sections 383B.26 to 383B.42, the board may sue or be sued. The board shall be represented in any such action by the county attorney. Any taxpayer of the county may maintain an action in the district court to enjoin a person or persons from authorizing or making payment in violation of sections 383B.26 to 383B.42 or rules enacted under them.

Subd. 2. **Subpoenas.** The board or director shall have the power to subpoena and to require the attendance of witnesses and the production of evidence and to administer oaths. The board or director may apply to the district court for an order requiring attendance or production of evidence.

Board hearings shall be conducted in an informal and impartial manner in compliance with sections 383B.26 to 383B.42 and in accordance with procedures established by the board.

**History:** 1965 c 855 s 11; 1980 c 573 s 11

### **383B.37 INTERFERENCE WITH EXAM, APPLICANTS; POLITICAL ACTIVITY.**

Subdivision 1. **Consequences for employee; injunction.** No persons shall interfere with the rights of any person in the examination process, or falsely mark, grade, or report the examination or standing of any person examined or aid in so doing, or furnish to any person, except in answer to inquiries of the Human Resources Board, any information for the purpose of changing the rating of any person. No applicant or employee shall falsify an application or record for the purpose of improving prospects for employment. No person shall by means of threats or coercion induce or attempt to

induce any person holding a position in the classified service to resign. A violation of this subdivision is cause for dismissal, other discipline, or disqualification from the classified service of the county. In addition to other legal remedies, violations may be enjoined.

Subd. 2. **Prohibited political activity.** Section 43A.32, subdivision 1, applies to sections 383B.26 to 383B.42.

**History:** 1965 c 855 s 12; 1980 c 573 s 12; 1987 c 384 art 2 s 1; 1994 c 596 s 10

### 383B.38 REMOVALS, SUSPENSIONS, AND DEMOTIONS.

Subdivision 1. **Separation.** No permanent employee in the classified service shall be suspended, demoted, or discharged except for just cause.

In case of any action under this section, the employee shall, before the action is taken, be furnished with a written statement, setting forth the reasons for the disciplinary action. The employee shall be permitted five work days' time to reply in writing or to meet with the department head or designee. A copy of the statement charging the employee shall be filed with the director along with the employee's reply, if any.

Subd. 1a. **Appeal.** (a) Any permanent employee in the classified service who is discharged, demoted or suspended pursuant to rules promulgated hereunder, shall be notified by the effective date of the action of the right to appeal as provided for by the rules to the chief administrative law judge of the Office of Administrative Hearings. Action of the department head shall be final if no written notice of appeal is filed with the chief administrative law judge of the office of administrative hearings and served upon the director and the department head within 14 calendar days after the effective date of the action.

(b) A permanent employee who elects to challenge a discharge, demotion, or suspension through a grievance procedure under a collective bargaining agreement under sections 179.35 to 179.39 or 179A.20 and 179A.21, may not also challenge the same action through an appeal to the chief administrative law judge of the Office of Administrative Hearings. Except as provided by section 197.46, a permanent employee may challenge a discharge or demotion through either a grievance procedure under a collective bargaining agreement, or an appeal to the chief administrative law judge of the Office of Administrative Hearings, but not through both procedures.

(c) Within ten days of receipt of the employee's written notice of appeal, the chief administrative law judge shall assign an administrative law judge to hear the appeal. The employee or department head or their attorney may, within ten days after receipt of the notice of assignment, make and serve on the other party and file with the office of administrative hearings a notice to remove as provided in Rule 63.03 of the Rules of Civil Procedure. Upon the filing of a notice to remove, the chief administrative law judge shall assign another administrative law judge to hear the appeal.

(d) The hearing shall be conducted under the contested case provisions of chapter 14 and the procedural rules adopted by the chief administrative law judge, except that Minnesota Rules, part 1400.6700, subparts 2 and 3, do not apply and discovery is limited to the exchange of relevant documentation, witness lists, and proposed exhibits.

(e) If the administrative law judge finds, based on the record, that the action appealed was not taken by the department head for just cause, the employee shall be reinstated to the position, or an equal position within the same department, without loss of pay. If the administrative law judge finds that just cause exists for the disciplinary action, it shall affirm or uphold the action of the department head, or, if the employee has asserted and the hearing record establishes extenuating circumstances, the administrative law judge may reinstate the employee, with full, partial, or no pay, or may modify the department head's action by substituting a lesser disciplinary action. The administrative law judge's order is the final decision. The administrative law judge's order may be appealed according to sections 14.63 to 14.68 by the employee, or by the department head upon approval of the county board. Settlement of the entire dispute by mutual agreement is encouraged at any stage of the proceedings.

Any settlement agreement is final and binding when agreed to by all parties. If an appeal to the office of administrative hearings has been made, the settlement agreement shall be submitted to the administrative law judge. Except as provided in collective bargaining agreements, the operating department shall bear the costs of the administrative law judge for hearings provided for in this section.

Subd. 2. [Repealed, 1994 c 596 s 13]

Subd. 3. [Repealed, 1994 c 596 s 13]

Subd. 4. [Repealed, 1994 c 596 s 13]

**History:** 1965 c 855 s 13; 1980 c 573 s 13; 1986 c 444; 1987 c 384 art 2 s 1; 1994 c 596 s 11

### **383B.389 DISASTER VOLUNTEER LEAVE.**

Subdivision 1. **Leave authorized.** A county employee who is a certified disaster services volunteer of the American Red Cross or emergency disaster services volunteer of the Salvation Army or similar volunteer of a disaster services organization approved by the Hennepin County board may be granted leave from work with 50 percent of pay, not to exceed 15 working days in each year, to participate in specialized disaster relief services for the American Red Cross or another approved disaster services organization. The employee must be released from work for this function upon the request of the approved disaster services organization for the services of that employee, and upon the approval of that employee's appointing authority. The appointing authority must compensate the employee granted leave under this section at 50 percent of the employee's regular rate of pay for those regular hours during which the employee is absent from work. This leave, if granted by the appointing authority, does not affect the employee's vacation leave, pension, compensatory time, personal vacation days, sick leave, earned overtime accumulation, or cause a loss of seniority.

Subd. 2. **Liability.** The county is not liable for workers' compensation claims arising from accident or injury while a county employee is on an approved assignment with an approved disaster services organization. Duties performed while on disaster leave are not considered to be a work assignment by the county. The employee is granted leave based on the need for expertise in the employee's certified area. Job functions, although similar or related to the employee's county job functions, are performed on behalf of and for the benefit of the disaster services organization.

**History:** 2001 c 40 s 1

### **383B.39 VETERANS TO BE GIVEN PREFERENTIAL RATING.**

In all examinations veteran's preference shall be granted to every person who is a veteran as defined in section 197.447.

**History:** 1965 c 855 s 14; 1994 c 596 s 12

**383B.40** [Repealed, 1994 c 596 s 13]

### **383B.41 DISCRIMINATION.**

All employment and personnel policies of the county shall be administered without regard to race, color, creed, national origin, religion, sex, marital status, disability, status in regard to public assistance or age.

