

CHAPTER 383E

ANOKA COUNTY

COUNTY COMMISSIONERS		BONDING	
383E.01	COMMISSIONERS' SALARIES.	383E.20	BONDING FOR COUNTY LIBRARY BUILDINGS.
383E.02	EXPENSE ACCOUNTS.	383E.21	BONDING FOR PUBLIC SAFETY COMMUNICATION SYSTEMS.
COUNTY OFFICERS		383E.22	BONDS ISSUANCE VALIDATED.
383E.03	APPOINTMENT OF COUNTY OFFICIALS.	TAXES	
383E.04	REORGANIZATION OF COUNTY OFFICES.	383E.23	LIBRARY TAX.
383E.05	SCHEDULE.	SERVICE DISTRICTS	
383E.06	REFERENDUM.	383E.24	SUBORDINATE GOVERNMENTAL SERVICE DISTRICTS.
PERSONNEL AND RETIREMENT		MISCELLANEOUS	
383E.07	PERSONNEL BOARD OF APPEALS.	383E.25	DANGEROUS DOG REGISTRATION.
383E.08	UNDERSHERIFF.	383E.26	LIQUOR LICENSING.
383E.09	PERA—GENERAL RETENTION OF PUBLIC EMPLOYEE STATUS FOR ACHIEVE PROGRAM EMPLOYEES.	383E.27	BOARDING OF PRISONERS FOR MUNICIPALITIES.
PARKS		383E.28	PAYMENT PROCEDURES FOR COUNTY OBLIGATIONS.
383E.10	PARK ORDINANCES.	CORONER	
383E.11	RECREATIONAL AND SCENIC AREAS.	383E.40	COUNTY CORONER.
383E.12	LAND ACQUISITION.	383E.41	ASSISTANTS.
REAL PROPERTY		383E.42	DEPUTIES.
383E.13	COMPLETION OF ASSESSMENT.	383E.43	INVESTIGATIONS AND INQUESTS.
383E.14	APPRAISAL RECORDS.	383E.44	TO ACT WHEN SHERIFF IS PARTY TO ACTION.
383E.15	SALE OF TAX-FORFEITED LAND.	383E.45	BODIES; EFFECTS; CUSTODY.
383E.16	SALE OF TAX-FORFEITED LAND BY SEALED BID.	383E.46	FINGERPRINTS; IDENTIFICATION DATA.
HOUSING AND REDEVELOPMENT		383E.47	BURIAL.
383E.17	HOUSING AND REDEVELOPMENT.	383E.48	EXPENSES.
383E.18	LOCAL APPROVAL.	383E.49	CERTIFICATES OF DEATH.
383E.19	MORTGAGE TAX EXEMPTION.		

COUNTY COMMISSIONERS

383E.01 COMMISSIONERS' SALARIES.

Notwithstanding the provisions of any general law enacted prior to May 18, 1967, to the contrary, whether effective before or after this section or section 383E.02, the yearly salaries of each of the members of the board of county commissioners of Anoka County shall be set by said board and shall be payable in equal installments at least once monthly.

History: 1963 c 161 s 1; 1967 c 560 s 1; 2005 c 28 s 1

383E.02 EXPENSE ACCOUNTS.

Each member of the board of county commissioners shall be allowed a sum which shall be payable in equal installments at least once monthly as and for expense account, the amount thereof to be set by said board.

History: 1963 c 161 s 2; 1967 c 560 s 2; 2005 c 28 s 1

COUNTY OFFICERS

383E.03 APPOINTMENT OF COUNTY OFFICIALS.

Upon adoption of a resolution by the Anoka County Board of Commissioners, the offices of county auditor, county recorder, and county treasurer in the county shall not be elective but shall be filled by appointment by the county board as provided in sections 383E.03 to 383E.06, unless the office is abolished pursuant to a reorganization or consolidation under section 383E.04.

History: 1989 c 243 s 1; 2005 c 28 s 1

383E.04 REORGANIZATION OF COUNTY OFFICES.

(a) Upon adoption of a resolution by the Anoka County Board of Commissioners and subject to sections 383E.05 and 383E.06, the duties of the elected officials required by statute

whose offices are made appointive by sections 383E.03 to 383E.06 shall be discharged by the board of commissioners of Anoka County acting through a department head or heads appointed by the board for that purpose. Each appointed department head shall serve at the pleasure of the board. The board may reorganize, consolidate, reallocate, or delegate the duties to promote efficiency in county government. It may make other administrative changes, including abolishing the offices of auditor, recorder, and treasurer. A reorganization, reallocation, or delegation or other administrative change or transfer shall not diminish, prohibit, or avoid the discharge of duties required by statute.

(b) The time requirements in sections 386.30 and 507.093 apply to an appointed department head described in paragraph (a) and begin after the tax certifications required by chapters 272 and 287 are made, but the total period to complete the time requirements after receipt of the instrument by the appointed department head must not exceed 60 days.

