

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

Section 1. Minnesota Statutes 1957, Section 144.375, Subdivision 3, is amended to read :

Subd. 3. **Appeal.** An appeal may be taken from any final order, rule, regulation, or other final decision of the commission by any person who is or may be adversely affected thereby, or by the attorney general in behalf of the state, to the district court of the county in which the premises affected by such final order, rule, regulation, or other final decision are situated in the manner herein provided. Within 30 days after receipt of a copy of the order, rule, regulation, or decision, or after service of notice thereof by registered mail, but not in any case more than six months after the making and filing of the order, rule, regulation or decision, the appellant or his attorney shall serve a notice of appeal on the commission, through its secretary; provided, that during such 30 day period the court may, for good cause shown, extend such time for not exceeding an additional 60 days, but not beyond the expiration of such six months' period. The notice of appeal shall refer to the action of the commission appealed from, shall specify the grounds of the appeal, including points of both law and fact which are asserted or questioned by the appellant, and may contain any other allegations or denials of fact pertinent to the appeal. The notice shall state an address within the state at which service of notice and other papers in the matter may be made upon the appellant. The original notice of appeal, with proof of service, shall be filed by the appellant or his attorney with the clerk of the court within ten days after service of the notice, and thereupon the court shall have jurisdiction of the appeal.

Approved April 24, 1959.

CHAPTER 462—H. F. No. 1805

[Not Coded]

An act relating to the school district of the City of Minneapolis.

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

Section 1. **Special independent school district, established.** The special district now existing in the City of Minneapolis is hereby changed and converted into a special independent school district subject to the provisions of this act.

Upon the passage of this act and the subsequent conversion hereunder, the provisions of Minnesota Statutes 1957, Section 122.022, relating to the conversion of special school districts into independent school districts, shall not be applicable to the special school district now existing in the City of Minneapolis. After the creation under the provisions of this act of the special independent school district for the City of Minneapolis no provision of the Minneapolis Home Rule Charter shall be applicable thereto, unless provided for in this act.

Sec. 2. Board of Education. The governing body of such school district shall be a Board of Education as herein-after set out, which board shall have the care, management, supervision, conduct and control of the school district and shall have all the powers and rights of independent school boards except as otherwise stated. After the conversion herein, the special independent school district shall continue to have the same representation upon The Library Board of the City of Minneapolis and upon the City Planning Commission as now or hereafter provided for under the Minneapolis Home Rule Charter, but said special independent school district shall cease to have any representation upon the Board of Estimate and Taxation as now provided for by said Minneapolis Home Rule Charter.

Sec. 3. Powers and duties of school district, directors. Such special independent school district shall have all the powers, privileges, duties and obligations of independent school districts as provided by the state laws existing at the time of the adoption of this act, except as follows:

Subdivision 1. The Board of Education of such district shall consist of seven directors, each of whom shall be elected at large for a term of six years, or until his successor has been elected and qualified. Each of the directors holding office at the effective date of this act shall continue as such director until the expiration of the term for which said director was elected. The directors shall receive no compensation.

Subd. 2. In case any vacancy occurs in the office of school director because of death, resignation or cessation of his residence in the district, so that after the next general school election following such vacancy there shall be remaining at least two years of his unexpired term, then in that event a school director shall be chosen at the next general school election to fill the place of the director so vacating, but until such election, or if no election is to be had under the foregoing provisions, or because of the lack of time to comply with the election requirements when an election is pending, the remain-

ing directors shall fill such vacancy and the director so appointed shall hold office until the first Monday in July following the election of a successor, or until that successor qualifies.

Subd. 3. All primary and general school elections of the school district shall be held at the same time and place as the municipal primary and general elections. All candidates for school director shall file for office in the manner provided for municipal officers and a number of candidates equal to twice the number of board vacancies shall be nominated at the municipal primary election. All provisions of law relating to municipal elections shall apply to school elections. The school district is authorized and empowered to contract with the City of Minneapolis for the payment of its proportionate share of the cost of holding said elections.