**History:** 1965 c 855 s 16; 1980 c 573 s 16

### **383B.42 APPROPRIATION OF FUNDS.**

The county board is hereby authorized and it shall make the necessary appropriation to carry out the provisions of sections 383B.26 to 383B.42.

**History:** 1965 c 855 s 18

**383B.45 COUNTY BOARD TO FIX TIME, MANNER TO PAY SALARIES.**

Subdivision 1. **Monthly, semimonthly, or per two weeks.** The governing body of the county of Hennepin shall fix the time and manner of payment of salaries to elective and appointive officers and employees paid in whole or in part from county funds. Such salaries may be paid either monthly, semimonthly, or for each two-week period, but no officer or employee whose salary is less than \$500 a month shall be paid on a monthly basis.

Subd. 2. **Transitional practice.** Until the governing body of the county of Hennepin exercises the power herein conferred, the payment of salaries and their manner of payment to elective and appointive officers and employees paid in whole or in part with county funds shall continue to occur in the manner now provided by law.

Subd. 3. **Salary payments may be rounded.** In order to utilize modern accounting methods and equipment in processing salaries the governing body of the county of Hennepin may adjust salaries of elective and appointive officers and employees paid in whole or in part from county funds, whether fixed by statute or otherwise, on an annual, monthly, semimonthly, daily, or other basis so that they may be paid in equal payments throughout the year. The salaries so adjusted shall be based on a year of 2,080 working hours. Odd fractions may be dropped or added in order to permit equal payments throughout the year, regardless of whether the computation slightly decreases or increases the annual, monthly, semimonthly, daily, or other salary of such officers and employees.

Subd. 4. **Supersedes earlier county law.** This section supersedes the provisions of Laws 1957, chapter 945, section 5, relating to the payment of salaries in equal semimonthly installments and any other law relating to the county of Hennepin and governing the time or manner of payment of elective or appointive officers and employees paid in whole or in part from county funds.

**History:** 1965 c 466 s 1; 1973 c 230 s 1

**383B.453 BOND OF COUNTY RECORDER DEPUTY.**

In each county of this state now or hereafter having a population of 500,000 or more, all deputy county recorders and clerks in the office of the county recorder whose duties require the collecting and receiving of fees or the handling of any funds, shall, before entering upon their duties, give bond to the state in a sum to be fixed by the county board. The county shall pay the premiums on such bonds where the surety is a corporation duly authorized by law to be surety.

**History:** 1947 c 73 s 1; 1976 c 181 s 2

**383B.455 LEGAL OFFICERS' SALARIES.**

Notwithstanding any other provisions of law to the contrary, in the county of Hennepin the county attorney, court administrator of district court, and sheriff shall receive as compensation for all services of every kind and nature performed as such officials, annual salaries as shall be determined by the Board of County Commissioners of Hennepin County.

**History:** 1971 c 744 s 1; 1Sp1986 c 3 art 1 s 82

**383B.457 OFFICERS' SALARIES.**

In the county of Hennepin, the salaries of all nonelected officials shall be set and prescribed by the board of county commissioners of said county. Provided, however, in no event shall any salary be set for such officials which is an amount less than that prescribed by law or in effect on June 9, 1967.

**History:** Ex1967 c 27 s 1

## RETIREMENT

**383B.46 SUPPLEMENTAL RETIREMENT ACCOUNT.**

Subdivision 1. **Eligibility for coverage.** Any person who was employed by the county of Hennepin or its agencies, boards, commissions, authorities and committees prior to April 14, 1982 as an employee or an officer in the classified service as defined in sections 383B.26 to 383B.42, or as an employee in the unclassified service, and who has served for five years as a county employee or an officer in the classified service, or as a county employee in the unclassified service, which need not necessarily be continuous, and which shall include time served as a county employee prior to June 8, 1965, if the person is an employee in the classified service, shall be entitled to elect to obtain coverage by the Hennepin County supplemental retirement program. The election to obtain coverage may be exercised only once and shall be exercised within 30 days of the date on which the person first becomes entitled to elect to obtain coverage. No person hired, rehired, or reinstated by the county as an employee in the classified or unclassified service on or after April 14, 1982, shall be eligible for coverage by the Hennepin County supplemental retirement program.

Subd. 2. **Establishment of account; contributions.** The county of Hennepin shall deduct from the salary of every person who is eligible for coverage and who elected to retain or obtain coverage by the Hennepin County supplemental retirement program a sum equal to one percent of the total salary of the person. Any classified or unclassified employee who is employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal Comprehensive Employment and Training Act shall not be included in the supplemental retirement account from and after March 30, 1978 unless the employee has as of the later of March 30, 1978 or the date of employment sufficient service credit in the public employees retirement fund or the Minneapolis municipal employees retirement fund, whichever is applicable, to meet the minimum vesting requirements for a deferred retirement annuity, or the county agrees in writing to make the required employer contributions on account of the individual from revenue sources other than funds provided under the federal Comprehensive Employment and Training Act, or the employee agrees in writing to make the required employer contribution in addition to the employee contribution. The deduction shall be made in the same manner as other retirement deductions are made from the salary of the person. An amount equal to the amounts deducted during each payroll period shall be contributed by the county of Hennepin. The total amount deducted and contributed shall be deposited to the credit of the supplemental retirement account in the treasury of the county of Hennepin. The Hennepin County supplemental retirement account is hereby established as an account separate and distinct from other funds, accounts, or assets of the county of Hennepin.

*History: 1969 c 950 s 1; 1978 c 720 s 19; 1982 c 450 s 1; 1985 c 261 s 11*

**383B.47 PARTICIPATION IN MINNESOTA SUPPLEMENTAL INVESTMENT FUND.**

With the moneys deposited to the credit of the supplemental retirement account in the treasury of the county of Hennepin, the county of Hennepin shall purchase shares in the accounts of the Minnesota supplemental investment fund as provided in section 383B.48.

*History: 1969 c 950 s 2; 1982 c 450 s 2*

**383B.48 BUYING STATE SUPPLEMENTAL INVESTMENT FUND SHARES.**

At the time a person becomes eligible for coverage and elects to obtain coverage by the Hennepin County supplemental retirement program and before November 1 of each subsequent year, a participant in the Hennepin County supplemental retirement program shall indicate in writing on a form provided by the county of Hennepin the account of the Minnesota supplemental investment fund in which the participant wishes salary deductions and county matching contributions attributable to salary deductions

to be invested for the subsequent 12-month period. For that 12-month period, the county of Hennepin shall purchase with the salary deductions and county matching funds attributable to the salary deductions shares in the appropriate account of the Minnesota supplemental investment fund in accordance with the indicated preferences of the participant. However, the county of Hennepin has the authority to determine which accounts of the Minnesota supplemental investment fund will be available for participant investment. The shares purchased must stand in the name of the county of Hennepin. A record must be kept by the county of Hennepin indicating the number of shares in each account of the Minnesota supplemental investment fund purchased with the salary deductions and county matching funds attributable to the salary deductions of each participant. The record must be known as the "participant's share account record." The participant's share account record must show, in addition to the number of shares in the account, any cash balance of salary deductions or county matching funds attributable to those deductions which stand uninvested in shares. At the option of the county of Hennepin, and subject to any terms and conditions established and communicated in writing by the county to a participant, the participant may designate no more often than once each calendar quarter that prior salary deductions and county matching contributions attributable to the salary deductions, together with any interest earned, be reinvested in another account of the Minnesota supplemental investment fund made available by the county of Hennepin.