History: 1989 c 243 s 2; 2000 c 275 s 3; 2005 c 28 s 1

383E.05 SCHEDULE.

Persons elected at the November 1986 general election to the positions of auditor, recorder, and treasurer shall serve in those capacities and perform the duties, functions, and responsibilities required by statute, until the completion of the term of office to which each was elected, or until a vacancy occurs in the office, whichever occurs earlier.

History: 1989 c 243 s 3; 2005 c 28 s 1

383E.06 REFERENDUM.

The county board, before action as permitted by section 383E.04 and before any appointment as permitted by section 383E.03 or 383E.04, but after adopting a resolution permitted by section 383E.03 or 383E.04, shall publish the resolution once each week for two consecutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 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 resolution may be implemented unless disapproved by a majority of the voters of the county, voting on the question at a regular or special election.

History: 1989 c 243 s 4; 2005 c 28 s 1

PERSONNEL AND RETIREMENT

383E.07 PERSONNEL BOARD OF APPEALS.

Subdivision 1. **Creation.** Anoka County may establish a Personnel Board of Appeals to review disciplinary appeals as provided in this section.

Subd. 2. **Membership; eligibility.** The county Personnel Board of Appeals has three members appointed by the county board. Each member of the county Personnel Board of Appeals must be a resident of the county. A member of the county Personnel Board of Appeals must not be an Anoka County employee, hold any elected or appointed Anoka County office, or be a candidate for any Anoka County office.

Subd. 3. **Terms.** Members of the first Personnel Board of Appeals serve for terms beginning on a date set by resolution of the county board as follows: one must be appointed for a one-year term, one for a two-year term, and one for a three-year term. Thereafter, each member serves a three-year term, except that upon expiration of a member's term that member continues to serve until the county board has appointed a successor.

Subd. 4. **Removal; vacancy.** The county board may remove a member of the Personnel Board of Appeals for cause. In addition to the provisions of section 351.02, a position on the Personnel Board of Appeals becomes vacant when a member files as a candidate for any Anoka County office, accepts employment with Anoka County, or takes any elected or appointed Anoka County office.

Subd. 5. **Filling a vacancy.** The county board must appoint, as soon as practicable, a person to complete the unexpired term of any member who is removed from or vacates the member's position before expiration of that member's term.

Subd. 6. **Compensation; expenses.** The county board must provide by resolution for compensation of members of the Personnel Board of Appeals. The county must reimburse members of the Personnel Board of Appeals for actual and necessary expenses.

Subd. 7. **Scope of authority; disciplinary appeals.** The county Personnel Board of Appeals must hear all appeals relating to discharge, suspension without pay, demotion for cause, salary decrease, and other related disciplinary actions.

Subd. 8. **Decisions of Personnel Board of Appeals.** Except as otherwise provided in this subdivision, the Personnel Board of Appeals must hear an appeal of a disciplinary action within 30 working days of receiving the appeal. The hearing may be held at a later date if the Personnel Board of Appeals, the appointing authority, and the employee agree. The Personnel Board of Appeals may accept, reject, or modify the disciplinary action, and then must report its decision to the county human resources director. The human resources director must serve a copy of the decision on the employee and the appointing authority. Service may be by personal service or by mail to the last known address of each party. Service by mail is complete upon mailing. The decision of the Personnel Board of Appeals is final and is effective on the date of service.

Subd. 9. **Appeal of Personnel Board of Appeals decision.** The appointing authority or the employee may appeal the decision by filing a petition for writ of certiorari with the Court of Appeals within 30 days after service of the decision on the parties. The Court of Appeals must decide the appeal on the Personnel Board of Appeals' record of the matter. The Court of Appeals may reverse the Personnel Board of Appeals' decision if the court finds no evidence upon which the Personnel Board of Appeals could have reached its decision or if the Personnel Board of Appeals abused its discretion.

Subd. 10. **Proper party to litigation.** Anoka County, not the Personnel Board of Appeals, is the proper party to an appeal or any other litigation arising out of this section. The Personnel Board of Appeals cannot sue or be sued. The Anoka County attorney must represent the county in any litigation arising under this section.

Subd. 11. **Collective bargaining agreements.** Procedures for discipline and discharge of employees covered by collective bargaining agreements are governed by the agreements to the extent the agreements are inconsistent with this section. An employee cannot use both the procedure provided by this section and the grievance procedure provided in chapter 179A.

History: 2004 c 210 s 1; 2005 c 28 s 1

383E.08 UNDERSHERIFF.

Notwithstanding any provision of sections 387.31 to 387.45, the office of the undersheriff in Anoka County shall be in the unclassified service.

History: 1963 c 263 s 1; 2005 c 28 s 1

383E.09 PERA—GENERAL RETENTION OF PUBLIC EMPLOYEE STATUS FOR ACHIEVE PROGRAM EMPLOYEES.

