

CHAPTER 579 — H.F.No. 1542

An act relating to metropolitan government; regulating the organization, duties and powers of the metropolitan mosquito control district and commission; increasing size of commission membership; increasing certain commission expenditure amounts; authorizing taxes; amending Minnesota Statutes 1980, Sections 473.701, Subdivisions 1, 2 and 3; 473.702; 473.703, Subdivision 1; 473.704, Subdivision 17; 473.705; and 473.711, Subdivision 2; repealing Minnesota Statutes 1980, Sections 473.701, Subdivisions 5 and 6; 473.713; and 473.717.

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

Section 1. Minnesota Statutes 1980, Section 473.701, Subdivision 1, is amended to read:

Subdivision 1. As used in sections ~~473.702~~ 473.701 to ~~473.717~~ 473.716, the terms defined in this section ~~shall~~ have the meanings given them.

Sec. 2. Minnesota Statutes 1980, Section 473.701, Subdivision 2, is amended to read:

Subd. 2. "District" means a the metropolitan mosquito control district created pursuant to sections 473.702 to 473.717. The area of the district is the area of the counties which elect to come within it as hereinafter provided by section 473.702.

Sec. 3. Minnesota Statutes 1980, Section 473.701, Subdivision 3, is amended to read:

Subd. 3. "Commission," unless otherwise specified, means a the metropolitan mosquito control commission which is the governing body of the district, and is authorized to exercise the powers enumerated in sections 473.702 to 473.717 created by section 473.702.

Sec. 4. Minnesota Statutes 1980, Section 473.702, is amended to read:

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

Any two or more of the aforementioned eligible counties are hereby authorized to establish A metropolitan mosquito control district in order to continue is created to control mosquitoes in the district 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. 5. Minnesota Statutes 1980, Section 473.703, Subdivision 1, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. The district shall be operated by a commission which shall consist of two members from each county within the district, except that each county within the district which has a seven member county board as provided in section 375.01, shall have one additional member on the commission. If a county is only partly included in the district it shall have only one member. Commissioners shall be members of the board of county commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners.

Sec. 6. Minnesota Statutes 1980, Section 473.704, Subdivision 17, is amended to read:

Subd. 17. Members of the commission, its officers, and employees, while on the business of the commission, may enter upon any property within the district at reasonable times to determine whether mosquito breeding exists ~~thereon~~, and ~~such persons~~ may take all necessary and proper steps for the control of mosquitoes on ~~such~~ the property 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. ~~Such persons~~ The commission may spray with insecticides approved by the director any area within the district that is found to be a breeding place for mosquitoes. The commission shall not enter upon private property if the owner objects except for control of disease bearing mosquito encephalitis outbreaks.

Sec. 7. Minnesota Statutes 1980, Section 473.705, is amended to read:

473.705 CONTRACTS FOR MATERIALS, SUPPLIES AND EQUIPMENT.

No contract for the purchase of materials, supplies, and equipment costing more than ~~\$2,500~~ \$5,000 shall be made by the commission without publishing the notice once in the official newspaper of each of the counties in the district that bids or proposals will be received. The notice shall be published at least ten days before bids are opened. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, naming therein a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids. Each contract shall be duly executed in writing and the party to whom the contract is awarded may be required to give sufficient bond to the commission for the faithful performance of the contract. If no satisfactory bid is received the commission may readvertise. The commission shall have the right to set qualifications and specifications and to require bids to

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meet such qualifications and specifications before bids are accepted. If the commission by an affirmative vote of five-sixths of the voting power of the commission shall declare that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of ~~\$2,500~~ \$5,000 but not to exceed ~~\$5,000~~ \$10,000 in amount, or in making emergency repairs, it shall not be necessary to advertise for bids, but such material, equipment, and supplies may be purchased in the open market at the lowest price available without securing formal competitive bids. An emergency as used in this section shall be an unforeseen circumstance or condition which results in placing life or property in jeopardy. *All contracts involving employment of labor shall stipulate terms thereof and such conditions as the commission deems reasonable as to hours and wages.*

Sec. 8. Minnesota Statutes 1980, Section 473.711, Subdivision 2, is amended to read:

Subd. 2. The commission shall prepare an annual budget. The budget may provide for expenditures in an amount not exceeding six-tenths of one mill times the current assessed valuation of the district. Each county in the district shall levy a special tax each year in order to defray its share of the cost of the activities of the commission, which share shall be based on population. Such levy where necessary may be made separate from the general levy of the county and may be made at any time of the year, however, 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 six-tenths of one mill. 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 participating county shall levy any tax for mosquito control except under sections 473.701 to 473.717 473.716. 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.

Sec. 9. REPEALER.

Minnesota Statutes 1980, Sections 473.701, Subdivisions 5 and 6; 473.713; and 473.717 are repealed.

Sec. 10. APPLICATION.

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington and is effective June 1, 1982.

Approved March 22, 1982

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