**History:** 1969 c 950 s 3; 1975 c 153 s 1; 1982 c 450 s 3; 1986 c 356 s 10; 1995 c 141 art 3 s 17

### **383B.49 SUPPLEMENTAL RETIREMENT BENEFITS; REDEMPTION OF SHARES.**

When requested to do so, in writing, on forms provided by the county, by a participant, surviving spouse, a guardian of a surviving child or a personal representative, whichever is applicable, the county of Hennepin shall redeem shares in the accounts of the Minnesota supplemental investment fund standing in a participant's share account record under the following circumstances and in accordance with the laws and regulations governing the Minnesota supplemental investment fund:

(1) A participant who is no longer employed by the county of Hennepin is entitled to receive the cash realized on the redemption of the shares to the credit of the participant's share account record of the person. The participant may request the redemption of all or a portion of the shares in the participant's share account record of the person, but may not request more than one redemption in any one calendar year. If only a portion of the shares in the participant's share account record is requested to be redeemed the person may request to redeem not less than 20 percent of the shares in any one calendar year and the redemption must be completed in no more than five years. An election is irrevocable except that a participant may request an amendment of the election to redeem all of the person's remaining shares. All requests under this paragraph are subject to application to and approval of the Hennepin County administrator, in the sole discretion of the administrator.

(2) In the event of the death of a participant leaving a surviving spouse, the surviving spouse is entitled to receive the cash realized on the redemption of all or a portion of the shares in the participant's share account record of the deceased spouse, but in no event may the spouse request more than one redemption in each calendar year. If only a portion of the shares in the participant's share account record is requested to be redeemed, the surviving spouse may request the redemption of not less than 20 percent of the shares in any one calendar year. Redemption must be completed in no more than five years. An election is irrevocable except that the surviving spouse may request an amendment of the election to redeem all of the participant's remaining shares. All requests under this paragraph are subject to application to and approval of the Hennepin County administrator, in the sole discretion of the administrator. Upon the death of the surviving spouse, any shares remaining in the participant's share account record must be redeemed by the county of Hennepin and the cash realized from the redemption distributed to the estate of the surviving spouse.

(3) In the event of the death of a participant leaving no surviving spouse, but leaving a minor surviving child or minor surviving children, the guardianship estate of the minor child is, or the guardianship estates of the minor children are, entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant. In the event of minor surviving children, the cash realized must be paid in equal shares to the guardianship estates of the minor surviving children.

(4) In the event of the death of a participant leaving no surviving spouse and no minor surviving children, the estate of the deceased participant is entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant.

**History:** 1969 c 950 s 4; 1975 c 153 s 2; 1982 c 450 s 4; 1985 c 261 s 12; 1995 c 141 art 3 s 18; 1Sp2003 c 12 art 10 s 1

### **383B.493 WITHDRAWAL FROM PARTICIPATION.**

Notwithstanding Laws 1982, chapter 450, or any other law to the contrary, a Hennepin County employee participating in the Hennepin County supplemental retirement program pursuant to Laws 1982, chapter 450 may, in the event of an unforeseeable emergency, apply to the county to discontinue participation in the program. Employees who are no longer participating in the program may apply for the redemption of all shares credited to their share account record. Applications are subject to approval of the Hennepin County administrator in the sole discretion of the administrator. For the purposes of this section, the term "unforeseeable emergency" shall mean a severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or a person dependent upon the participant, loss of participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. Applications based on foreseeable expenditures normally budgetable shall not be approved. A participant exercising the option provided by this section shall be ineligible for further participation in the supplemental retirement program.

**History:** 1983 c 100 s 1; 1985 c 261 s 13; 1Sp2003 c 12 art 10 s 2

### **383B.50 PROSPECTUS.**

The county of Hennepin shall distribute to each participant a prospectus of the Minnesota supplemental investment fund when received from the fund.

**History:** 1969 c 950 s 5; 1982 c 450 s 5

### **383B.51 NO ASSIGNMENT OR GARNISHMENT.**

The right of a participant who has shares to the credit of the participant's share account record to redeem all or any portion of the shares is a personal right only and shall be in the state of Minnesota or the State Board of Investment or the nominee of either, subject to the rights of the county of Hennepin. Any assignment or attempted assignment of shares to the credit of a participant's share account record by any person is null and void. The shares are exempt from garnishment or levy under attachment or execution or other legal process, except as provided in section 518.58, 518.581, or 518.6111. The shares are also exempt from all taxation, except individual income taxation, by the state of Minnesota.

**History:** 1969 c 950 s 6; 1982 c 450 s 6; 1988 c 668 s 7; 1996 c 471 art 1 s 11; 1997 c 203 art 6 s 92

### **383B.52 ADMINISTRATION COSTS.**

The Board of County Commissioners of Hennepin County is hereby authorized to appropriate money for the administration of the supplementary benefit program created by sections 383B.46 to 383B.52. The Board of County Commissioners of Hennepin County may charge participants a fee to recover the administrative expenses of the supplementary benefit program. Annual total fees charged to administer the

supplementary benefit program may not exceed 40/100 of one percent of the assets of the program.

**History:** 1969 c 950 s 7; 1998 c 390 art 2 s 15

### **383B.56 BOARD MAY REGULATE PUBLIC, PRIVATE AMBULANCES.**

Subdivision 1. **May license for operation standards.** The county board of Hennepin County may regulate the use of both public and private ambulances in such county. Such regulations may provide for the licensing of such vehicles providing for standards of operation including but not limited to requirements for equipment, sanitation, safety devices and such other requirements as the board may deem necessary.

Subd. 2. **Also drivers and attendants.** The county board shall also have authority to license and regulate the drivers and attendants operating such ambulances and to enact reasonable rules and regulations providing for personal health and such other standards as the board may deem necessary.

Subd. 3. **\$25 for vehicle; \$5 for operator or attendant.** The county board may impose reasonable yearly licensc fees not to exceed \$25 for each such vehicle, and not to exceed \$5 for each such operator or attendant. The fees for such licenses shall be paid into the general revenue fund of the county.

Subd. 4. **Board may appropriate money for this section.** The county board is hereby authorized to make the necessary appropriations to carry out the provisions of this section.

