

Subd. 2. All *pasteurized* milk, cream or *fluid* milk products sold, offered or exposed for sale or held in possession for sale shall be labeled or otherwise designated as *pasteurized milk, pasteurized cream or other pasteurized fluid milk products*.

32.394. **Grade "A" pasteurized milk.** Subdivision 1. Grade A pasteurized milk is milk which has been pasteurized, cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery exceeds 30,000 bacteria per milliliter, standard plate count, as determined by the logarithmic averages of four consecutive tests of milk samples taken on separate days.

Subd. 2. The commissioner shall by regulation promulgate production standards for Grade A pasteurized milk.

Subd. 3. Nothing in this section shall be construed to mean compulsory grading of *pasteurized* milk, such grade shall apply only to pasteurized milk on which the grade is declared on the label.

32.396. **Grade "A" raw milk.** Subdivision 1. Grade A raw milk for pasteurization purposes is raw milk the bacterial count of which does not exceed 200,000 bacteria per milliliter, standard plate count or direct microscopic count, as determined by the logarithmic averages of four consecutive tests of milk samples taken on separate days.

Subd. 2. Raw milk for pasteurization purposes, other than Grade A, is raw milk, the bacterial count of which does not exceed 500,000 bacteria per milliliter, standard plate count or direct microscopic count, as determined by the logarithmic averages of four consecutive tests of milk samples taken on separate days.

Sec. 2. **Effective date.** This act shall become effective from and after July 1, 1950.

Approved April 14, 1949.

CHAPTER 404—S. F. No. 236

[Coded as Sections 145.34 to 145.46]

An act enabling cities, boroughs, villages, towns, and township areas to carry out projects for abatement of mosqui-

toes and other insects, and providing for the levy and disbursement of taxes to finance such projects.

Be it enacted by the Legislature of the State of Minnesota :

[145.34] Section 1. **Definitions.** In this act, unless the context otherwise indicates: (a) "governmental unit" means any city, village, borough, or town; (b) "governing body" means a council, board, body or persons in which the powers of the governmental unit are vested; and (c) "mosquito abatement" means the control, abatement, or prevention of breeding of mosquitoes or such other insects or arachnids (ticks, mites, spiders) as provided in Section 6.

[145.35] Sec. 2. **Declaration of policy.** The abatement or suppression of mosquitoes of any kind, whether disease bearing or merely pestiferous, within any or all areas of the state, is advisable and necessary for the maintenance and betterment of the health, welfare and prosperity of the people thereof; and is found and declared to be for public purposes. All areas wherein mosquitoes incubate or hatch are declared to be public nuisances, as harmful or inimical to the health, welfare and prosperity of the inhabitants and may be abated as hereinafter provided. Therefore mosquito abatement may be undertaken, as provided in this act, in any or all areas of the state by any governmental unit.

[145.36] Sec. 3. **Governmental unit may engage in mosquito abatement; procedure.** Subd. (1). Any governmental unit in this state shall have power to engage in mosquito abatement and to establish a mosquito abatement board (a) upon the adoption of a resolution to that effect by the governing body thereof, or (b) upon the adoption of a proposal to that effect by the voters of the governmental unit in the manner provided in subdivision 2.

Subd. (2). If a petition signed by five percent of the freeholders in a governmental unit according to the last assessment list, or 250 such freeholders, whichever is the lesser number, is presented to the governing body of any governmental unit requesting it to engage in mosquito abatement a public hearing shall be held thereon by the governing body within 15 days after the presentation of the petition and, if said governing body does not within 15 days thereafter adopt a resolution to undertake mosquito abatement, and if such

petitioners within 15 days thereafter pay to the governing body the cost of publishing notice of the election, the governing body to whom the petition is addressed shall order a vote to be taken at the next regular election in the governmental unit (or town meeting in the case of the town) on the proposal to undertake mosquito abatement within said governmental unit. The governing body shall provide ballots to be used at the election or meeting. The ballot shall bear the words "Shall the (governmental unit) of engage in mosquito abatement?" The question shall be followed with a line with the word "Yes" and a square after it and another line with the word "No" and a square after it. The voters shall indicate their choice by placing a cross mark in one of said squares and a direction to so indicate their choice shall be printed on the ballot. Such ballot shall be deposited in a separate ballot box to be provided and the result of such voting shall be duly canvassed, certified, and returned in the same manner and at the same time as other facts and returns of the election. If the majority of the electors voting on the question vote in the affirmative, the governing body shall take appropriate action as soon as possible to carry on mosquito abatement. If a proposal to undertake mosquito abatement be rejected by the voters it shall not be resubmitted to the voters for two years.

Subd. (3). Whenever any governmental unit by action of its governing body or voters shall have voted to engage in mosquito abatement, such abatement program may be discontinued in the following manner: (a) If the mosquito abatement was originally undertaken by resolution of the governing body, then by the adoption of a resolution to that effect by the governing body, or by the adoption of a proposal to that effect by the voters of the governmental unit in the manner provided in subdivision 4; and (b) if the mosquito abatement was originally undertaken by the adoption of a proposal to that effect by the voters of the governmental unit, then only by the adoption of a proposal to that effect by the voters of the governmental unit in the manner provided in subdivision 4.