Subd. 4. The school district shall contract with the City of Minneapolis for such facilities and services as are furnished by the Civil Service Commission, and unless the Board of Education and city governing body each adopts a resolution declaring that a particular function would be most efficiently and effectively handled separately, the board shall contract on a pro-rata cost basis with the city for such facilities and services as are provided by the Purchasing Department, comptroller, treasurer, legal department, City Planning Commission, and other services supplied by such city, provided, however, that the board may contract for other legal services when the interest of the school district and the city are in conflict in any legal matter.

Subd. 5. The civil service provisions of the Minneapolis Home Rule Charter or of any law applicable to the City of Minneapolis shall be applicable to employees of the special independent school district, except employees not now under civil service.

Subd. 6. The tenure, pension and retirement provisions of any law applicable to employees of the special school district of Minneapolis, including employees belonging to the Municipal Employees Retirement Fund and those belonging to the Minneapolis Teachers' Retirement Fund Association shall continue to be applicable in the same manner and to the same extent to employees of the special independent school district. The provisions of any general law or laws which are applicable only to independent school districts wholly or partially within cities of the first class, shall not be applicable to the special independent school district of Minneapolis hereby established; and the provisions of Minnesota Statutes, Section 135.24 applicable only to teachers retirement fund association

in cities of the first class, limiting the amount of annuity to be paid from public funds, limiting the taxes to be levied to carry out the plan of such associations, and limiting the amount of annuities to be paid beneficiaries, shall not be applicable to the special independent school district of Minneapolis hereby established. The powers, duties, and corporate structure of the Minneapolis Teachers' Retirement Fund Association, and the laws applicable thereto, shall be and remain the same in the special independent school district of Minneapolis as at the time of enactment of the within law, until changed in accordance with law.

Subd. 7. Subject to the limitations of Subdivision 8, the school district by a two thirds majority vote of all the members of its Board of Education and without any election by the voters of the district may issue and sell in each calendar year bonds of such district payable in not more than twenty years in an amount not to exceed one-half of one per cent of the assessed value of the taxable property in such district. The proceeds of the sale of such bonds shall be used only for the rehabilitating, remodeling, expanding and equipping of existing school buildings, or for the acquisition of sites, construction and equipping of new school buildings, or for acquisition and betterment purposes, no part of which shall be used for maintenance. The provisions of this subdivision shall apply to the issuance and sale of such bonds and to the purposes for which the same may be issued notwithstanding any provisions to the contrary in any other existing law relating thereto. No bonds in excess of one-half of one percent of the assessed value of the taxable property in such district shall be issued and sold in any calendar year unless authorized by a majority vote of those voting at a general city election or by a majority vote of those voting at a state primary or general election.

Subd. 8. The special independent school district shall not be subject to any charter limitations with respect to bonded indebtedness but shall be subject to the limits on bonded indebtedness of independent school district under Chapter 475, Minnesota Statutes, and shall be subject to the following additional limitations:

(a) Such school district shall not be subject to a net debt in excess of 10 per cent of the assessed value of all taxable property therein.

(b) Such school district shall not issue and sell bonds authorized by Subdivision 7 unless a resolution stating the purpose or purposes of the proposed issue shall have been

submitted to the City Planning Commission for approval of the proposed project. The Commission shall state its approval or disapproval of the proposed project within 60 days thereafter. A failure on the part of the Commission to take action within 60 days shall be deemed an approval. In the event the Commission shall disapprove the proposed project, a unanimous vote of the members of the Board of Education shall be required for the adoption of the authorizing resolution. In the event a unanimous vote of all the members of the Board of Education is not attained, a majority of the members of said Board may by resolution submit the question of the issuance and sale of the bonds to the people for their approval or rejection. Such bonds may be issued and sold if approved by a majority of those voting on the question at a general city election or at a state primary or general election. If such an election shall not occur within the six month period, next succeeding the resolution of submission by the Board, the Board may call a special election for the purpose of submitting the question, at which election the approval of a majority of those voting on the question shall be deemed necessary for the issuance and sale of the bonds.