**History:** 1967 c 753 s 1

### **383B.562 GOVERNMENT CENTER; LIQUOR.**

Notwithstanding any law to the contrary, Hennepin County, by resolution of its county board, may issue, with or without fee, to a nonprofit organization or corporation, one-day on-sale licenses for the sale and serving of intoxicating liquor in the Hennepin County Government Center in connection with any convention, banquet, conference, meeting, or social event conducted by the nonprofit organization. The licensee may dispense intoxicating liquor only to persons attending the event. The licensee's authority shall expire upon termination of the event. All dispensing of intoxicating liquor shall be in accordance with the terms and conditions prescribed by resolution of the county board.

**History:** 1983 c 337 s 2

### **383B.565 PLATS AND SURVEYS; APPROVAL.**

In the county of Hennepin, each subdivision plat or registered land survey plat shall be approved by the Hennepin county surveyor before recording. The proprietor of such plat shall be charged a fee for such service in accordance with a schedule established by the board of commissioners.

**History:** 1969 c 810 s 1

## **HIGHWAYS**

### **383B.60 SPECIAL PERMITS; SEASONAL CONTRACTOR'S PERMIT; FEES.**

The county of Hennepin, to cover administrative costs in issuing special permits under the provisions of section 169.86 may charge a fee of \$5 for each such permit issued, except a seasonal transportation permit to contractors who move their own machinery and equipment for their own use, the fee for such seasonal permit shall be \$25, provided that all contractors' equipment and machinery hauled by "for hire" carriers pursuant to a contract or lease with said contractor shall also be included in the issuance of said permits. All such fees for permits issued shall be deposited in the county treasury and credited to the county road and bridge fund.

**History:** 1967 c 774 s 1; 1971 c 819 s 1



**383B.603 BOARD MAY FILE COUNTY HIGHWAY MAPS FOR RECORD.**

Subdivision 1. **Need not comply with chapter 505.** In order to provide information to the public as to the location of county highways and county state-aid highways and the right-of-way thereof in Hennepin county, the county board of Hennepin County may file for record in the office of the county recorder and registrar of titles of said county such maps or plats showing such information as the board shall determine necessary. The map or plat shall be subscribed by the chair of the county board and any licensed land surveyor in the employ of Hennepin County, and is entitled to record without compliance with the provisions of chapter 505. Any amendments, alterations, or vacations or such maps or plats so filed may be entitled to record in like manner.

Subd. 2. **Descriptive; not to transfer title.** Maps or plats filed for record under this section shall not operate of themselves to transfer title to the property described but such maps or plats shall be for descriptive purposes.

**History:** 1967 c 512 s 1; 1976 c 181 s 2; 1986 c 444; 1998 c 324 s 9

**383B.606 SEASONAL LOAD LIMITS.**

The seasonal load restrictions imposed pursuant to section 169.87, subdivision 2, do not apply to county highways and county state-aid highways in Hennepin County unless the highway is so posted by the appropriate local authority as provided in section 169.87, subdivision 1.

**History:** 1967 c 511 s 1

**383B.608 LOCAL ROAD AID.**

Notwithstanding the provisions of any law to the contrary, the county board of Hennepin County may appropriate from its road and bridge fund to any town or city within the county, such sums of money as are available and which the county board deems advisable to aid any such town or city in the construction and maintenance of roads, streets or bridges therein. The appropriations may be directly expended by the county board on roads, streets or bridges designated by the governing body of the town or city, and may be expended in accordance with Laws 1905, chapter 164, as amended. No such town or city shall receive an appropriation hereunder exceeding 30 percent of the annual county tax levy for road and bridge purposes paid by the town or city.

**History:** 1975 c 289 s 1

**PROBATION DEPARTMENT****383B.611 PROBATION AND INVESTIGATION DEPARTMENT, CREATION.**

There is hereby established in the county of Hennepin, a probation and investigation department in connection with the district court of any such county in charge of an officer to be known as director of court service.

**History:** 1929 c 326 s 1; 1955 c 504 s 1; 1961 c 527 s 1

**383B.612 DIRECTOR OF COURT SERVICES; OTHER EMPLOYEES.**

Such department shall consist of one director of court services and such assistants, deputies, probation officers, caseworkers, investigators, clerical help and other employees as the judges of said court shall from time to time appoint.

Such director of court services, assistants, deputies, officers, caseworkers, investigators, clerical help, and other employees shall be appointed and removed by the judges of the district court in any such county. They may be appointed either for a definite period of time or for an indeterminate period, in the discretion of the court. The salaries of all such persons shall be fixed by the judges of said court.

The judges may by order determine the necessary qualifications of applicants for positions in the department and may, in their discretion, provide that applicants shall undergo certain tests as to their qualifications.

The director of court services shall have general supervision of such department, subject to the direction of the judges of the court. The court may divide the duties of the department into branches or divisions, and appoint from such probation officers, investigators or other employees the heads of such branches or divisions. A juvenile division may be established distinct from all other divisions of such department.

**History:** 1929 c 326 s 2; 1939 c 183 s 1; 1955 c 504 s 2

### 383B.613 DUTIES OF DEPARTMENT.

The duties of such department shall be:

(1) to undertake the supervision of all persons placed on probation or parole by any of the judges of said court, to keep accurate records of such supervision, and to report to the court as to such probation or parole as directed by any of the judges of the court;

(2) to be present when court is in session and so directed by any one of said judges;

(3) to perform the duties required of probation officers by chapter 521;

(4) to assist in administering the law providing for all allowances to mothers of dependent children, and to perform the duties of investigation and supervision, as found in Mason's Minnesota Statutes of 1927, sections 8671 to 8689;

(5) to provide for mental and physical examination of persons coming under the juvenile court law, and to provide for necessary mental, dental, surgical, and nursing care for such persons;

(6) to make such investigation as the court may direct concerning the circumstances of the offense, criminal record and social history of any person convicted of crime, and when deemed appropriate to obtain a physical and mental examination of such defendant and report thereon;

(7) to make collections of support money in divorce actions when ordered by a judge of the court for the benefit of children or indigent mothers and children jointly; to collect money ordered to be paid in desertion and abandonment cases; and to make collections of money or property when ordered to be paid as restitution or reimbursement, and to turn over such money or property to the person or persons entitled thereto. Before turning over such money as herein provided, the department may deduct from such money a charge for its collection services. Such charges shall be made in whatever amount and in whatever manner as is approved by the district court, fourth judicial district;

(8) to make investigations in divorce cases of children and home conditions when directed by a judge of said court, and also to exercise supervision over children in such divorce cases as the court may direct;

(9) when directed by a judge of the court and when the person having custody of children is indigent, to take such steps as may be necessary to compel persons ordered to pay money for the support of children when in default; to take such steps as may be necessary to compel persons to make reimbursement to comply with the order of court when in default; to institute, if necessary, contempt proceedings in behalf of such person or persons to whom money or property is ordered to be paid or delivered. It shall be the duty of the county attorney to conduct such contempt proceedings when directed by one of the judges of the court. The county attorney in such contempt proceedings or upon a separate motion supported by order to show cause and affidavits may move the court that any defaults or delinquent payments under such order of support be reduced to a judgment against the defaulting party, and where the local social services agency or any other public agency has advanced and expended funds to supply the unmet needs of such children because of such default by failure to pay the court order, such local social services agency or other public agency shall be subrogated and may recover under such judgment to the extent that public funds were expended for the care and support of such children;

(10) to perform such other duties for the protection of children and indigent mothers and children as may be directed by the court, including the exclusive operation, control and administration of any juvenile detention facility provided by such county for the temporary custody of delinquent children.

