

CHAPTER 698—S. F. No. 1729

[Not Coded]

An act appropriating money to the commissioner of conservation for a water control structure in the Lac qui Parle Wildlife Management Area.

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

Section 1. Appropriation; Lac qui Parle wildlife management area; water control. For the purpose of improving water for outdoor recreation at Watson Sag, in the Lac qui Parle wildlife management area, the sum of \$20,000 is appropriated from the game and fish fund to the commissioner of conservation for construction of a water control structure and appurtenant works in Section 6, Township 118 North, Range 41 West, Chippewa county, capable of creating an impoundment of approximately 300 acres. Notwithstanding the provisions of Minnesota Statutes, Section 16.17, or any other provision of law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until the project is completed.

Approved May 24, 1969.

CHAPTER 699—S. F. No. 2643

[Not Coded]

An act relating to the conversion of Special School District No. 3, Duluth, to an independent school district and the government of such school district; repealing Special Laws 1891, Chapter 312, and Laws 1967, Chapter 468.

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

Section 1. Special School District No. 3, Duluth; conversion to independent district. The special school district created by Special Laws 1891, Chapter 312, which is now designated as Special School District No. 3, Duluth, and which now includes the territory within the corporate limits of the city of Duluth, except that area detached from said district by Laws 1961, Chapter 378, and the body corporate by which said district is governed, now known as the board of education of the city of Duluth, are hereby converted into an independent school district which shall henceforth be governed by all the

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general laws of the state relating to such districts, except as otherwise expressly provided in this act.

Sec. 2. Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Section 275.12, Subdivision 1, the total amount of taxes levied by such independent school district for all general and special school purposes, exclusive of income tax apportionment or other aids, or for debt service, or under section 275.12, subdivision 2, or for state levies for state purposes, debt service, retirements, or group insurance, and subsequent amendments thereto, shall not exceed in the year 1969, \$245 per resident pupil unit in average daily attendance. Thereafter the maximum as provided in section 275.12, subdivision 1, and any subsequent amendment shall apply.

Subd. 2. Notwithstanding subdivision 1, commencing with the levy made in 1970, the district shall not levy taxes for purposes to which the limitations of subdivision 1 apply in an amount per resident pupil unit which exceeds the levy per resident pupil unit in the immediately preceding year for those purposes, except in accordance with the procedure prescribed by subdivision 3.

Subd. 3. The board may call a meeting open to the public for the purpose of considering establishment of a limit upon its next tax levy per resident pupil unit which exceeds the amount of tax per resident pupil unit imposed by its most recent levy. Not less than ten days before this meeting the board shall publish a notice in a daily newspaper of general circulation in the city announcing the forthcoming meeting and its purpose. At the meeting the proposed limitation shall be considered and comments from any interested person shall be heard.

Subd. 4. Within 30 days after the meeting held pursuant to subdivision 3, the board may by majority vote adopt a resolution establishing a limit upon its next tax levy per resident pupil unit which exceeds the amount of tax per resident pupil unit imposed by its most recent levy, but which in no event shall exceed the limit prescribed by subdivision 1. This resolution shall be effective unless a petition is filed in accordance with subdivision 5 and the election held pursuant thereto results in rejection of the limitation prescribed by the resolution.

Subd. 5. If, within 30 days after the adoption of a resolution pursuant to subdivision 4, a petition is filed with the board, signed by persons eligible to vote in the school district equal in number to either 4,000 or ten percent of the persons voting within the district in the last general election, whichever is greater, stating that they oppose the

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limitation established by the board and request that the proposed new limitation be submitted to the people for their approval or rejection, the board may call a special election for that purpose to be held within 90 days after the petition is filed, but not during the months of June, July, and August, or the board may rescind its action. The signatures on the petition shall be notarized. The board shall determine whether the signatures are valid. The board shall publish notice of the election once each week for three consecutive weeks in a daily newspaper of general circulation in the city announcing the forthcoming election and its purpose. The first notice shall appear not more than 30 days before the election. The ballots used at the election shall have printed thereon the following:

“Shall the maximum tax levy for school purposes
in _____ proposed by the board of education
(Year)
of \$_____ per resident pupil unit in accord-
ance with a resolution dated _____
be approved? Yes _____
No _____”

If a majority of those eligible to vote on the question vote in the negative, the limitation prescribed by the resolution shall be considered rejected.