Subd. 9. The school district shall assume and be responsible for all of the existing and outstanding bonded indebtedness and interest thereon which is attributed to and connected with the acquisition of sites, construction, maintenance, rehabilitation and operation of schools of the City of Minneapolis including any school bonds that have been refunded, which prior hereto have been issued by the City Council or the Board of Estimate and Taxation of the City of Minneapolis. The determination of the amount of said existing and outstanding bonded indebtedness and interest thereon shall be fixed by mutual agreement between the governing bodies of the city and school district and a statement of the amount thereof shall be published once in the official newspaper of the city. The determination shall be binding on both city and school district unless set aside by an action by a taxpayer or other interested party brought within 30 days of the date of such publication.

Subd. 10. The provisions of any statute requiring the publication of official proceedings of the board of an independent school district shall not be applicable to the special independent school district of Minneapolis established under the provisions of this act.

Subd. 11. The provisions of Minnesota Statutes 1957, Section 122.037, Subdivision 8, concerning the removal of a

board member or officer of an independent school district, shall not be applicable to the Special Independent School District of Minneapolis, established under the provisions of this act.

Sec. 4. Property transferred to new school district. Upon the adoption of this act and upon its becoming effective, the special independent school district created by this act shall become vested with such title to all property and property rights, real, personal, or otherwise, owned by or in which the predecessor special school district has any right, title or interest.

Sec. 5. Financing. Subdivision 1. The school district by its Board of Education may borrow money upon negotiable promissory notes or certificates of indebtedness, in the manner and subject to the limitations set forth in this section, for the purpose of anticipating general taxes theretofore levied by the school district for school purposes, but the aggregate of such borrowing remaining unpaid at any time shall never exceed 50 per cent of such taxes which are due and payable and remaining unpaid in the calendar year the borrowing is made, and as to which no penalty for non-payment or delinquency has attached.

Subd. 2. The school board may also borrow money in the manner and subject to the limitations hereinafter set forth in anticipation of receipt of state aids for schools as defined in Minnesota Statutes 1957, Chapter 128, and amendments thereof, and of federal school aids to be distributed by or through the state department of education, but the aggregate of such borrowings remaining unpaid at any time shall never exceed 75 per cent of such aids which are receivable by said school district in the calendar year in which the money is borrowed, as estimated and certified by the state commissioner of education.

Subd. 3. Upon the passage of a resolution adopted by a vote of at least two-thirds of its members, which resolution specifies the amount and purposes for which it deems such borrowing is necessary, the board may authorize and effect such borrowing as provided for in Section 5, Subdivisions 1 and 2, and may issue certificates of indebtedness for the same. The board shall fix the amount, date, maturity, form, denomination, and other details of such certificates, not inconsistent herewith, and shall fix the date and place for receipt of bids for the purchase thereof and direct the clerk to give notice thereof.

Subd. 4. The proceeds of the current tax levies and future state aid receipts or other school funds which may become available, shall be applied to the extent necessary to repay such certificates and the full faith and credit of the school district shall be pledged to their payment. They shall mature not later than the anticipated date of receipt of school taxes for the current year or of the aids so anticipated as estimated by the state commissioner of education, but in no event later than the last day of the calendar year in which issued. The certificates shall be sold at not less than par. The certificates shall bear interest after maturity until paid at the rate they bore before maturity, and any interest accruing before or after maturity shall be paid from school funds as is provided for in Section 5, Subdivisions 1 and 2.

Subd. 5. The clerk of the board shall give notice of the proposed sale, calling for bids thereon at the time and place so specified, by at least one publication in a daily newspaper published in the school district, at least three days before such date of sale. At the time and place so fixed, such certificates may be sold by the chairman, clerk and treasurer to the bidder who will agree to purchase the same on terms deemed most favorable to the school district. Such certificates shall be signed in behalf of the school district by the chairman and clerk and countersigned by the treasurer and delivered by the treasurer upon receipt of the purchase price thereof.

Subd. 6. The moneys so received shall be disbursed solely for the purposes for which such taxes are levied or aids are receivable. The purchaser of such certificates shall not be obligated to see to such application of the proceeds.