**History:** 1929 c 326 s 3; 1955 c 504 s 3; 1961 c 527 s 2; 1969 c 811 s 1; 1994 c 631 s 31

### **383B.614 SPACE, SUPPLIES, EXPENSES, OFFICER'S POWERS, BOND; RECORDS.**

Subdivision 1. **Board to provide.** The county commissioners of such county shall provide the department with suitably furnished office rooms, record books, stationery, postage, expenses of investigation and transportation which shall include payment to any probation officer and employee of the department as compensation or reimbursement for the use of such officer's or employee's own automobile in the performance of county duties mileage at a rate per mile not exceeding the maximum rate fixed by law plus a reasonable allowance, not exceeding \$10 per month, to defray cost of parking fees incidental to such use, and such other actual expenses as are required for the proper execution of the purposes of this section.

Subd. 2. **Peace officer powers; bond for money received.** Probation officers shall have the power of peace officers in the execution of their duties. Each probation officer, before entering on the duties of the office, shall take an oath of office to be administered by one of the judges making the appointment. Each probation officer or employee who collects or has the custody of money shall execute a bond, with appropriate sureties, in a penal sum to be fixed by the judges, at the expense of the county, conditioned for the true accounting of all money received by the officer as a probation officer.

Subd. 3. **Records may be withheld.** The records of all cases in said office may be withheld from indiscriminate public inspection at the discretion of the judges of the court.

Subd. 4. **By majority of judges.** Any act, order, or thing required or permitted to be done by the judges of the court by the provisions hereof may be done by a majority of the judges.

Subd. 5. [Repealed, 1995 c 186 s 77]

**History:** 1929 c 326 s 4-7,9; 1953 c 385 s 1; 1986 c 444

## **PUBLIC DEFENDER**

### **383B.63 PUBLIC DEFENDER FOR CRIMES, MISDEMEANORS, ORDINANCES.**

Subdivision 1. [Repealed, 1991 c 345 art 3 s 30]

Subd. 2. **Represent financially unable, including juveniles.** The public defender of Hennepin County may appear for and defend all persons charged with any crime, petty misdemeanor or ordinance violation in such county, and may appear for and represent all persons in juvenile court in such county who are financially unable to employ counsel.

Subd. 3. **Do appeals, if state defender unable.** If the state public defender is unable to provide the service, the public defender of Hennepin County may appeal a conviction of any crime, petty misdemeanor or ordinance violation or an adverse decision in juvenile court where the party appealing is financially unable to employ counsel and to pay the expenses of an appeal.

Subd. 4. [Repealed, 1989 c 335 art 3 s 57]

Subd. 5. [Repealed, 1989 c 335 art 3 s 57]

Subd. 6. **Chief unclassified; others classified.** The employees of the office of the Hennepin County public defender shall be and are hereby placed in the classified

service as set forth in Laws 1965, chapter 855, as amended; except that the public defender shall be in the unclassified service.

*History:* 1973 c 317 s 1; 1986 c 444

### COURTS; BLOOMINGTON

#### 383B.65 CONTRACTS, LEASES WITH BLOOMINGTON FOR COURT SPACE.

Subdivision 1. **Payments to retire debt first, then county may buy.** The county of Hennepin and the city of Bloomington may enter into contracts for terms not to exceed ten years and may enter into leases in connection with court and court-related activities. The term of any lease entered into by the county of Hennepin with the city of Bloomington shall not exceed the period required to service the debt on the bonds authorized by Laws 1983, chapter 523, article 12, section 1. Lease payments shall be irrevocably pledged to the payment of the debt. Upon the retirement of the debt created under Laws 1983, chapter 523, article 12, section 1, the city may lease space in the court building and related facilities to the county as the county may need for court purposes for periods not to exceed five years. If the city and the county deem it to be in the best interests of the public served by the facilities, the county may purchase them after retirement of the debt, or upon guaranteeing the servicing of the debt, at mutually agreed upon terms.

Subd. 2. **May relocate Bloomington court.** Notwithstanding the provisions of section 488A.01, subdivision 9, the county of Hennepin may relocate the municipal court serving the city of Bloomington and thereupon shall provide suitable quarters for the holding of regular terms of court in a southern suburban location within the county as may be designated by a majority of the judges of the court. All functions of the court may be discharged, including both court and jury trials of civil and criminal matters, at the location designated pursuant to this section. Nothing in this section shall be construed to reduce the level of services to the residents of the city of Bloomington.

*History:* 1983 c 523 art 12 s 2,4

### SUBURBAN HENNEPIN REGIONAL PARK DISTRICT

#### 383B.68 SEVEN HENNEPIN REGIONAL PARK DISTRICT COMMISSIONERS.

Subdivision 1. **As provided in this section.** Effective January 1, 1983, and notwithstanding any provision of sections 398.02 to 398.04, or any other law to the contrary, the Board of Park District Commissioners of the Hennepin County Park Reserve District shall consist of seven commissioners appointed or elected as provided in this section.

Subd. 2. **Two residents appointed by county board.** Two park district commissioners shall be appointed by the Board of Commissioners of Hennepin County. An appointee must be a resident of the Hennepin County Park Reserve District in order to qualify and serve as a park district commissioner. Each park district commissioner appointed pursuant to this subdivision shall serve for a four-year term. If a vacancy occurs among the commissioners appointed pursuant to this subdivision, the Board of Commissioners of Hennepin County shall appoint a successor.

Subd. 3. **Five elected from outside Minneapolis.** Five park district commissioners shall be elected as provided in this subdivision to represent those portions of Hennepin County outside of the city of Minneapolis. One park district commissioner shall be elected without party designation from each of the districts established pursuant to subdivision 4. Elections under this subdivision shall be held at the same time and in the same manner as elections for the office of county commissioner beginning at the 1986 general election. Each park district commissioner elected pursuant to this subdivision shall be a resident of the district represented and shall serve for a term of four years and until a successor is elected and qualifies, except that the term of office of each park district commissioner elected at the general election held in the year of a federal census shall be only two years and until a successor is elected and qualifies. At the general

election following redistricting as required in subdivision 4, the three commissioners from odd-numbered districts shall be elected for four-year terms and the two commissioners from even-numbered districts shall be elected for two-year terms. If a vacancy occurs in the office of any commissioner elected pursuant to this subdivision, the Board of Park District Commissioners shall appoint a successor residing in that district to fill the unexpired term.

