

CHAPTER 402—H.F.No. 735

An act relating to local government; removing a restriction on issuance of off-sale liquor licenses in Kanabec county; imposing the restriction in Carver and Red Lake counties; permitting the establishment of a fire protection district for the city of Moose Lake and surrounding territory; amending Minnesota Statutes 1986, section 340A.405, subdivision 2; Laws 1974, chapter 400, section 5, subdivision 4.

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

Section 1. Minnesota Statutes 1986, section 340A.405, subdivision 2, is amended to read:

Subd. 2. **COUNTIES.** (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue a combination off-sale and on-sale license to restaurants within that town with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of any statutory or home rule city except cities of the first class or within Pine or Kanabec, Carver, or Red Lake counties within three miles of a statutory or home rule city with a municipal liquor store.

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter

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566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b prior to January 1, 1985.

Sec. 2. MOOSE LAKE FIRE PROTECTION DISTRICT.

Subdivision 1. AGREEMENT. The city of Moose Lake and one or more of the towns of Moose Lake, Silver, and Windemere may by action of their city council and town boards establish the Moose Lake fire protection district. The town of Silver may provide that only a described part of its territory be included within the district. The district shall provide fire protection services throughout its territory and may exercise all the powers of the city and towns that relate to fire protection anywhere within its territory. Any other contiguous town or home rule charter or statutory city may join the district with the agreement of the cities and towns that comprise the district at the time of its application to join. Action to join the district may be taken by the city council or town board of the city or town.

Subd. 2. BOARD. The district shall be governed by a board composed of one member appointed by the city council or town board of each city and town in the district. A district board member may but is not required to be a member of a city council or town board. Except as provided in this section, members shall serve two-year terms ending the first Monday in January and until their successors are appointed and qualified. Of the members first appointed, as far as possible, the terms of one-half shall expire on the first Monday in January in the first year following their appointment and one-half the first Monday in January in the second year. The terms of those initially appointed shall be determined by lot. If an additional member is added because an additional city or town joins the district, the member's term shall be fixed so that, as far as possible, the terms of one-half of all the members expire on the same date.

Subd. 3. EXECUTIVE DIRECTOR. The board may appoint an executive director. The executive director shall be selected upon the basis of the applicant's training, experience, and other qualifications and shall serve at the pleasure of the board and at a compensation to be determined by the board. The executive director need not be a resident of the district. The executive director may also be selected by the board to serve as either secretary or treasurer, or both, of the board. The executive director shall attend all meetings of the board, but shall not vote, and shall have the following powers and duties:

(1) ensure that all resolutions, rules, regulations, or orders of the board are enforced;

(2) appoint and remove, upon the basis of merit and fitness, all subordinate officers and regular employees of the board except the secretary and the treasurer and their deputies;

(3) present to the board plans, studies, and other reports prepared for board purposes and recommend to the board adoption of measures the director deems necessary to enforce or carry out the powers and duties of the board or the efficient administration of the affairs of the board;

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(4) keep the board fully advised as to its financial condition and prepare and submit to the board, and to the governing bodies of the local government units, the board's annual budget and other financial information as the board may request;

(5) recommend to the board for adoption rules and regulations deemed necessary for the efficient operation of the district disposal system; and

(6) perform other duties as may be prescribed by the board.

Subd. 4. TAX. The district may impose a property tax on real property in the district in an amount sufficient to discharge its operating expenses and debt payable in each year. The tax shall be disregarded in the calculation of any levies or limits on levies provided by Minnesota Statutes, chapter 275, or other law. A city or town that joins the district may not incur expenses or debt for fire protection services for territory included in the district and may not impose taxes for that purpose. The town of Silver may impose a property tax on territory not included in the district to discharge costs or debt incurred to provide fire protection services to that territory.

Subd. 5. PUBLIC INDEBTEDNESS. The district may incur debt in the manner provided for a municipality by Minnesota Statutes, chapter 475, when necessary to accomplish a duty charged to it.

Subd. 6. WITHDRAWAL. Upon two years notice, a city or town may withdraw from the district. Its territory shall remain subject to taxation for debt incurred prior to its withdrawal pursuant to Minnesota Statutes, chapter 475.

