

CHAPTER 383B

HENNEPIN COUNTY

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383B.221 EMERGENCY MEDICAL SERVICE.

[For text of subd 1, see M.S.1994]

Subd. 2. Compliance with state laws. Emergency medical service established under subdivision 1 shall comply with applicable provisions of sections 144.801 to 144.8091, 145A.09 to 145A.13, 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: 1995 c 186 s 119

383B.225 MEDICAL EXAMINER.

[For text of subds 1 to 4, see M.S.1994]

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 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.

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 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 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, 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 probate 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 13.38, 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. 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 pro-

vided 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.

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.

[For text of subd 8, see M.S.1994]

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.

[For text of subd 10, see M.S.1994]

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.

[For text of subd 13, see M.S.1994]

History: 1995 c 89 s 1-6; 1995 c 259 art 1 s 53

383B.48 PURCHASE OF SHARES IN MINNESOTA SUPPLEMENTAL INVESTMENT FUND.

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: 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 board, in its sole discretion.

(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 board, in its sole discretion. 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: 1995 c 141 art 3 s 18

383B.614 OFFICES; POWERS; RECORDS.

[For text of subs 1 to 4, see M.S.1994]

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 [Repealed, 1995 c 186 s 77]

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 multijurisdictional 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, 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.

History: 1995 c 224 s 94