Subdivision 1. **Application.** This section applies to a person who was:

(1) employed by Anoka County in connection with the Achieve program for adults with developmental disabilities on the day before operation of the program is transferred to Achieve Services, Inc.; and

(2) a member of the Public Employees Retirement Association on December 31, 2003.

Subd. 2. **Continuation of coverage.** For purposes of participation in the coordinated plan of the Public Employees Retirement Association, a person to whom this section applies is a "public employee" under chapter 353, while employed by Achieve Services, Inc., which

is a governmental subdivision under section 353.01, subdivision 6, paragraph (a), for the purposes of reporting contributions for those persons to whom this section applies only.

History: 2004 c 267 art 12 s 2; 2005 c 28 s 1

PARKS

383E.10 PARK ORDINANCES.

Notwithstanding section 398.34, subdivision 3, ordinances enacted by the Anoka County Board under section 398.34, subdivision 2, supersede any conflicting provisions of home rule charter and statutory city and town ordinances.

History: 1986 c 374 s 1; 2005 c 28 s 1

383E.11 RECREATIONAL AND SCENIC AREAS.

The county commissioners of the county of Anoka may by resolution adopted by a majority of the board, establish parks, playgrounds, or scenic areas within the county of Anoka and from time to time they may, by resolution, designate additional areas and establish these areas as parks, playgrounds, or scenic areas. For the purposes of this section, "scenic areas" shall be defined as those areas the county board deems suitable for aesthetic, environmental, recreational, or open space purposes.

History: 1961 c 209 s 1; 1977 c 198 s 1; 2005 c 28 s 1

383E.12 LAND ACQUISITION.

Subdivision 1. **Interests acquired.** If the board of county commissioners has established an area or areas as allowed in section 383E.11, it then may acquire the fee interest or less than a fee interest in the lands by gift, purchase, or by condemnation. All condemnation proceedings shall be instituted in the name of the county and conducted in the manner provided by chapter 117.

Subd. 2. **Local review and comment; park, playground, or scenic areas.** The county shall at least 60 days prior to acquisition of any property for a park, playground, or scenic area give notice of intention to acquire to the municipality in which the park, playground, or scenic area is located. At the request of the municipality, the county shall make available related studies, reports, data, and other informational and technical assistance as may be available. Within 30 days of such notice, the municipality may review such data and comment to the county in the form of a statement setting forth facts and issues relevant to the acquisition of such park, playground, or scenic area.

History: 1961 c 209 s 2; 1977 c 198 s 2; 2005 c 28 s 1

REAL PROPERTY

383E.13 COMPLETION OF ASSESSMENT.

The Anoka County assessor shall examine the assessment appraisal records of each local assessor on or about March 1 of each year and shall immediately give notice in writing to the governing body of said district of any deficiencies in the assessment procedures with respect to the quantity of or quality of the work done as of that date and indicating corrective measures to be undertaken and effected by the local assessor not later than April 1. If, upon re-examination of such records on or about April 1, the deficiencies noted in the written notice previously given have not been substantially corrected to the end that a timely and uniform assessment of all real property in the county will be attained, then the county assessor with the concurrence of the state commissioner of revenue shall collect the necessary records from the local assessor and complete the assessment or employ others to complete the assessment. In this circumstance the cost of completing the assessment shall be charged against the assessment district involved. The county auditor shall certify the costs thus incurred to the appropriate governing body not later than September 1 and if unpaid as of October 10 of the

assessment year, the county auditor shall levy a tax upon the taxable property of said assessment district sufficient to pay such costs. The amount so collected shall be credited to the general revenue fund of the county.

History: 1969 c 392 s 1; 1973 c 582 s 3; 2005 c 28 s 1

383E.14 APPRAISAL RECORDS.

Assessment districts in Anoka County shall complete the assessment appraisal records on or before May 1. The records shall be delivered to the county assessor as of that date and any work which is the responsibility of the local assessor which is not completed by May 1 shall be accomplished by the county assessor or persons employed by the county assessor and the cost of such work shall be charged against the assessment district as provided in section 383E.13. Extensions of time to complete the assessment appraisal records may be granted to the local assessor by the county assessor if such extension is approved by the county board.

History: 1969 c 392 s 2; 2005 c 28 s 1

383E.15 SALE OF TAX-FORFEITED LAND.

(a) Notwithstanding section 282.018, Anoka County may sell certain tax-forfeited lands that border public waters in the cities of Andover, Coon Rapids, East Bethel, and St. Francis and the towns of Burns and Oak Grove that are described in paragraph (c).

(b) The lands described in paragraph (c) may be sold in accordance with the remaining provisions of chapter 282. The conveyance must be in a form approved by the attorney general. For the land described in paragraph (c), clauses (3), (8), and (9), the deed issued by the commissioner of revenue must be subject to conservation easements. With regard to clause (3), the conservation easement shall apply only to the north 360 feet of the described parcel.

