

## CHAPTER 146—H.F.No. 942

*An act relating to metropolitan government; extending the responsibility of the mosquito control district to disease vectoring ticks; amending Minnesota Statutes 1988, sections 473.702; 473.704; and 473.711, subdivision 2.*

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

Section 1. Minnesota Statutes 1988, section 473.702, is amended to read:

**473.702 ESTABLISHMENT OF DISTRICT; PURPOSE; AREA; GOVERNING BODY.**

A metropolitan mosquito control district is created to control mosquitoes, disease vectoring ticks, and black gnats (Simuliidae) in the metropolitan area defined in section 473.121. The area of the district is the metropolitan area excluding the part of Carver county west of the west line of township 116N, range 24W, township 115N, range 24W, and township 114N, range 24W. The metropolitan mosquito control commission is created as the governing body of the district, composed and exercising the powers as prescribed in sections 473.701 to 473.716.

Sec. 2. Minnesota Statutes 1988, section 473.704, is amended to read:

**473.704 POWERS AND DUTIES.**

Subdivision 1. The commission shall have the powers and duties set forth in this section.

Subd. 2. It may ~~take measures to~~ undertake control ~~mosquitoes~~ programs in the district in accordance with expert and technical plans.

Subd. 3. It may employ and fix the duties and compensation of a director who shall develop the ~~mosquito control program~~ programs of the district and shall supervise its execution; such director shall be an entomologist.

Subd. 4. It may employ and fix the duties and compensation of a business administrator who shall administer the business affairs of the commission.

Subd. 5. It may employ such other persons and contract for such other services as may be needed to carry out the ~~program of the commission for mosquito control~~ programs in the district, except that no person may be employed by the commission who is related to any commissioner.

Subd. 6. It may reimburse commissioners and employees for expenses necessarily incurred or paid in performance of their duties and provide reasonable per diem.

Subd. 7. It may purchase materials, supplies, and equipment as may be necessary to carry out the ~~program of the commission for mosquito control~~ programs in the district.

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Subd. 8. It may accept gifts of property for ~~mosquito~~ control program purposes.

Subd. 9. It may sell and dispose of any of the property of the commission whenever such property is no longer needed for the purposes of the commission. If the estimated value of any such property is over \$2,500, it shall be sold on competitive bids after two weeks published notice.

Subd. 10. It shall keep proper minutes of all its proceedings which shall be open to public inspection at all reasonable times.

Subd. 11. It shall keep proper and adequate books of accounts showing all its receipts and disbursements by date, source, and amount.

Subd. 12. It may obtain suitable, proper, and adequate public liability and workers' compensation insurance and such other insurance as it deems necessary.

Subd. 13. It may enter into agreements with counties, cities or towns of the state of Minnesota outside of the district to conduct ~~mosquito and black gnat (Simuliidae)~~ control program activities in these political subdivisions in order to effectuate ~~mosquito and black gnat (Simuliidae)~~ control programs in the district and subdivisions.

Subd. 14. It may collect and receive from all counties in the district the money for operation of the district.

Subd. 15. It may perform whatever other acts are reasonable and necessary to carry out the general and specific powers of the commission.

Subd. 16. It may require employees of the commission who handle commission funds to furnish surety bonds in such amount as is determined by the commission.

Subd. 17. Members of the commission, its officers, and employees, while on the business of the commission, may enter upon any property within or outside the district at reasonable times to determine ~~whether mosquito breeding exists~~ the need for control programs. They may take all necessary and proper steps for the control of ~~mosquitoes~~ programs on property within the district as the director of the commission may designate. Subject to the paramount control of the county and state authorities, commission members and officers and employees of the commission may enter upon any property and clean up any stagnant pool of water, the shores of lakes and streams, and other breeding places for mosquitoes within the district. The commissioner of natural resources shall allow the commission to enter upon state property for the purposes described in this subdivision. The commission may apply insecticides approved by the director any area within or outside the district that is found to be a breeding place for mosquitoes. The commission shall give reasonable notification to the governing body of the local unit of government prior to applying insecticides

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outside of the district on land located within the jurisdiction of the local unit of government. The commission shall not enter upon private property if the owner objects except for control of disease bearing mosquito encephalitis outbreaks.