Subd. 4. **Decennial redistricting.** After September 1, 1985, and after at least 30 days' notice and public hearing, the Board of Park District Commissioners of the Hennepin County Park Reserve District shall divide the territory of Hennepin County outside the city of Minneapolis into five districts, which constitute the Hennepin County Park Reserve District. Each district shall be composed of contiguous territory as regular and compact in form as practicable and as nearly equal in population as possible, provided that no district shall vary in population more than ten percent from the average of all the districts, unless compliance with this requirement requires division of a voting precinct. After each federal census and by the date prescribed for redistricting of election districts in section 204B.135, subdivision 2, after at least 30 days' notice and public hearing, the Board of Park District Commissioners of the Hennepin County Park Reserve District shall redistrict the territory of the Hennepin County Park Reserve District into new commissioner districts as necessary to comply with the provisions of this subdivision. The districts established pursuant to this subdivision shall remain effective until new districts are established. Any person aggrieved by a districting plan established pursuant to this subdivision may challenge the plan in the same manner as a county commissioner districting plan may be challenged pursuant to section 375.025. The district court in reviewing any challenge to a districting plan under this subdivision shall proceed in the manner prescribed by section 375.025. Each districting plan established pursuant to this subdivision shall be filed in the office of the director of finance of Hennepin County or any successor office and shall be effective 31 days after its publication in a newspaper of general circulation in the county.

**History:** 1979 c 288 s 2; 1Sp1985 c 14 art 7 s 2-4; 1986 c 444; 1993 c 58 s 1

**383B.69** [Repealed, 1996 c 310 s 1]

### **383B.70 COMPENSATION OF COMMISSIONERS.**

Notwithstanding the provisions of section 398.05 or any other law, the compensation of commissioners of the suburban Hennepin regional park district must be set by the board of park commissioners.

**History:** 1977 c 101 s 1; 2001 c 44 s 1

### **383B.702 DEPOSITORIES.**

Notwithstanding section 398.18, the Hennepin County Park Reserve District may exercise the powers of a municipality under chapter 118A.

**History:** 1Sp1985 c 14 art 7 s 6; 2001 c 7 s 90

### **383B.703 DISTRICT RENAMING.**

The Hennepin County Park Reserve District, a local government unit organized and existing under the provisions of sections 398.01 to 398.36, is renamed the Suburban Hennepin Regional Park District. The district so named is the legal successor in all respects of the Hennepin County Park Reserve District as originally named and constituted. All bonds, resolutions, contracts, and liabilities of the Hennepin County Park Reserve District are the bonds, resolutions, contracts, and liabilities of the Suburban Hennepin Regional Park District as so renamed and reconstituted. The boundaries of the Suburban Hennepin Regional Park District shall include all of Hennepin County except the city of Minneapolis.

**History:** 1Sp1985 c 14 art 7 s 7; 2001 c 44 s 2

**383B.71 TRAIL SYSTEM.**

In addition to the authority granted by chapter 398, the Hennepin County Park Reserve District is authorized to acquire, establish, operate and maintain trail systems.

*History:* 1975 c 66 s 1

**383B.72 LAND ACQUISITION; TOWN CONSENT.**

Notwithstanding the provisions of section 398.09, the Board of Park District Commissioners of the Hennepin County Park Reserve District, before acquiring by purchase or condemnation real estate located within the boundaries of any organized town in Hennepin County, other than real estate located within an area designated for development of a park in the most recent revised plan which has been prepared by the district in accordance with section 398.19, and is on file on June 9, 1971, with the state department of parks, shall secure the consent of the town board of such town to such acquisition, by resolution duly adopted by such board.

*History:* 1967 c 721 s 1

**383B.73 PARK DISTRICT TAX LEVY.**

Subdivision 1. **Levy.** To provide funds for the purposes of the Hennepin County Park Reserve District as set forth in its annual budget, in lieu of the levies authorized by any other special law for such purposes, the Board of Park District Commissioners may levy taxes on all the taxable property in the county and park district at a rate not exceeding 0.03224 percent of market value. Notwithstanding section 398.16, on or before October 1 of each year, after public hearing, the Board of Park District Commissioners shall adopt a budget for the ensuing year and shall determine the total amount necessary to be raised from ad valorem tax levies to meet its budget. The Board of Park District Commissioners shall submit the budget to the county board. The county board may veto or modify an item contained in the budget. If the county board determines to veto or to modify an item in the budget, it must, within 15 days after the budget was submitted by the district board, state in writing the specific reasons for its objection to the item vetoed or the reason for the modification. The Park Reserve District Board, after consideration of the county board's objections and proposed modifications, may reapprove a vetoed item or the original version of an item with respect to which a modification has been proposed, by a two-thirds majority. If the district board does not reapprove a vetoed item, the item shall be deleted from the budget. If the district board does not reapprove the original version of a modified item, the item shall be included in the budget as modified by the county board. After adoption of the final budget and no later than October 1, the superintendent of the park district shall certify to the office of the Hennepin County director of tax and public records exercising the functions of the county auditor the total amount to be raised from ad valorem tax levies to meet its budget for the ensuing year. The director of tax and public records shall add the amount of any levy certified by the district to other tax levies on the property of the county within the district for collection by the director of tax and public records with other taxes. When collected, the director shall make settlement of such taxes with the district in the same manner as other taxes are distributed to the other political subdivisions in Hennepin County.

Subd. 2. [Repealed, 2001 c 44 s 5]

*History:* 1967 c 721 s 2; 1969 c 885 s 1; 1971 c 954 s 1; 1973 c 473 s 1; 1979 c 288 s 1; 1Sp1985 c 14 art 7 s 1; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 40,41

**383B.74** [Repealed, 2001 c 44 s 5]

**BUILDING COMMISSION****383B.75 MUNICIPAL BUILDING COMMISSION.**

That from and after the first Monday in January, 1904, all of the completed portions of the Hennepin County and Minneapolis Courthouse and City Hall Building,

erected pursuant to chapter 395 of the Special Laws of 1887, shall be under the exclusive care of a commission of four members, styled "the municipal building commission," which shall be constituted as follows: The chair of the Board of County Commissioners of Hennepin County, the mayor of the city of Minneapolis, a person appointed by the Board of County Commissioners of Hennepin County, who shall serve at its pleasure, and a person appointed by the city council of the city of Minneapolis, who shall serve at its pleasure. The chair of the Board of County Commissioners of Hennepin County shall be president of said commission, and the mayor of the city of Minneapolis, vice-president thereof. The person appointed by the Board of County Commissioners of Hennepin County shall be the secretary of said commission and as such shall keep the records and accounts thereof. The comptroller treasurer of the city of Minneapolis shall keep a correct account of the receipts and expenditures of the commission. The commission shall by resolution establish regular meeting dates.