(c) The lands that may be conveyed are located in Anoka County and described as follows:

(1) That part of the Northwest Quarter of the Northwest Quarter of Section 7, Township 32, Range 24 described as follows: commencing at the intersection of the northerly extension of the westerly line of the plat of Grow Oak View Estates and the north line of said Quarter Quarter; thence South 00 degrees 26 minutes East along said westerly line and its northerly extension 1287 feet to the point of beginning; thence West parallel with said north line 338.46 feet; thence South 00 degrees 26 minutes East to the south line of said Quarter Quarter; thence easterly along said south line to the westerly line of said plat; thence northerly along said westerly line to the point of beginning. Subject to easements of record, if any.

(2) Lot 27, Block 4, Pleasure Creek Coleman Acres Plat 1, as recorded with the Anoka County recorder, Anoka County, Minnesota.

(3) That part of the Southwest Quarter of the Southeast Quarter of Section 8, Township 33, Range 23 lying easterly of the east line of Linges East Bethel Center, westerly of the west line of Wisens 6th Addition and northerly of the northerly right-of-way line of 214th Avenue NE. Subject to easements of record, if any.

(4) The north 363 feet of the south 2042 feet of the east 300 feet of the west 1089 feet of the West Half of the Southwest Quarter of Section 36, Township 34, Range 23, Anoka County, Minnesota as measured along the west and south lines of said West Half of the Southwest Quarter reserving an easement for road purposes over the south 33 feet thereof. Together with an easement for road purposes for ingress and egress in common with other users of record.

(5) Lot 7, Block 1, Creekview Estates, as recorded with the Anoka County recorder, Anoka County, Minnesota.

(6) Lot 4, Block 3, Creekview Estates, as recorded with the Anoka County recorder, Anoka County, Minnesota.

(7) Lot 2, Block 3, Creekview Estates, as recorded with the Anoka County recorder, Anoka County, Minnesota.

(8) Lot 1, Block 8, Rustic Oaks Estates, as recorded with the Anoka County recorder, Anoka County, Minnesota.

(9) The west 330 feet of the Southwest Quarter of the Southeast Quarter of Section 27, Township 33, Range 24, Anoka County, Minnesota as measured along the north line thereof and lying southerly of the following described line: Commencing at the northwest corner of said Quarter Quarter; thence on an assumed bearing of South 00 degrees 04 minutes 41 seconds East along the west line of said Quarter Quarter 742.84 feet to the actual point of beginning of the line to be described; thence South 66 degrees 37 minutes 51 seconds East to the east line of said west 330 feet of said Quarter Quarter and there terminating. Subject to easements of record, if any.

(d) The lands to be conveyed have little or no surface water use potential and will realize a higher and better use under private ownership.

History: 1989 c 100 s 1; 2005 c 28 s 1

383E.16 SALE OF TAX-FORFEITED LAND BY SEALED BID.

The county of Anoka may conduct a sealed bid sale as an alternate method of disposing of tax-forfeited land. Notice of the sale must comply with section 282.02, except that the last publication of the notice must be at least 30 days before the date of the sale. Sealed bids shall also be solicited by mailing notices to prospective bidders who request that their names be kept on file with the appropriate county official. Prospective bidders must renew their filing in writing every two years to remain on the list. All bids must be sealed when they are received and must be opened in public at the hour stated in the notice. The land shall be sold to the highest bidder but in no event shall the land be sold for less than its appraised value. All original bids and all documents pertaining to the award of a sale must be retained and made part of a permanent file or record and remain open to public inspection for a period of ten years from the date of the sale.

History: 1994 c 413 s 1; 2005 c 28 s 1

HOUSING AND REDEVELOPMENT

383E.17 HOUSING AND REDEVELOPMENT.

Subdivision 1. **Housing and redevelopment authority.** There is created in the county of Anoka a public body corporate and politic, to be known as the Anoka County Housing and Redevelopment Authority, having all of the powers and duties of a housing and redevelopment authority under the provisions of the Municipal Housing and Redevelopment Act, Minnesota Statutes 1986, sections 462.411 to 462.711. For the purposes of applying the provisions of the Municipal Housing and Redevelopment Act to Anoka County, the county has all of the powers and duties of a municipality, the county board has all of the powers and duties of a governing body, the chair of the county board has all of the powers and duties of a mayor, and the area of operation includes the area within the territorial boundaries of the county.

Subd. 2. **Municipal authorities.** This section shall not limit or restrict any existing housing and redevelopment authority or prevent a municipality from creating an authority. The county shall not exercise jurisdiction in any municipality where a municipal housing and redevelopment authority is established. If a municipal housing and redevelopment authority requests the Anoka County Housing and Redevelopment Authority to handle the housing duties of the municipal authority, the Anoka County Housing and Redevelopment Authority shall act and have exclusive jurisdiction for housing in the municipality. A transfer of duties relating to housing shall not transfer any duties relating to redevelopment.

History: 1978 c 464 s 1; 2005 c 28 s 1

383E.18 LOCAL APPROVAL.