Subd. (4). If a petition signed by five percent of the freeholders in a governmental unit according to the last assessment list, or 250 such freeholders, whichever is the lesser number, is presented to the governing body of any governmental unit engaged in mosquito abatement requesting it to discontinue mosquito abatement a public hearing shall be held thereon by the governing body within 15 days after presentation of the petition, and if said governing body does not

within 15 days thereafter adopt a resolution to discontinue mosquito abatement, and if such petitioners within 15 days thereafter pay to the governing body the cost of publishing notice of the election, the governing body to whom the petition is addressed shall order a vote to be taken at the next regular election in the governmental unit (or town meeting in the case of a town) on the proposal to discontinue mosquito abatement within said governmental unit. The governing body shall provide ballots to be used at the election or meeting. The ballot shall bear the words "Shall the (governmental unit) of discontinue mosquito abatement?" The question shall be followed with a line with the word "Yes" and a square after it and another line with the word "No" and a square after it. The voters shall indicate their choice by placing a cross mark in one of said squares and a direction to so indicate their choice shall be printed on the ballot. Such ballot shall be deposited in a separate ballot box to be provided and the result of such voting shall be duly canvassed, certified and returned in the same manner and at the same time as other facts and returns of the election. If a majority of the electors voting on the question vote in the affirmative, the governing body shall take appropriate action as soon as possible to discontinue mosquito abatement. If a proposal to discontinue mosquito abatement be rejected by the voters it shall not be resubmitted to the voters for two years.

[145.37] **Sec. 4. Abatement board.** Whenever any governmental unit has decided, in the manner required by Section 3 to engage in mosquito abatement, the governing body of the governmental unit shall appoint three freeholders of the unit to serve as members of a mosquito abatement board, which board shall have the powers specified in Section 6 of this act. Each member of said board shall hold office at the pleasure of the governing body appointing him and shall serve without compensation, except that board members may be reimbursed for actual expenses incurred in fulfillment of their duties on the board not in excess of \$60 annually.

[145.38] **Sec. 5. Officers; meetings.** Immediately after their appointment and at the first meeting in each calendar year thereafter the board shall elect one of their number as chairman, one as secretary, and one as treasurer, and shall elect such other officers as they consider necessary. The board shall provide for the time and place of holding regular meetings and may establish rules for proceedings. All meetings of the board shall be open to the public. Two members of the

board shall constitute a quorum, but one member may adjourn from day to day. The board shall keep a written record of its proceedings and an itemized account of all expenditures and disbursements and such record and account shall be open at all reasonable times for public inspection.

[145.39] **Sec. 6. Powers of board.** Any mosquito abatement board, and any joint board established pursuant to Section 10, shall have power, either by board action or through its members, officers, agent or employees, as may be appropriate: (a) to enter upon any property within the governmental unit at reasonable times to determine whether mosquito breeding exists thereon; (b) to take all necessary and proper steps for the abatement of mosquitoes and such insects and arachnids (ticks, mites, spiders) as the commissioner of agriculture may designate; (c) and subject to the paramount control of county and state authorities, to lagoon and clean up any stagnant pool of water and to clean up shores of lakes and streams and other breeding places for mosquitoes within the boundaries of the governmental unit; (d) to spray with insecticides, approved by the commissioner of agriculture, any area within the boundaries of the governmental unit that it finds to be a breeding place for mosquitoes or other insects or arachnids designated pursuant to (b) above; (e) to purchase such supplies and equipment and employ such labor and assistants as may be necessary and proper in mosquito abatement; (f) to accept gifts of money or equipment to be used for mosquito abatement; and (g) to enter into such contracts as may be necessary and proper to accomplish mosquito abatement.

[145.40] **Sec. 7. Cooperate with state departments.** Each mosquito abatement board and each governmental unit engaged in mosquito abatement shall cooperate with the University of Minnesota, the State Department of Agriculture, the State Board of Health, the State Department of Conservation, the State Agricultural Experiment Station, and the State Highway Department.

[145.41] **Sec. 8. Tax levy; collection; certificates of indebtedness.** Subdivision (1). An annual levy of not to exceed one mill on each dollar of assessed valuation may be levied for mosquito abatement purposes on all taxable property in any governmental unit undertaking mosquito abatement as provided in this act. Such tax shall be certified, levied and collect-

ed in the same manner as other taxes caused to be levied by the governmental unit.