**History:** 1903 c 247 s 1; 1977 c 77 s 1; 1986 c 444

### **383B.751 CARE AND CONTROL OF BUILDING.**

The commission hereby created shall have the entire care and control of all of said courthouse and city hall building. It shall have power to assign unassigned rooms and space in any part of said building with entire control of any room or rooms in said building, and of all halls and corridors and of all boiler and machinery rooms. The commission in its discretion may reassign and reallocate occupied rooms or space therein provided that space already occupied may not be reassigned except after a hearing before said commission on written notice to the occupant or person in charge of such space; and the vote of three members of said commission shall govern as its final action after such hearing; provided further that any interested party may appeal from an adverse ruling of said commission to the district court, which court shall summarily decide the matter after a hearing thereon in the same manner as a civil case, and the determination of said matter by said court shall be final, provided that if the space in controversy is occupied or sought to be occupied by a district court judge or other district court official, that said final determination be made by a judge of the district court from a district other than that comprising Hennepin County, which other judge shall be selected by the governor upon request of the commission. When so determined and after being served with the court order the occupant or person in charge of such space or room shall remove therefrom in accordance with the terms of the order, and failing to do so, shall be deemed in contempt of court.

The commission shall also have the care and control of all engines, boilers, machinery, elevators and all mechanical and electrical appliances of every nature in said building. It shall cause all of the occupied portions of said building to be properly heated, lighted, cleaned and kept in repair for public use, with full authority to appoint any and all employees necessary to properly perform the duties hereby devolved upon such commission, with authority to fix the compensation of such employees. Persons employed by the municipal building commission on or before August 1, 1977, or thereafter, and having at least six months service, shall have tenure based on length of service. Promotions shall be filled from the eligible lists established and maintained by the Minneapolis civil service commission. No employee after six months continuous employment shall be removed or discharged except upon a majority vote of the members of the municipal building commission for cause, upon written charges and after an opportunity to be heard at a hearing conducted by the municipal building commission. The Minneapolis civil service rules relating to cause for removal shall govern. An employee removed for cause may appeal to district court, which decision shall be final.

Nothing herein contained shall be construed to interfere in any manner with the powers and duties of the courthouse and city hall commission engaged in completing and furnishing said building.

**History:** 1903 c 247 s 2; 1937 c 251 s 1; 1986 c 444

**383B.752 EXPENSES; WARRANTS.**

Said commission shall at the beginning of each calendar month render a detailed statement to the county auditor of Hennepin County and to the city controller of the city of Minneapolis, respectively, of all its expenses necessarily incurred for the purposes contemplated by sections 383B.75 to 383B.754 during the last preceding month in or with reference to portions of said building used or occupied by the county and by the city, respectively, including the proper portions of all expenses rendered for the common benefit of the county and city and properly chargeable to each of such municipalities; whereupon it shall become the duty of the proper officers of said county and of said city to forthwith draw warrants upon their respective treasurers, each for the amount of the account rendered against it by said commission, and it shall be the duty of the treasurer of said municipal building commission to forthwith pay to the parties properly entitled thereto the several amounts specified in said accounts rendered.

**History:** 1903 c 247 s 3

**383B.753 EXCLUSIVE CONTROL.**

From and after the first Monday in January, 1904, neither the Board of County Commissioners of Hennepin County, nor the city council of the city of Minneapolis shall have anything to do with the care of any portion of the courthouse and city hall building, nor shall they have anything to do with the control of any portions of said building not specifically assigned for official use.

**History:** 1903 c 247 s 4

**383B.754 BUDGET DATE.**

It shall be the duty of the municipal building commission to prepare a detailed statement of the estimated expenditures of such commission for the then ensuing year and transmit the same each year to the Board of County Commissioners of Hennepin County on the date specified by the board. The estimate shall specify what portion of the total expenditures of the commission shall be borne by the county and city, respectively, and it shall be the duty of the county commissioners to levy a tax at its proper meeting sufficient to meet the county share of the final statement of estimated expenditures. A like estimate shall be transmitted each year to the city council of the city of Minneapolis on the date specified by the council, and it shall be the duty of the city council to levy a tax at its proper meeting sufficient to meet the city's portion of the final statement of estimated expenditures. If the dates specified by the city and county are different, the commission shall transmit its budget estimate to both the city and the county on the earlier of the two dates. The commission shall submit a final statement of estimated expenditures ten days before the date Hennepin County and the city of Minneapolis are required to certify their tax levies.

**History:** 1903 c 247 s 5; 1983 c 76 s 1

**HOUSING AND REDEVELOPMENT AUTHORITY****383B.77 HENNEPIN COUNTY HOUSING AND REDEVELOPMENT AUTHORITY.**

Subdivision 1. **Creation.** The Hennepin County Housing and Redevelopment Authority is created in the county of Hennepin. It shall have all of the powers and duties of a housing and redevelopment authority under sections 469.001 to 469.047. For the purposes of applying the municipal housing and redevelopment act to Hennepin County, the county has all of the powers and duties of a city, the county board has all of the powers and duties of a governing body, the chair of the county board has all of the powers and duties of a mayor, and the area of operation includes the area within the territorial boundaries of the county.

Subd. 2. **Limitation.** This section does not limit or restrict any existing housing and redevelopment authority or prevent a municipality from creating an authority. For



purposes of this subdivision, "housing and redevelopment authority" includes any municipal department, agency, or authority of the city of Minneapolis which exercises the powers of a housing and redevelopment authority pursuant to section 469.003 or other law. The county authority shall notify a municipal authority by January 31 of each year as to the activities the county authority plans to participate in within the municipality. The municipal authority shall notify the county authority within 45 days of the date of the notice from the county authority, if the municipal authority does not consent to the activities of the county authority. The county authority shall not exercise its powers in a municipality where a housing and redevelopment authority was created under Minnesota Statutes 1969, chapter 462, before June 8, 1971, except as provided in this subdivision. If a city housing and redevelopment authority requests the county housing and redevelopment authority to exercise any power or perform any function of the municipal authority, the county authority may do so.

Subd. 3. **Local approval.** If a housing or redevelopment project is undertaken in Hennepin County pursuant to this section, the governing body of the city must approve the project before it is undertaken.

Subd. 4. **Commissioners.** Notwithstanding section 469.003, subdivision 5, the Hennepin County Housing and Redevelopment Authority shall consist of seven commissioners.

**History:** 1987 c 177 s 1; 1989 c 78 s 1; 1989 c 209 art 2 s 38; 1997 c 58 s 3; 2000 c 260 s 92

## BATHING BEACHES

### 383B.78 BATHING BEACHES.

Subdivision 1. **Bathing beach definition.** For purposes of this section, a public bathing beach means public land, roads, and highways adjoining public waters that have been or may be used for bathing or swimming, and privately owned places that the public is allowed to frequent or use for bathing.

Subd. 2. **Unlawful to bathe at public beaches at certain times.** In counties that have a population of 450,000 or more, a person may not frequent, swim, bathe, or congregate at a public bathing beach or public waters adjacent to a public bathing beach for the purpose of swimming or bathing, or congregating with others, from 10:30 p.m. to 5:00 a.m. of the next day.

Subd. 3. **Regulatory ordinances.** (a) The governing bodies of counties having a population of more than 450,000, and all cities and towns located in the counties may, by ordinance, resolution, or bylaw, regulate the use of public bathing beaches and public waters where a public bathing beach immediately borders for the purpose of bathing, swimming, or congregating with others, within their respective territorial limits, in a manner that is not inconsistent with this section.

