

CHAPTER 297—S. F. No. 1121

[Not Coded]

An act relating to the County of Hennepin tuberculosis sanatorium and its county sanatorium commission; creating the office of hospital administrator for such sanatorium and providing for the appointment of a medical director and fixing their powers and duties; authorizing the establishment of a sanatorium employee severance pay plan; amending Minnesota Statutes 1957, Sections 144.422, 144.424 and Sections 376.28 to 376.42.

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

Section 1. **Tuberculosis sanatorium.** Subdivision 1. In the County of Hennepin the county sanatorium commission, hereinafter referred to as "commission", shall consist of five members residents of the county, to be appointed by the county board, two of such members shall be county commissioners and the remaining three members shall be chosen with reference to their special fitness for such office, one of whom shall be a licensed physician whose appointment, before becoming effective, shall be approved by the state board of health. Under the first appointment one of said three members shall be chosen to hold office until May 1, 1960; one until May 1, 1961, and one until May 1, 1962, and thereafter one member shall be chosen each year to serve for a period of three years commencing with May first, in each year, respectively, and each such appointee shall hold office until his successor shall be appointed and qualified. Vacancies in any of such three offices shall be filled by like appointment for the unexpired term. Such three members shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred by them in connection with their official duties. Each county commissioner appointed to membership of such commission as aforesaid, shall hold such office during his term as such county commissioner. At least two members of said commission shall reside outside the corporate limits of the city of Minneapolis.

Subd. 2. The commission shall organize at the call of the chairman of the county board and appoint such temporary officers as it deems necessary; and at its first regular session in May each year, the commission shall elect from its members a president and vice-president. The president shall preside at its meetings, and in case of absence or incapacity of the president, the vice-president shall perform his duties.

Subd. 3. The commission shall meet at the county sanatorium on the first Wednesday of each month, and shall hold

such extra sessions as it deems necessary. A majority shall constitute a quorum and no business shall be transacted unless voted for by a majority of the whole commission, but less than a majority may adjourn. Extra sessions shall be called by a majority of the commission, and its secretary shall give 10 days' notice thereof to each member of the commission.

Sec. 2. Subdivision 1. The commission shall appoint and employ a hospital administrator, hereinafter referred to as "administrator", who prior to his appointment shall have had at least five years experience as an executive of a private or public hospital or comparable institution. His term of office shall be four years. His annual salary, which shall not be less than \$12,000, shall be fixed by the commission and shall be paid at the time and in the manner as salaries of county officers generally.

Subd. 2. The administrator shall devote his entire time to his official duties and before entering upon such duties give a bond to the county in such amount as shall be fixed by the commission. Such bond shall be approved and filed in the same manner as are the official bonds of county officers. The premium for such bond shall be paid from the county tuberculosis sanatorium fund.

Subd. 3. The administrator may be removed by the commission during his term of office but only for incompetency or misconduct shown on hearing had upon due notice and upon stated charges. The burden of proving incompetency or misconduct shall rest upon the party making the allegation. At the hearing on such charges the county auditor shall be ex officio secretary of the commission, but shall have no voice in its proceedings, and shall keep an accurate record of the proceedings; and the county auditor may employ a shorthand reporter to take and transcribe the testimony adduced at such hearing. Such reporter shall be paid from the county tuberculosis sanatorium fund. Within five days after the hearing the county auditor shall mail a copy of the commission's findings and determination to the administrator. Within 20 days after the date of such mailing, the administrator may appeal to the district court from any adverse findings and determination by serving a notice of appeal upon the county auditor and filing the original notice and proof of such service with the clerk of said court. Within 10 days after the service of such notice of appeal, the county auditor shall certify and file with the clerk of said court a copy of such charges and a transcript of the proceedings of the commission had thereon, including a transcript of the testimony adduced at said hearing. Upon five days notice by either party to the other, the appeal shall be

heard by the court at any general or special term thereof. The appeal shall stay the operation of the commission's findings and determination, and if the administrator be reinstated he shall be paid as though he had not been separated from his employment.

Subd. 4. The administrator shall have the authority and shall perform the duties vested in and imposed upon superintendents of county sanatoriums by provisions of Minnesota Statutes 1957, Sections 376.28 to 376.42 and acts amendatory and supplementary thereof, except as are vested and imposed by provisions of sections 144.422, 144.424 and 376.34 of said statutes; and such administrator shall perform such additional duties as may be defined and imposed by the commission. The administrator shall be the secretary of the commission and shall keep an accurate record of its proceedings, except as otherwise provided in subdivision 3 of this section.

Sec. 3. The commission shall appoint and employ a medical director who shall be a duly licensed physician. Such director shall perform the duties imposed on superintendents of county sanatoriums by provisions of Minnesota Statutes 1957, Sections 144.422, 144.424 and 376.34. He shall have supervision over the medical and nursing personnel employed at the county sanatorium, and shall perform such other duties as defined and imposed by the commission. The commission shall fix his compensation and the manner of payment thereof. A sanatorium superintendent shall not be appointed.

Sec. 4. Subdivision 1. The commission shall adopt a plan governing and regulating annual vacations, sick and other leaves of absence of sanatorium employees, which vacations with pay shall be based upon length of service in county sanatorium employment. The administrator shall at such times and in the form prescribed by rule or resolution of the commission, file with the commission and post on the bulletin board in the main building at the sanatorium, a statement showing the accumulated sick leave and unused vacation time accruing to the credit of each sanatorium employee. Any employee aggrieved by such statement may have his grievance heard by the commission, and the commission's findings and determination thereon shall be final.

Subd. 2. The commission may establish a severance pay plan based upon and measured by the accumulated sick leave and unused vacation time accruing to the employee, to be paid upon the death, separation or retirement of the employee from county sanatorium employment. No such plan

shall provide payment for more than 30 days of such accumulated sick leave and unused vacation time accrued to the credit of the employee, computed at the employee's pay rate current at the time of separation from employment; provided, that when such separation is caused by the death of the employee, the plan shall provide for payment of such severance pay based upon the total number of days, but not to exceed 90 days, of accumulated sick leave and unused vacation time which had accrued to the credit of such deceased employee at the time of his death. Payment of severance pay shall be deemed to be additional compensation paid to such employees.

Sec. 5. The term of office of each member of the county sanatorium commission of the county of Hennepin heretofore appointed under provisions of Minnesota Statutes 1957, Section 376.29, shall terminate on the effective date of this act.

Sec. 6. Minnesota Statutes 1957, Sections 376.28 to 376.42, Section 144.422 and Section 144.424 are amended to conform with the provisions of this act.

Sec. 7. This act shall become effective only after its approval by a majority of the governing body of the county of Hennepin.

Approved April 16, 1959.

CHAPTER 298—S. F. No. 1127

[Not Coded]

An act relating to the Town of Grand Rapids; authorizing the acquisition of cemeteries; providing a tax.

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

Section 1. **Cemetery.** The town of Grand Rapids, when authorized by a vote of its electors, may acquire by purchase, gift, or condemnation any cemetery situated within its limits to be used as a cemetery for the burial of its dead.

Sec. 2. The town of Grand Rapids may levy and collect a tax not to exceed two mills on the taxable property of the town, including incorporated villages within the town, for the purpose of acquiring funds for the maintenance, operation, and management of the cemetery. Should any incorporated village be separated from the town of Grand Rapids, the tax shall be levied by the town and paid to the town by the vil-