Before a housing or redevelopment project of the Anoka County Housing and Redevelopment Authority is undertaken, the project shall be approved by the local governing body with jurisdiction over all or any part of the area in which the proposed project is located.

History: 1978 c 464 s 2; 2005 c 28 s 1

383E.19 MORTGAGE TAX EXEMPTION.

Construction loans on publicly owned low-income or senior multifamily housing projects in Anoka County shall not be subject to the tax imposed by section 287.035. If the construction loan is held by the same entity as the permanent financing on a publicly owned low-income or senior multifamily housing, the tax imposed by section 287.035 shall be imposed only once at the time of the permanent financing.

History: 1991 c 342 s 21; 2005 c 28 s 1

BONDING**383E.20 BONDING FOR COUNTY LIBRARY BUILDINGS.**

The Anoka County Board may, by resolution adopted by a four-sevenths vote, issue and sell general obligation bonds of the county in the manner provided in chapter 475 to acquire, better, and construct county library buildings. The bonds shall not be subject to the requirements of sections 475.57 to 475.59. The maturity years and amounts and interest rates of each series of bonds shall be fixed so that the maximum amount of principal and interest to become due in any year, on the bonds of that series and of all outstanding series issued by or for the purposes of libraries, shall not exceed an amount equal to the lesser of (i) .01 percent of the taxable market value of all taxable property in the county, excluding any taxable property taxed by any city for the support of any free public library, or (ii) \$1,250,000. When the tax levy authorized in this section is collected, it shall be appropriated and credited to a debt service fund for the bonds. The tax levy for the debt service fund under section 475.61 shall be reduced by the amount available or reasonably anticipated to be available in the fund to make payments otherwise payable from the levy pursuant to section 475.61.

History: 1984 c 380 s 2; 1998 c 389 art 3 s 31; 2005 c 28 s 1

383E.21 BONDING FOR PUBLIC SAFETY COMMUNICATION SYSTEMS.

Subdivision 1. **Authority to incur debt.** (a) To finance the cost of designing, constructing, and acquiring public safety communication system infrastructure and equipment, the governing body of Anoka County may issue:

(1) capital improvement bonds under the provisions of section 373.40 as if the infrastructure and equipment qualified as a "capital improvement" within the meaning of section 373.40, subdivision 1, paragraph (b); and

(2) capital notes under the provisions of section 373.01, subdivision 3, as if the equipment qualified as "capital equipment" within the meaning of section 373.01, subdivision 3.

(b) The original principal amount of the bonds and the capital notes issued under this section may not exceed \$12,500,000.

Subd. 2. **Treatment of levy.** Notwithstanding sections 275.065, subdivision 3, and 276.04, the county may report the tax attributable to any levy to pay principal and interest on bonds or notes issued under this section as a separate line item on the proposed property tax notice and the property tax statement.

Subd. 3. **Expiration.** This section expires ten years after the first year in which the county issues a note or bond under this section. The county may not issue a bond or note under this section with a maturity or payment date after the expiration date of this section. No property tax may be levied under this section for taxes payable in a calendar year after the calendar year in which this section expires. Expiration of this section does not affect the obligation to pay or the authority to collect taxes levied under this section before its expiration.

History: 2002 c 390 s 27; 2005 c 28 s 1

383E.22 BONDS ISSUANCE VALIDATED.

The provisions of sections 373.47, subdivision 1, and 403.36, subdivision 3, requiring prior review and approval by the Statewide Radio Board do not apply to the general obligation bonds issued by Anoka County in a principal amount of \$10,500,000 on November 20, 2002.

History: 2003 c 127 art 12 s 25; 1Sp2003 c 1 art 2 s 135; 2005 c 28 s 1

NOTE: The Statewide Radio Board duties referred to in this section were formerly assigned to the Public Safety Radio Planning Committee.

TAXES

383E.23 LIBRARY TAX.

The Anoka County Board may levy a tax of not more than .01 percent of the taxable market value of taxable property located within the county excluding any taxable property taxed by any city for the support of any free public library, to acquire, better, and construct county library buildings and to pay principal and interest on bonds issued for that purpose. The tax shall be disregarded in the calculation of levies or limits on levies provided by section 373.40, or other law.

History: 1984 c 380 s 1; 1994 c 505 art 6 s 27; 1998 c 389 art 3 s 30; 2005 c 28 s 1

SERVICE DISTRICTS

383E.24 SUBORDINATE GOVERNMENTAL SERVICE DISTRICTS.

Subdivision 1. **Purpose.** It is the purpose of this section to provide a means by which the county of Anoka as a unit of general local government can effectively provide and finance various governmental services for its residents.

Subd. 2. **Definition.** "Subordinate service district" means a compact and contiguous district within the county in which one or more governmental services or additions to county-wide services are provided by the county and financed from revenues secured from within that district.

Subd. 3. **Establishment of service districts.** Notwithstanding any provision of law requiring uniform property tax rates on real or personal property within the county, the county of Anoka may establish subordinate service districts to provide and finance any governmental service or function which it is otherwise authorized to undertake.