(b) If a governing body determines that the safety, health, morals, or general welfare of the public require, the governing body may, by ordinance, resolution, or bylaw, provide that a public bathing beach is closed to bathing, swimming, and congregating after 9:00 p.m.

Subd. 4. **Not restrictive.** This section does not limit or abrogate any of the existing powers of a body or governing board of a county, home rule charter or statutory city, or town.

Subd. 5. **Penalty.** A person who violates a provision of this section is guilty of a misdemeanor.

**History:** 1990 c 391 art 8 s 43; 1997 c 7 art 1 s 132

## MULTIJURISDICTIONAL PROGRAM

### 383B.79 MULTIJURISDICTIONAL PROGRAM.

Subdivision 1. **Program created.** A multijurisdictional reinvestment program involving Hennepin County, the cities of Minneapolis, Brooklyn Center, and other

interested statutory or home rule charter cities in Hennepin County, the Minneapolis Park Board, and the suburban Hennepin County Park District is created. The multi-jurisdictional program must include plans for housing rehabilitation and removals, industrial polluted land cleanup, water ponding, environmental cleanup, community corridor connections, corridor planning, creation of green space, acquisition of property, development and redevelopment of parks and open space, water quality and lakeshore improvement, development and redevelopment of housing and existing commercial projects, and job creation.

Subd. 2. **Use of appropriations.** Up to one-half of any state appropriation for the program created in subdivision 1 may be used by the county as a grant to the cities of Minneapolis and Brooklyn Center to provide assistance in a capital nature for constructing public infrastructure improvements in order to further economic development.

Subd. 3. **Matching.** Government jurisdictions participating in the reinvestment program planning and projects must match any state contribution on at least a dollar-for-dollar basis in the aggregate. Government jurisdictions, however constituted, may use any funds under their control for the match requirement.

Subd. 4. **Administration.** The board of county commissioners shall administer the program and funds and bond for projects in this section either as a county board or a housing and redevelopment authority. The board of county commissioners may acquire property in connection with the projects in this section with any funds under its control. Any sale, lease, or development of such property by the board of county commissioners shall be conducted in accordance with section 469.029.

Subd. 5. **Financing.** Hennepin County may appropriate funds for any of the activities described in subdivision 1, whether or not state funds are appropriated for the activity. Hennepin County may include any part of the costs of a project described in section 469.002, subdivision 12, in a capital improvement plan adopted under section 373.40, and may issue bonds for such purposes pursuant to and subject to the procedures and limitations set forth in section 373.40, whether or not the capital improvement to be financed is to be owned by the county or any other governmental entity. Such purposes are in addition to the capital improvements described in section 373.40, but shall not include light rail transit, commuter rail, or any activity related to either of those, or a sports facility building designed or used primarily for professional sports. No funds appropriated under this subdivision may be used to pay operating expenses.

**History:** 1995 c 224 s 94; 1Sp1998 c 1 art 3 s 21,22; 1999 c 223 art 2 s 47; 2001 c 214 s 10

## DEED AND MORTGAGE TAX

### 383B.80 HENNEPIN COUNTY DEED AND MORTGAGE TAX.

Subdivision 1. **Authority to impose; rate.** (a) The governing body of Hennepin County may impose a mortgage registry and deed tax.

(b) The rate of the mortgage registry tax equals .0001 of the principal.

(c) The rate of the deed tax equals .0001 of the amount.

Subd. 2. **General law provisions apply.** The taxes under this section apply to the same base and must be imposed, collected, administered, and enforced in the same manner as provided under chapter 287 for the state mortgage registry and deed taxes. All the provisions of chapter 287 apply to these taxes, except the rate is as specified in subdivision 1, the term "Hennepin County" must be substituted for the "state," and the revenue must be deposited as provided in subdivision 3.

Subd. 3. **Deposit of revenues.** All revenues from the tax are for the use of the Hennepin County Board of Commissioners and must be deposited in the county's environmental response fund under section 383B.81.

Subd. 4. **Expiration.** The authority to impose the tax under this section expires January 1, 2008.

**History:** 1997 c 231 art 16 s 15; 1Sp2001 c 5 art 7 s 62; 2002 c 390 s 4

### ENVIRONMENTAL RESPONSE FUND

#### 383B.81 ENVIRONMENTAL RESPONSE FUND.

Subdivision 1. **Creation.** An environmental response fund is created for the purposes specified in this section. The taxes imposed by section 383B.80 must be deposited in the fund. The board of county commissioners shall administer the fund either as a county board, a housing and redevelopment authority, or a regional rail authority.

Subd. 2. **Uses of fund.** The fund created in subdivision 1 must be used for the following purposes:

(1) acquisition through purchase or condemnation of lands or property which are polluted or contaminated with hazardous substances;

(2) paying the costs associated with indemnifying or holding harmless the entity taking title to lands or property from any liability arising out of the ownership, remediation, or use of the land or property;

(3) paying for the costs of remediating the acquired land or property;

(4) paying the costs associated with remediating lands or property which are polluted or contaminated with hazardous substances; or

(5) paying for the costs associated with improving the property for economic development, recreational, housing, transportation or rail traffic.

Subd. 3. **Matching funds.** In expending funds under this section the county shall seek matching funds from contamination cleanup funds administered by the commissioners of the Department of Employment and Economic Development, the Metropolitan Council, the federal government, the private sector and any other source.

Subd. 4. **City approval.** The county may not expend funds under this section unless the governing body of the city in which the site is located approves the project.

Subd. 5. **Bonds.** The county may pledge the proceeds from the taxes imposed by section 383B.80 to bonds issued under this chapter and chapters 398A, 462, 469, and 475.

Subd. 6. **Priorities.** The first priority for the use of the environmental response fund created in this section is to clean up the site located in the city of St. Louis Park known as NL Industries/Tara Corporation/Golden Auto, EPA I.D. No. MND097891634 and to provide adequate right-of-way for a portion of the rail line to replace the 29th street line in the city of Minneapolis, including making rail improvements, changing the curve of the railroad track and eliminating a switching facility, and improving the land for economic development. No money from the environmental response fund may be expended for remediating the site until the site has been acquired through purchase or condemnation.

Subd. 7. **Land sales.** Land or property acquired under this section may be resold at fair market value. Proceeds from the sale of the land must be deposited in the environmental response fund.

Subd. 8. **DOT assistance.** With respect to the site described in subdivision 6, the commissioner of transportation shall collaborate with the county and any affected municipality by providing technical assistance and support in facilitating the railroad improvement and testing at that portion of the site to be used for the railroad improvement.

**History:** 1997 c 231 art 16 s 16; 1Sp2003 c 4 s 1

INAPPLICABLE LAWS

**383B.99 LAWS NOT APPLICABLE.**

Minnesota Statutes, chapters 375A; 383; and 392; Minnesota Statutes, sections 163.05; 375.16; 375.161; 375.21; 375.48 to 375.50; and Laws 1921, chapter 133, section 22, are not applicable to the county of Hennepin.

**History:** *1979 c 198 art 4 s 13*