Subd. 6. In no year shall more than 20 percent of the maximum levy of \$245 per resident pupil unit, herein authorized in excess of \$204 per resident pupil unit in average daily attendance be dedicated to and used solely for the capital outlay expenditures of such district, which expenditures shall be in addition to the capital outlay expenditures received by Laws 1963, Chapter 711, Section 1. Such school district may use no more than 80 percent of such maximum additional levy for any lawful school purpose other than capital outlay expenditures.

Sec. 3. The present governing body of the special school district shall be the school board of the independent school district created by this act until the 1971 general municipal election in Duluth. Prior to January 1, 1971, the School board shall establish four election districts of equal population. In the 1971 election and each four years thereafter, the five members whose terms expire shall be elected three at large and two from election districts. In the election of 1973 and each four years thereafter, two directors shall be elected at large and two from the remaining two election districts. The terms for all members elected pursuant to this section shall be prescribed in Laws 1963, Chapter 253, as amended. Nothing in this section shall be

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deemed to preclude a member of the school board on the effective date of this act from running for re-election when his term expires.

Sec. 4. Title to all real and personal property held and liability for all debts and obligations incurred in the annexed areas and by the board of education of the city of Duluth, or by the city of Duluth or Duluth Special School District No. 3 on behalf of said board of education, are vested in the independent school district created by this act, and said board of education, city, and special school district *and their officers shall execute all conveyances, certificates, and other instruments which may be required to effectuate and record the transfer of all such assets and liabilities to the independent district in accordance with law.*

Sec. 5. Laws 1933, Chapter 35, and acts amendatory thereto, shall apply and extend to the employees of the board of education of the independent district hereby created including those employed in the annexed territory.

Sec. 6. As to all teachers employed in the independent district hereby created, after this act becomes effective, Laws of 1909, Chapter 343, and acts amendatory thereof and supplementary thereto, shall apply and such teachers, including those in the annexed areas, may contribute to and become entitled to the benefits of the fund created and existing pursuant to said Laws of 1909, Chapter 343, and acts amendatory thereof and supplementary thereto. Existing teachers already employed in the annexed areas when this act becomes effective may not contribute to or become entitled to the benefits of said fund.

Sec. 7. Minnesota Statutes, Section 122.26, shall not apply to the independent school district created hereby. Laws 1963, Chapter 470, shall apply to and govern the independent district hereby created.

Sec. 8. Minnesota Statutes, Section 125.17 and any subsequent amendments shall apply and extend to teachers employed by the school board of the independent district hereby created, including teachers employed in the annexed territory.

Sec. 9. Special Laws 1891, Chapter 312, and acts amendatory thereof and Laws 1967, Chapter 468, and all previous net debt limitations applicable to Special School District No. 3, Duluth, and the board of education of the city of Duluth are hereby repealed.

Sec. 10. This act shall become effective upon approval by a resolution adopted by the vote of a majority of all members of the

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board of education of the city of Duluth and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved May 24, 1969.

CHAPTER 700—H. F. No. 628

[Coded in Part]

An act relating to civil defense; increasing authorized per capita tax by governmental subdivisions for civil defense purposes; amending Minnesota Statutes 1967, Section 12.26, Subdivisions 2 and 4.

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

Section 1. Minnesota Statutes 1967, Section 12.26, Subdivision 2, is amended to read:

Subd. 2. **Civil defense; per capita tax.** To provide moneys for civil defense purposes authorized by this chapter, a political subdivision is empowered to levy annually upon all taxable property in the political subdivision, except as provided in subdivision 4, a tax in excess of and over and above all taxing limitations in such amount as may be necessary to pay such expenditures. The total amount of a tax levied under authority of this section shall not exceed ~~20~~ 40 cents per capita based on the last federal regular or special census, except in a political subdivision in which such tax will not produce a total amount of \$1,000 in which event a tax sufficient to produce \$1,000 or so much thereof as may be necessary may be levied.

Sec. 2. Minnesota Statutes 1967, Section 12.26, Subdivision 4, is amended to read:

Subd. 4. When levied by a county, the taxes authorized in subdivisions 2 and 3, respectively, shall be spread wholly and exclusively upon property within the portion of the county over which the county local organization for civil defense has jurisdiction as provided in section 12.25, subdivision 1; *provided, however, that a county may levy annually a tax not to exceed ten cents per capita upon all taxable property within any city, village, borough, or town within the county which has a local civil defense organization.*

Sec. 3. [12.26] [Subd. 5.] *Notwithstanding the limitation contained in section 1 of this act, the limitation applicable to the*

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