Subd. (2). At any time after the annual tax levy has been certified to the county auditor, and not earlier than October tenth in any year, any governing body may, for the purpose of providing the necessary funds for mosquito abatement for the succeeding year, by resolution, issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes so levied for the mosquito abatement fund, but certificates shall not be issued in excess of 50 percent of the amount named in the tax levy, as spread by the county auditor, to be collected for the use and benefit of the mosquito abatement fund, and no certificate shall be issued to become due and payable later than December thirty-first of the year succeeding the year in which the tax levy, certified to the county auditor, as aforesaid, was made. The certificates shall not be sold for less than par and accrued interest, and shall not bear a greater rate of interest than five percent per annum. Each certificate shall state upon its face that the proceeds of the certificate shall be used for the mosquito abatement fund, the total amount of the certificates so issued, and the whole amount embraced in the tax levy for that particular purpose. They shall be numbered consecutively and be in denominations of \$100.00 or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms and be made payable at such place as will best aid in their negotiation. The proceeds of the tax assessed and collected, as aforesaid, on account of the fund, shall be irrevocably pledged for the redemption of the certificates so issued. The certificates shall be paid solely from the monies derived from the levy for the year against which the certificates were issued, or, if they be not sufficient for such purpose, from the levy for the mosquito abatement fund in the next succeeding year. The money derived from the sale of the certificates shall be credited to the mosquito abatement fund for the calendar year immediately succeeding the making of the levy and shall not be used or spent until such succeeding year. No certificates for any year shall be issued until all certificates for prior years have been paid, nor shall any certificate be extended.

Subd. (3). All monies received for mosquito abatement purposes, either by way of tax collection or the sale of certificates of indebtedness, shall be deposited in the treasury of the governmental unit to the credit of a special fund to be desig-

nated as the mosquito abatement fund, shall not be used for any other purpose, and shall be drawn upon by the proper officials of the governmental unit upon the properly authenticated voucher of the mosquito abatement board. No money shall be paid from such fund except on orders drawn upon the officer of the governmental unit having charge of the custody of the mosquito abatement fund and signed by the chairman and the secretary of the mosquito abatement board. Each mosquito abatement board shall annually file with the governing body of its governmental unit an itemized statement of all receipts and disbursements.

[145.42] **Sec. 9. Commissioner of agriculture; rules and regulations.** Subd. (1). The Commissioner of Agriculture (a) may establish rules and regulations for the conduct of mosquito abatement operations of governmental units and boards engaged in mosquito abatement; (b) shall approve mosquito control plans and budgets of mosquito control boards before such plans can be put into operation; (c) may, if he consider it necessary, modify or revoke any approval he may have given to any mosquito control plan upon written notice to the governing body or mosquito abatement board, and (d) shall be ex-officio a member of each mosquito abatement board, and he may appoint representatives to act for him as ex-officio member of any such board.

Subd. (2). *The Commissioner of Conservation shall approve mosquito abatement plans or make such modifications as he deems necessary for the protection of public water, wild animals and natural resources before control operations are started and any such approval may, if he considers it necessary, be modified or revoked by the Commissioner of Conservation at any time upon written notice to the governing body or mosquito abatement board.*

Subd. (3). If any revision of previously approved plans are necessary during the mosquito control season, any such revision shall be made through joint approval of the commissioner of agriculture and the commissioner of conservation.

[145.43] **Sec. 10. Cooperation between governmental units.** When two or more adjacent governmental units shall have authorized mosquito abatement and appointed the members of the mosquito abatement board, the governing bodies of any such two or more governmental units may, by written contract, arrange for pooling mosquito abatement funds, ap-

portioning all costs, cooperating in the use of equipment and personnel and for engaging jointly in mosquito abatement upon such terms and conditions and subject to such rules and regulations as may be mutually agreed upon. The immediate control and management of the joint project may, by the terms of the written contract, be entrusted to a joint committee composed of the chairman of each of the boards or such other board members as may be agreed upon.

[145.44] **Sec. 11. Unorganized towns; powers of county board.** In any township of this state that is unorganized politically, the county board of the county wherein the township is situated shall have all the rights, powers and duties conferred by this act upon the governing bodies of towns (including town boards) and in any such case the county board shall act as though it were the governing body and town board of said township and may authorize and undertake mosquito abatement in any such township and cause taxes to be levied for mosquito abatement the same as though said township were organized politically and said county board were the governing body and town board thereof: Provided, that the cost of mosquito abatement in any such township shall be paid solely by a tax levy on the property within the township where mosquito abatement is undertaken and no part of the expense of mosquito abatement in said township shall be county expense or be paid by any such county.

[145.45] **Sec. 12. Cost of state's service; refundment.** The actual cost to the state of any service rendered or expense incurred by the department of agriculture and department of conservation under the provisions of this act to or for the benefit of any mosquito abatement board shall be billed to the mosquito abatement board benefiting therefrom and be paid by it as other expenses of mosquito abatement.

[145.46] **Sec. 13. Public funds, expenditure, limitation.** Nothing herein contained shall be construed to authorize the expenditure of public funds by any governmental unit in excess of the amounts fixed in any law limiting the expenditures of any governmental unit on a per capita basis.

Sec. 14. Unless otherwise expressly provided, the provisions of this act shall not amend, supersede, or repeal any other existing or subsequent law relating to any matter affected, but shall be subject and supplementary thereto.

Approved April 14, 1949.