Sec. 3. Laws 1974, chapter 400, section 5, subdivision 4, is amended to read:

Subd. 4. **EXECUTIVE DIRECTOR.** The board ~~shall~~ may appoint an executive director who shall be selected solely upon the basis of his training, experience and other qualifications and who shall serve at the pleasure of the board and at a compensation to be determined by the board. The executive director need not be a resident of the district. He may also be selected by the board to serve as either secretary or treasurer, or both, of the board. As executive director, he shall attend all meetings of the board, but shall not vote, and shall have the following powers and duties:

(a) He shall see that all resolutions, rules, regulations, or orders of the board are enforced.

(b) He shall appoint and remove, upon the basis of merit and fitness, all subordinate officers and regular employees of the board except the secretary and the treasurer and their deputies.

(c) He shall present to the board plans, studies and other reports prepared for board purposes and recommend to the board for adoption such measures as he deemes necessary to enforce or carry out the powers and duties of the board, or the efficient administration of the affairs of the board.

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(d) He shall keep the board fully advised as to its financial condition, and he shall prepare and submit to the board, and to the governing bodies of the local government units, the board's annual budget and other financial information as the board may request.

(e) He shall recommend to the board for adoption such rules and regulations as he deems necessary for the efficient operation of the district disposal system.

(f) He shall perform such other duties as may be prescribed by the board.

Sec. 4. EFFECTIVE DATE.

With respect to Kanabec county, section 1 is effective July 1, 1987. With respect to Carver and Red Lake counties, section 1 is effective the day after compliance by the Carver or Red Lake county board, respectively, with Minnesota Statutes, section 645.021. Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a), section 2 takes effect without local approval the day following final enactment.

Approved June 11, 1987

CHAPTER 403—H.F.No. 243

An act relating to the organization and operation of state government; appropriating money for human services, corrections, health, economic security, and other purposes with certain conditions; amending Minnesota Statutes 1986, sections 15A.081, subdivision 1; 86.33, subdivisions 2 and 3; 136C.06; 144.122; 144.123, subdivision 2; 144.219; 144.55, subdivision 6; 144.68; 144.69; 144A.05; 144A.071, subdivision 3; 144A.27; 144A.33, subdivisions 3 and 4; 171.29, subdivision 2; 245.713, subdivision 2; 245.782, subdivision 5; 246.18, subdivision 1, and by adding a subdivision; 246.50, subdivisions 3, 4a, 5, 7, and by adding a subdivision; 246.51; 246.511; 246.57, by adding a subdivision; 251.011, subdivision 6; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 252.275, subdivisions 1, 2, 4, and 7; 256.01, subdivisions 2 and 4; 256.045, subdivision 3; 256.73, by adding a subdivision; 256.736, subdivisions 3, 4, 6, 7, 8, and by adding subdivisions; 256.737, subdivision 1; 256.74, subdivision 1; 256.969, subdivisions 2 and 3; 256.98; 256B.02, subdivision 8, and by adding a subdivision; 256B.03, subdivision 1; 256B.04, subdivisions 14 and 15; 256B.06, subdivision 1, and by adding a subdivision; 256B.064, subdivision 1a; 256B.15; 256B.17, subdivisions 4 and 5; 256B.19, subdivision 1; 256B.35, subdivisions 1 and 2; 256B.37, by adding a subdivision; 256B.421, subdivision 1; 256B.431, subdivisions 2b, 2e, 3a, 4, and by adding subdivisions; 256B.433; 256B.47, subdivision 1, and by adding subdivisions; 256B.48, subdivision 1; 256B.50, subdivision 2; 256B.501, subdivisions 1, 2, and 8; 256B.69, subdivisions 6, 11, and by adding subdivisions; 256C.26; 256D.01, subdivision 1a; 256D.02, subdivisions 5 and 8; 256D.03, subdivisions 2, 3, 4, and by adding a subdivision; 256D.05, subdivision 1, and by adding a subdivision; 256D.051 subdivisions 1, 2, 6, 8, and by adding a subdivision; 256D.06, subdivisions 1, 1b, and 2; 256D.08, subdivision 1; 256D.101; 256D.15; 256D.22; 256D.37, subdivi-

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