Subd. 4. **Creation by county board.** The county board of commissioners of the county of Anoka may establish a subordinate service district in a portion of the county by adoption of an appropriate resolution. Before the adoption of such a resolution, the county board shall hold a public hearing on the question of whether or not a subordinate service district shall be established. The resolution shall specify the service or services to be provided within the subordinate taxing district and shall specify the territorial boundaries of the district.

Subd. 5. **Creation by petition.** (a) A petition signed by five percent of the qualified voters within any portion of the county may be submitted to the county board requesting the establishment of a subordinate county service district to provide any service or services which the county is otherwise authorized by law to provide. The petition shall include the territorial boundaries of the proposed service district and shall specify the types of services to be provided therein.

(b) Upon receipt of the petition, and verification of the signatures thereon by the county auditor, the county board shall, within 30 days following verification, hold a public hearing on the question of whether or not the requested subordinate service district shall be established.

(c) Within 30 days following the holding of a public hearing, the county board, by resolution, shall approve or disapprove the establishment of the requested subordinate county service district. A resolution approving the creation of the subordinate service district may contain amendments or modifications of the district's boundaries or functions as set forth in the petition.

Subd. 6. **Publication and effective date.** Upon passage of a resolution authorizing the creation of a subordinate county service district, the county board shall cause to be published once in the official newspapers the resolution. The resolution shall include a general description of the territory to be included within the district, the type of service or services to be un-

dertaken in the district, a statement of the means by which the service or services will be financed, and a designation of the county agency or officer who will be responsible for supervising the provision of the service or services. The service district shall be deemed established 30 days after publication or at such later date as may be specified in the resolution.

Subd. 7. Referendum. (a) Upon receipt of a petition signed by five percent of the qualified voters within the territory of the proposed service district prior to the effective date of its creation as specified in subdivision 6, the creation shall be held in abeyance pending a referendum vote of all qualified electors residing within the boundaries of the proposed service district.

(b) The county board shall make arrangements for the holding of a special election not less than 30 or more than 90 days after receipt of such petition within the boundaries of the proposed taxing district. The question to be submitted and voted upon by the qualified voters within the territory of the proposed service district shall be phrased substantially as follows:

“Shall a subordinate service district be established in order to provide (service or services to be provided) financed by (revenue sources)?”

(c) If a majority of those voting on the question favor creation of the proposed subordinate service district, the district shall be deemed created upon certification of the vote by the county auditor. The county auditor shall administer the election.

Subd. 8. Expansion of boundaries of subordinate service district. The county board, on its own motion or pursuant to petition, may enlarge any existing subordinate county service district pursuant to the procedures specified in subdivisions 4 to 7. Only qualified voters residing in the district to be added shall be eligible to participate in the election; provided that if five percent of the qualified voters residing in the existing service district petition to participate therein, all qualified voters residing in the proposed service district shall be eligible.

Subd. 9. Financing. Upon adoption of the next annual budget following the creation of a subordinate county service district, the county board shall include in such budget appropriate provisions for the operation of the subordinate service district including, as appropriate, a property tax levied only on property within the boundaries of the subordinate taxing district or by levy of a service charge against the users of such service within the district, or by any combination thereof.

Subd 10. Withdrawal. Upon receipt of a petition signed by ten percent of the qualified voters within the territory of the subordinate service district requesting the withdrawal of the service district from the provisions of this section, or pursuant to its own resolution, the county board shall make arrangements for the holding of a special election not less than 30 nor more than 90 days after receipt of such a petition within the boundaries of the service district. The question to be submitted and voted upon by the qualified voters within the territory of the service district shall be phrased substantially as follows:

“Shall the subordinate service district heretofore established be withdrawn and the service or services of the county as provided for such service district be discontinued?”

If a majority of those voting on the question favor the withdrawal and discontinuance of such services, the service district shall be deemed withdrawn and the services of the county shall be discontinued upon certification of the vote by the county auditor. The county auditor shall administer the election.

History: 1974 c 20 s 1–10; 2005 c 28 s 1

MISCELLANEOUS

383E.25 DANGEROUS DOG REGISTRATION.

Notwithstanding any law to the contrary, home rule or statutory cities in Anoka County are responsible for dangerous dog registration pursuant to section 347.51. The county shall continue to enforce that section for towns in the county.

History: 1999 c 48 s 1; 2005 c 28 s 1

383E.26 LIQUOR LICENSING.

The county board of Anoka County may, by resolution, delegate to the town board of towns located within the county, powers possessed by the county to issue nonintoxicating malt liquor licenses under section 340A.403, on-sale intoxicating liquor licenses under section 340A.404, and off-sale intoxicating liquor licenses under section 340A.405, within the unincorporated area of the county; provided that the town board of the respective town consents to the delegation of powers. License fees must be paid to the town and the town board shall assume all powers and duties of the county board in regard to licensing.

