

CHAPTER 42—H.F.No. 770

An act relating to Aitkin county; making the Long Lake conservation center fund a separate county enterprise fund; amending Laws 1965, chapter 616, section 1, as amended.

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

Section 1. Laws 1965, chapter 616, section 1, as amended by Laws 1967, chapter 14, section 1, is amended to read:

Section 1. AITKIN COUNTY; LONG LAKE CONSERVATION TRAINING CENTER.

Notwithstanding the provisions of Minnesota Statutes, Section 398.33, all moneys, fees, and donations specified for or received from the operation of the Aitkin county Long Lake conservation training center shall be deposited in a separate account, other than the park fund, to be under the jurisdiction of the ~~secretary-treasurer~~ of the Aitkin county park commission. Such ~~secretary-treasurer~~ so appointed shall give a corporate surety bond to the county in such sum as the county board may direct, but for not less than \$1,000, conditioned for the faithful performance of his official duties, expenses of such bond shall be paid by the county, and shall be approved and filed as provided by law for bonds of county officers. The ~~secretary-treasurer~~ shall make a comprehensive report of the funds received, paid out, and on hand. Such report shall be submitted by the ~~secretary-treasurer~~ by certified copy as prescribed by the public examiner, to the register of deeds [and] [county auditor] of the county on or before the first day of November of each year county. All books and affairs of the Long Lake conservation training center, to the extent the center receives aid from appropriations, shall be subject to examination by the ~~public examiner~~ state auditor for the current year. This act in no way restricts the transferring of annual profits from the operation of the conservation training center to the park fund for other park activities.

Presented to the governor May 9, 2003

Signed by the governor May 13, 2003, 1:10 p.m.

CHAPTER 43—H.F.No. 317

An act relating to counties; allowing use of certain county facilities for commercial wireless service providers and allowing the lease of sites for public safety communications equipment; permitting the appointment of the Rock county recorder; proposing coding for new law in Minnesota Statutes, chapter 375.

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

Section 1. [375.87] RADIO SYSTEMS.

Subdivision 1. **ESTABLISHMENT.** A county may establish and rent, lease, construct, equip, and maintain a radio broadcasting station or stations, with land-fixed

New language is indicated by underline, deletions by ~~strikeout~~.

repeater stations and other necessary communication equipment, to be used for public safety communications. It may acquire land, towers, or equipment by gift, purchase, lease, exchange, condemnation, or other means for use as a site for public safety communications equipment. Public safety communications sites may be acquired by lease for a period of up to 25 years in duration. Public safety communications may include police, fire, highway maintenance, emergency medical service, local government, forestry conservation, and other communications as determined by the county board.

Subd. 2. ANTENNA SITE USE AGREEMENTS. Use of county-owned radio towers, building rooftops, lands, and easements may be made available to commercial wireless service providers or other users for the purpose of installing antennas and equipment. The county may charge site use fees for the value of the real property or structure made available and for public safety communications systems costs. In lieu of a site use fee, the county may make agreements with commercial wireless service providers or other tower owners to place county equipment on privately owned towers and may accept improvements such as tower reinforcement, reconstruction, site development, or other site improvements to the county's communications system facilities or real or personal property. Antenna site use agreements and leases may be entered into by any means available and in the manner determined by the county board, with or without advertisement for bids.

Sec. 2. RECORDER MAY BE APPOINTED.

Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Rock county board of commissioners, the office of county recorder in the county is not elective but must be filled by appointment by the county board as provided in the resolution. Before the county board may adopt a resolution under this section, the board must hold a public hearing on the proposal to appoint the county recorder.

Sec. 3. BOARD CONTROLS, MAY CHANGE AS LONG AS DUTIES DONE.

Upon adoption of a resolution by the Rock county board of commissioners and subject to sections 4 and 5, the duties of the elected official required by statute whose office is made appointive as authorized by this act must be discharged by the board of commissioners of Rock county acting through a department head appointed by the board for that purpose. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Sec. 4. INCUMBENT TO COMPLETE TERM.

The person currently serving as county recorder must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the current term of office or until a vacancy occurs in the office, whichever occurs earlier.

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Sec. 5. FOUR-FIFTHS VOTE; REVERSE REFERENDUM.

The county board may provide for the appointment of the county recorder as permitted in this act without an affirmative vote of the voters of the county if the resolution to make the office appointed is approved by 80 percent of the members of the county board. Before the adoption of the resolution, the county board must publish a resolution notifying the public of its intent to consider adopting the option once each week for two consecutive weeks in the official publication of the county. Following the publication, the county board shall provide an opportunity at its next regular meeting for public comment relating to the option, prior to formally adopting the option. The option may be implemented without the submission of the question of its implementation to the voters of the county, unless within 30 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the county auditor. If a petition is filed, the option may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

Sec. 6. EFFECTIVE DATE; LOCAL APPROVAL.

Sections 2 to 5 are effective the day after the governing body of Rock county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor May 12, 2003

Signed by the governor May 14, 2003, 4:00 p.m.

CHAPTER 44—H.F.No. 335

An act relating to water; requiring new landscape irrigation systems to have furnished and installed moisture or rainfall sensing equipment; proposing coding for new law in Minnesota Statutes, chapter 103G.

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

Section 1. [103G.298] LANDSCAPE IRRIGATION SYSTEMS.

All automatically operated landscape irrigation systems shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture. The technology must be adjustable either by the end user or the professional practitioner of landscape irrigation services.

EFFECTIVE DATE. This section is effective July 1, 2003, for all landscape irrigation systems installed after that date.

Presented to the governor May 12, 2003

Signed by the governor May 14, 2003, 4:35 p.m.

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