Subd. 7. The school board may invest any funds not currently needed by the district in bonds of the State of Minnesota, or in bonds of any county, city, village, or school district in Minnesota, or in bonds of the United States, or in United States Treasury bills, certificates of indebtedness, or Treasury notes all of which must mature within one year from the date of purchase.

Sec. 6. **Tax levies.** Subdivision 1. The school district by its Board of Education may levy taxes on real and personal property, but the school district may not levy taxes on real and personal property for school purposes in any year at a mill rate to exceed the mill rate of such district, or any predecessor district, or on behalf of the district for the preceding year, except as authorized by this section. The amount of taxes from which the first mill rate of the special independent school district is calculated shall include the estimated or

agreed cost of all services which may have previously been furnished by the municipality without cost to the school district. The levy under this limitation shall not include levy for pensions, employee benefits and debt service which shall continue to be levied separately as now provided by law. Nothing herein shall authorize a levy in excess of the limitation contained in Minnesota Statutes 1957, Section 275.12.

Subd. 2. If the board desires to increase the tax limitation imposed by Subdivision 1, it shall adopt a resolution which shall contain the following information:

(a) The then current mill rate limitation imposed upon the district by Subdivision 1.

(b) The increase recommended by the board, together with a statement that is is the recommendation of the board to so increase the tax rate.

(c) Setting a date and place for a public hearing on the recommendation of the board, which date shall be not less than 20 nor more than 60 days from the date of the resolution.

Subd. 3. The board shall give two weeks' published notice of the public hearing in a daily newspaper in the city. The Notice shall contain a copy of the resolution.

Subd. 4. Not less than 10 days nor more than 30 days after this public hearing, the board may by resolution establish a new limitation not in excess of that contained in the notice of hearing on the maximum tax levy that can be imposed expressed in mills. This new limitation shall take effect 60 days after the date of the adoption of said resolution unless the people take action to reject the limitation in the manner provided in subdivision 5, or the school board takes action to secure the approval of the limitation in the manner provided in Subdivision 5. If the new limitation is submitted to the people in the manner provided in Subdivision 5 and is approved, the new limitation shall become permanent. If the new limitation is not submitted to the people in the manner provided in Subdivision 5, said new limitation shall be in effect only for a two year period, and within 60 days of the expiration of said two year period the voters may petition for the submission of the question of the continuation of the new limitation by the procedure provided in Subdivision 5. If the voters fail to so petition, the new limitation shall become permanent.

Subd. 5. If within 60 days after the adoption of a

resolution setting a new limitation, a petition is filed with the school board signed by qualified voters of the city equal in number to not less than five per cent of those voting at the last previous regular school district election or 5,000, whichever is the lesser, which petition shall contain upon each page on which signatures appear a statement that the signers request the proposed new limitation be submitted to the people, for their approval or rejection, or if the Board by a majority vote directs the new limitation to be submitted to the people for their approval or rejection, the board shall have the question submitted at the next general city election or a state primary or general election. If such an election shall not occur within the six month period succeeding the resolution of submission by the board, or the filing of the voters petition, the board may call a special election for the purpose of submitting the question. The board shall cause a notice of election to be published once each week for three consecutive weeks prior to the date of election in a daily newspaper of general circulation in the city announcing the forthcoming election and its purpose. The first publication shall be made not more than 30 days before the election. The ballot used at the election shall have printed thereon the following :

“Shall the maximum tax levy for school purposes proposed by the school board of.....mills (an increase of.....mills) in accordance with the resolution of the board dated.....be approved.

Yes.....
No

Subd. 6. If a majority of those voting at the election or 53 per cent of those voting on the question, whichever is the lesser, vote in the affirmative, the proposed new limitation shall take effect; otherwise, the same shall be rejected.

Sec. 7. **Effective date.** This act is a special law within the provisions of Article XI, Section 2, of the Constitution of the State of Minnesota, and it shall become effective only after it shall have been duly approved by a majority vote of those voting at a general city election or state primary or general election or by 53 per cent of those voting on the question at any such election, whichever is the lesser.

Approved April 24, 1959.