History: 1990 c 554 s 18; 2005 c 28 s 1

383E.27 BOARDING OF PRISONERS FOR MUNICIPALITIES.

The board of county commissioners of the county of Anoka may allow the incarceration and maintenance of prisoners for any city or township located within the county free of charge, and a determination of whether or not a charge shall be made for the incarceration and maintenance of prisoners within the county jail for cities and townships of said county shall be for the board of county commissioners of the county of Anoka to determine.

History: 1963 c 9 s 1; 2005 c 28 s 1

383E.28 PAYMENT PROCEDURES FOR COUNTY OBLIGATIONS.

The Anoka County Board may provide procedures for the payment of all or any class of county obligations by the county auditor without presentation to the board. The procedures shall include regular and frequent review of the auditor's action by the board.

History: 1989 c 13 s 2; 2005 c 28 s 1

CORONER**383E.40 COUNTY CORONER.**

Subdivision 1. **Creation.** Upon a majority vote of the board of county commissioners of Anoka County, the office of county coroner may be created and established in the county.

Subd. 2. **Appointment.** The board of county commissioners of Anoka County shall appoint as county coroner a doctor of medicine licensed to practice pursuant to chapter 147, or similar laws in any other state. The coroner shall serve at the pleasure of the county board. The county board shall pay the coroner a fee to be determined by the board and provide for the payment of the coroner's expenses incurred in the performance of duties. The coroner must have successfully completed academic courses in pharmacology, surgery, pathology, toxicology, and physiology.

Subd. 3. **Bond.** Before taking office, the coroner shall post bond to the state in a penal sum set by the county board, not less than \$500 nor more than \$10,000. The coroner's bond is subject to the same conditions in substance as in the bond required by law to be given by the sheriff, except as to the description of the office. The bond and oath of office shall be filed with the county recorder.

History: 1993 c 16 s 1; 2005 c 28 s 1

383E.41 ASSISTANTS.

The coroner shall appoint one or more assistants who are doctors of medicine licensed to practice pursuant to chapter 147. When the coroner is absent or unable to act, the assistants have the same duties and powers and are subject to the same liabilities as the coroner. An assistant shall be appointed in writing. The oath and appointment shall be filed for record with the county recorder. The assistant shall act by name as assistant coroner and hold office for a term concurrent with the coroner.

History: 1993 c 16 s 2; 2005 c 28 s 1

383E.42 DEPUTIES.

The coroner shall utilize Anoka County deputy sheriffs to conduct necessary investigative work. The coroner and sheriff shall jointly determine which deputies shall be designated

deputy coroners. A deputy coroner shall be appointed by the coroner in writing. The oath and appointment shall be filed for record with the county recorder. The deputy shall act by name as deputy coroner and hold office for a term concurrent with the coroner. When instructed by the coroner pursuant to duties under sections 383E.40 to 383E.49, deputy coroners shall comply with the instruction in a reasonable and timely manner. While acting as a deputy coroner, a deputy sheriff shall act exclusively at the direction of the county coroner or assistant coroner. In an investigation of a death of a person that occurred while that person was in the custody of the sheriff, the coroner may retain other investigative resources and conduct the investigation through those resources.

History: 1993 c 16 s 3; 2005 c 28 s 1

383E.43 INVESTIGATIONS AND INQUESTS.

Subdivision 1. **Deaths requiring inquests and investigations.** The coroner and sheriff shall investigate all human deaths of the following types, and the coroner may conduct inquests in all human deaths of the following types:

- (1) violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self-induced or not;
- (2) deaths under unusual or mysterious circumstances;
- (3) deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so that the bodies will later be unavailable for examination; and
- (4) deaths of inmates of public institutions who are not hospitalized for organic disease and whose deaths are not of any type referred to in clause (1) or (2).

Subd. 2. **Violent or mysterious deaths; autopsies.** The coroner may conduct an autopsy in the case of any human death referred to in subdivision 1, clause (1) or (2), when the coroner judges that the public interest requires an autopsy.

Subd. 3. **Other deaths; autopsies; exhumation; consent.** The coroner may conduct an autopsy in the case of any human death referred to in subdivision 1, clause (3) or (4), or may exhume any human body and perform an autopsy on it in the case of any human death referred to in subdivision 2 when the coroner judges that the public interest requires an autopsy. No autopsy shall be conducted unless the surviving spouse, or next of kin if there is no surviving spouse, consents to it, or the district court of the county where the body is located or buried, upon notice as the court directs, enters an order authorizing an autopsy or an exhumation and autopsy. Application for an order may be made by the coroner or by the county attorney of the county where the body is located or buried, upon a showing that the court deems appropriate.

Subd. 4. **Assistance of medical specialists.** If during an investigation the coroner believes the assistance of pathologists, toxicologists, deputy coroners, laboratory technicians, or other medical experts is necessary to determine the cause of death, the coroner shall obtain their assistance.

