

CHAPTER 88—S.F.No. 680

An act relating to state lands; authorizing the commissioner of natural resources to sell certain land in Scott county.

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

Section 1. SALE OF TRUST FUND LAND IN SCOTT COUNTY.

Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell in the manner prescribed for trust fund land, under Minnesota Statutes, chapter 92, the following described property located in Scott county:

Government Lot 2, Section 24, Township 113 North, Range 23 West, containing .8 acres, more or less.

Presented to the governor April 21, 1995

Signed by the governor April 24, 1995, 1:34 p.m.

CHAPTER 89—S.F.No. 1209

An act relating to Hennepin county; modifying certain provisions concerning the county medical examiners office; amending Minnesota Statutes 1994, section 383B.225, subdivisions 5, 6, 7, 9, 11, and 12.

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

Section 1. Minnesota Statutes 1994, section 383B.225, subdivision 5, is amended to read:

Subd. 5. **REPORTS OF DEATH.** All violent deaths, including homicidal, suicidal and accidental; all deaths due to thermal, chemical, electrical or radiation injury; deaths due to criminal abortion, including those self-induced; all sudden deaths of persons not disabled by recognizable diseases; all deaths of nonautopsied persons to be cremated; and all deaths of persons confined in jails or other public institutions, occurring in the county shall be promptly reported for investigation to the county medical examiner by the law enforcement officer, attending physicians, mortician, person in charge of the public institution or jail, or other person having knowledge of them. Deaths occurring in public hospitals, sanitariums, convalescent and nursing homes are not required to be reported to the examiner, unless the deaths occur as described in this subdivision. 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:

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- (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 unprescribed controlled substances.

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

Sec. 2. Minnesota Statutes 1994, section 383B.225, subdivision 6, is amended to read:

Subd. 6. **INVESTIGATION PROCEDURE.** (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 neces-

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sary, 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 probate court, together with a copy of the inventory of the decedent's property. At that time, an examination of the records of the probate court shall be made to determine whether a will has been admitted to probate or an administration has been commenced. Personal property of a nominal value, 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 ~~shall~~ 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 probate court may direct; ~~except that the examiner shall cause to be destroyed any firearm or other weapon that is not released to or claimed by a decedent's spouse or blood relative. 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

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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 13.38, 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. 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 certificate.

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

Sec. 3. Minnesota Statutes 1994, section 383B.225, subdivision 7, is amended to read:

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

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official at whose request the autopsy was performed. Every autopsy performed pursuant to this subdivision shall, whenever ~~practicable~~ 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 ~~and~~, testing, or use are ~~necessary~~ for 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.

Sec. 4. Minnesota Statutes 1994, section 383B.225, subdivision 9, is amended to read:

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.

Sec. 5. Minnesota Statutes 1994, section 383B.225, subdivision 11, is amended to read:

Subd. 11. **DISPOSITION.** After the investigation has been completed, including an autopsy if one is made, the dead body shall be released ~~immediately~~ promptly to the ~~relatives or friends of the deceased person for burial~~ 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.

Sec. 6. Minnesota Statutes 1994, section 383B.225, subdivision 12, is amended to read:

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

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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.

Sec. 7. EFFECTIVE DATE.

This act is effective the day after the Hennepin county board complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 21, 1995

Signed by the governor April 24, 1995, 1:36 p.m.

CHAPTER 90—H.F.No. 1063

An act relating to the city of Duluth; making certain statutory provisions concerning public utilities applicable to the city of Duluth; authorizing a demonstration project to develop methods to prevent the infiltration and inflow of storm water into the city's sanitary sewer system.

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

Section 1. APPLICABILITY OF LAWS.

Notwithstanding Minnesota Statutes, section 444.075, subdivision 1, Minnesota Statutes, section 444.075, is applicable to the city of Duluth, and the city may exercise all of the powers set forth in that section.

Sec. 2. DEMONSTRATION PROJECT.

The city of Duluth may implement a demonstration project to develop and test methods of preventing the inflow and infiltration of storm water into the city's sanitary sewer system. This project may include improvements to private property such as sanitary sewer service line rehabilitation and replacement, foundation drain disconnections, installation of sump pumps, and connections of buildings to storm sewers. Improvements to private property made as a part of this project may be paid for with public money. The project authorized by this section shall be financed with funds from the city's sanitary sewer utility. The total expenditure of public money for improvements to private property in connection with this project may not exceed \$400,000.

Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 24, 1995

Signed by the governor April 25, 1995, 2:12 p.m.

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