

## CHAPTER 383B

## HENNEPIN COUNTY

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**383B.225 MEDICAL EXAMINER.**

*[For text of subs 1 to 4, see M.S.2000]*

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 record 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 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.

*[For text of subds 7 to 13, see M.S.2000]*

**History:** *1Sp2001 c 9 art 15 s 32*

### **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.70 REGIONAL PARK DISTRICT; COMPENSATION OF COMMISSIONERS AND MEMBERS.**

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:** *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:** *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:** 2001 c 44 s 2

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

*[For text of subd 1, see M.S.2000]*

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 [Repealed, 2001 c 44 s 5]

### 383B.74 [Repealed, 2001 c 44 s 5]

### 383B.79 MULTIJURISDICTIONAL PROGRAM.

*[For text of subds 1 to 4, see M.S.2000]*

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:** 2001 c 214 s 10

### 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.

*[For text of subds 2 to 4, see M.S.2000]*

**History:** 1Sp2001 c 5 art 7 s 62