Subd. 5. **Inquest.** The record and report of the inquest proceedings may not be used in evidence in any civil action arising out of the death for which an inquest was ordered. Before an inquest is held, the coroner shall notify the county attorney. The county attorney shall examine witnesses at the inquest.

Subd. 6. **Records.** The coroner shall keep properly indexed records giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant information concerning the death.

Subd. 7. **Reports.** (a) Deaths of the types described in this section must be promptly reported for investigation to the coroner by the law enforcement officer, attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person with knowledge of the death.

(b) For the purposes of this section, health-related records or data on a decedent, except health data defined in section 13.3805, subdivision 1, whose death is being investigated un-

der this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the coroner, upon the coroner's written request, by a person having custody of, possession of, access to, or knowledge of the records or data. The coroner shall pay for reasonable costs of copies of records or data provided to the coroner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigate shall remain confidential or protected nonpublic data, except that the coroner's report may contain a summary of such data.

Subd. 8. Coroner in charge of body. Upon notification of a death subject to this section, the coroner or deputy coroner shall proceed to the body, take charge of it, and, when necessary, order that there be no interference with the body or the scene of death. Investigation shall be conducted concurrently by the coroner or deputy coroner and the sheriff.

Subd. 9. Criminal act report. On coming to believe that the death may have resulted from a criminal act, the coroner or assistant coroner shall deliver a signed copy of the report of investigation or inquest to the county attorney.

Subd. 10. Sudden infant death. If a child under the age of two years dies suddenly and unexpectedly under circumstances indicating that the death may have been caused by sudden infant death syndrome, the coroner or personal physician shall notify the child's parents or guardian that an autopsy is essential to establish the cause of death as sudden infant death syndrome. If an autopsy reveals that sudden infant death syndrome is the cause of death, that fact must be stated in the autopsy report. The parents or guardian of the child shall be promptly notified of the cause of death and of the availability of counseling services.

Subd. 11. Autopsy fees. The coroner may charge a reasonable fee to a person requesting an autopsy if the autopsy would not otherwise be conducted under subdivision 1, 2, or 3.

Subd. 12. Authorized removal of the brain. If the coroner is informed by a physician or pathologist that a dead person is suspected of having had Alzheimer's disease, the coroner shall authorize the removal of the brain of the dead person for the purposes of sections 145.131 and 145.132.

History: 1993 c 16 s 4; 1999 c 227 s 22; 2005 c 28 s 1

383E.44 TO ACT WHEN SHERIFF IS PARTY TO ACTION.

When the sheriff is a party to an action or when a party, or a party's agent or attorney, files with the court administrator of the district court an affidavit stating that the party believes the sheriff, because of partiality, prejudice, consanguinity, or interest, will not faithfully perform the sheriff's duties in an action commenced, or about to be commenced, the court administrator shall direct process in the action to the coroner. The coroner shall perform the duties of the sheriff relative to the action in the same manner required for a sheriff.

History: 1Sp1986 c 3 art 1 s 82; 1993 c 16 s 5; 2005 c 28 s 1

383E.45 BODIES; EFFECTS; CUSTODY.

A person may not remove, interfere with, or handle the body or the effects of any person subject to an investigation by the county coroner except upon order of the coroner or deputy coroner. The coroner shall take charge of the effects found on the body of a deceased person and dispose of them as the probate court directs by written order. If a crime in connection with the death of a deceased person is suspected, the coroner may prevent any person from entering the premises, rooms, or buildings, and shall have the custody of objects that the coroner deems material evidence in the case. A willful violation of this section is a misdemeanor.

History: 1993 c 16 s 6; 2005 c 28 s 1

383E.46 FINGERPRINTS; IDENTIFICATION DATA.

The coroner shall have fingerprinted all deceased persons in the county whose identity is not immediately established. Within 24 hours after the body is found, the coroner shall for-

MINNESOTA STATUTES 2006

383E.46 ANOKA COUNTY

12918

ward the fingerprints, fingerprint records, and other identification data to the Bureau of Criminal Apprehension. The superintendent of the bureau shall prescribe the form of these reports.

History: 1993 c 16 s 7; 2005 c 28 s 1

383E.47 BURIAL.

When a coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, does not think it necessary, on view of the body, that an inquest be held, the coroner shall have the body decently buried. All expenses of the inquisition and burial shall be paid by the county where the dead body is found.

History: 1993 c 16 s 8; 2005 c 28 s 1

383E.48 EXPENSES.

The county board may allow the reasonable and necessary expenses of the coroner or deputy coroners incurred for telephone tolls, telegrams, postage, the cost of transcribing the testimony taken at an inquest, and other expenses incurred solely for the officers' official business under sections 383E.40 to 383E.49.

History: 1993 c 16 s 9; 2005 c 28 s 1

383E.49 CERTIFICATES OF DEATH.

No person, other than the coroner or judge, shall issue a certificate of death in cases of violent or mysterious deaths, including suspected homicides, occurring in the county.

History: 1993 c 16 s 10; 2005 c 28 s 1