Subd. 18. The commission may establish a research program to evaluate the effects of ~~mosquito and blackfly~~ control programs on other fauna. The purpose of the program is to identify the types and magnitude of the adverse effects of the control program on fish and wildlife and associated food chain invertebrates. The commission may conduct research through contracts with qualified outside researchers. The commission may finance the research program each year at a level up to 2.5 percent of its annual budget.

Subd. 19. The commission, by December 15 of each even-numbered year, shall prepare and submit to the legislature a financial report that contains the information required by section 473.1623, subdivision 3, in a format consistent with the consolidated financial report required by that subdivision.

Subd. 20. The commission shall consult and cooperate with the state department of health in developing management techniques to control disease vectoring ticks.

Sec. 3. Minnesota Statutes 1988, section 473.711, subdivision 2, is amended to read:

Subd. 2. The metropolitan mosquito control commission shall prepare an annual budget. The budget may provide for expenditures in an amount not exceeding the property tax levy limitation determined in this subdivision. The commission may levy a tax on all taxable property in the district as defined in section 473.702 to provide funds for the purposes of sections 473.701 to 473.716. The tax shall not exceed the property tax levy limitation determined in this subdivision. A participating county may agree to levy an additional tax to be used by the commission for the purposes of sections 473.701 to 473.716 but the sum of the county's and commission's taxes may not exceed the county's proportionate share of the property tax levy limitation determined under this subdivision based on the ratio of its total gross tax capacity to the total gross tax capacity of the entire district as adjusted by section 270.12, subdivision 3. The auditor of each county in the district shall add the amount of the levy made by the district to other taxes of the county for collection by the county treasurer with other taxes. When collected, the county treasurer shall make settlement of the tax with the district in the same manner as other taxes are distributed to political subdivisions. No county shall levy any tax for mosquito, disease vectoring tick, and black gnat (*Simuliidae*) control except under sections 473.701 to 473.716. The levy shall be in addition to other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275.

The property tax levied by the metropolitan mosquito control commission shall not exceed the following amount for the years specified:

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(a) for taxes payable in 1988, the product of six-tenths on one mill multiplied by the total assessed valuation of all taxable property located within the district as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;

(b) for taxes payable in 1989, the product of (1) the commission's property tax levy limitation for the taxes payable year 1988 determined under clause (a) multiplied by (2) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the district divided by the assessment year 1987 total market valuation of all taxable property located within the district; and

(c) for taxes payable in 1990 and subsequent years, the product of (1) the commission's property tax levy limitation for the previous year determined under this subdivision multiplied by (2) an index for market valuation changes equal to the total market valuation of all taxable property located within the district for the current assessment year divided by the total market valuation of all taxable property located within the district for the previous assessment year.

For the purpose of determining the commission's property tax levy limitation for the taxes payable year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable property within the district without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

#### Sec. 4. APPLICATION.

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Presented to the governor May 15, 1989

Signed by the governor May 16, 1989, 6:28 p.m.

### CHAPTER 147—H.F.No. 76

*An act relating to juveniles; establishing maximum periods of detention of juveniles in adult jails or lockups; prohibiting detention beyond the maximum period before a detention hearing is held; prohibiting detention beyond the maximum period after August 1, 1991, unless a reference motion has been filed; prohibiting temporary detention beyond the maximum period; amending Minnesota Statutes 1988, sections 260.171, subdivisions 2 and 4; 260.172, subdivisions 1 and 2; and 260.173, subdivision 4.*

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

Section 1. Minnesota Statutes 1988, section 260.171, subdivision 2, is amended to read:

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