383A.91 INCORPORATION AS NONPROFIT CORPORATION.

Subdivision 1. **Incorporation.** The board of directors of the public corporation may incorporate as a nonprofit corporation under chapter 317A. Upon so incorporating, the nonprofit corporation that results ceases to be a public corporation.

Subd. 2. **Employees.** (a) Employees of either the nonprofit corporation or its subsidiary corporations are not public employees, except as provided under paragraph (b).

(b) A person who is an employee of the public corporation or one of its subsidiary corporations, and is a member of the Public Employees Retirement Association at the time of the incorporation described in subdivision 1, shall continue to be included in the definition of public employee under the Public Employees Retirement Act, chapter 353, but may terminate membership in the Public Employees Retirement Association before July 1, 1995.

(c) For an employee who remains a member of the Public Employees Retirement Association, the employing corporation shall pay the employer contributions required by section 353.27, and shall deduct from the employee's salary and transmit to the association, the employee contribution required by section 353.27.

(d) The total compensation package, including wage plus benefit rates, of all employees that are members of a construction or building trade for which there is a generally established and recognized scale of wages inside the county, must equal the total compensation package of private sector construction trade employees within the county as established by collective bargaining agreements.

Subd. 3. **Tort liability.** Notwithstanding other law to the contrary, the public corporation and its hospital subsidiary corporation each are a "municipality" for purposes of tort liability under chapter 466, with regard to any claim occurring before the date of incorporation pursuant to subdivision 1.

Subd. 4. **Lease or sale of property.** (a) Any lease entered into under section 246A.11, before its repeal by Laws 1994, chapter 549, remains in effect according to its terms.

(b) Before July 1, 1994, any lease entered into under section 246A.11, must be amended to provide that:

(1) at least one seat on the board of directors of St. Paul-Ramsey Medical Center or its successor or assignee must be reserved for a member of the board of Ramsey County commissioners to be appointed by the county board;

(2) any name change to the St. Paul-Ramsey Medical Center facility must not be implemented without providing the Ramsey county board 60 days to comment and consult with St. Paul-Ramsey Medical Center or its successor or assignee;

(3) except as provided in subdivision 5, St. Paul-Ramsey Medical Center or its successor or assignee shall continue major or unique services currently provided, including but not limited to the trauma center, burn unit, and teaching and research services for a five-year period, and thereafter shall use its best efforts to continue those services and shall consult with the Ramsey County Board of Commissioners before discontinuing those services;

(4) in the event of health care reform that reduces or eliminates the need for St. Paul-Ramsey Medical Center or its successor or assignee to provide indigent care, the county shall receive replacement consideration for that indigent care service, which may be paid in the form of rent or capital improvements to county-owned property;

(5) St. Paul-Ramsey Medical Center or its successor or assignee shall provide Ramsey County with a copy of its annual financial statement and management letter, and an annual report on the value of improvements made on county-owned property; and

(6) the lease may not be assigned to a for-profit corporation or a subsidiary of a for-profit corporation without the consent of the Ramsey County Board of Commissioners.

(c) The St. Paul-Ramsey Medical Center property owned by Ramsey County may be sold or transferred only after a duly noticed public hearing held before the Ramsey County board, and approval of the county board, but in no event shall the county-owned property be sold or transferred without adequate compensation to the county.

Subd. 5. **Care of indigent.** (a) St. Paul-Ramsey Medical Center or its successor or assignee must provide hospital and medical services for the indigent of Ramsey county. The services must equal those made available to nonindigent patients.

(b) Notwithstanding any law to the contrary, Ramsey County may provide funds to buy hospital and medical services for the indigent of Ramsey County from a provider selected by the county with or without public bid.

(c) Notwithstanding any law to the contrary, any county may provide funds to buy hospital and medical services for the indigent of that county from a provider selected by the county with or without public bid.

History: *1994 c 549 s 2*