

CHAPTER 180—S. F. No. 168

[Not Coded]

An act authorizing the county of Scott to establish subordinate service areas in order to provide and finance governmental services.

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

Section 1. Scott county; subordinate service areas; purpose. It is the purpose of this act to provide a means by which the county of Scott as a unit of general local government can effectively provide and finance various governmental services for its residents.

Sec. 2. Definition. “Subordinate service area” means a compact and contiguous area within the county in which one or more governmental services or additions to countywide services are provided by the county and financed from revenues secured from within that area.

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

Sec. 4. Creation by county board. The county board of commissioners of the county of Scott may establish a subordinate service area 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 area shall be established. The resolution shall specify the service or services to be provided within the subordinate taxing area and shall specify the territorial boundaries of the area.

Sec. 5. Creation by petition. Subdivision 1. 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 area 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 area and shall specify the types of services to be provided therein.

Subd. 2. 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

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question of whether or not the requested subordinate service area shall be established.

Subd. 3. 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 area. A resolution approving the creation of the subordinate service area may contain amendments or modifications of the area's boundaries or functions as set forth in the petition.

Sec. 6. **Publication and effective date.** Upon passage of a resolution authorizing the creation of a subordinate county service area, 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 area, the type of service or services to be undertaken in the area, 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 area shall be deemed established 30 days after publication or at such later date as may be specified in the resolution.

Sec. 7. **Referendum.** Subdivision 1. Upon receipt of a petition signed by five percent of the qualified voters within the territory of the proposed service area prior to the effective date of its creation as specified in Section 6, the creation shall be held in abeyance pending referendum vote of all qualified electors residing within the boundaries of the proposed service area.

Subd. 2. 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 petition within the boundaries of the proposed taxing area. The question to be submitted and voted upon by the qualified voters within the territory of the proposed service area shall be phrased substantially as follows:

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

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

Sec. 8. **Expansion of the boundaries of a subordinate service area.** The county board, on its own motion or pursuant to petition, may enlarge any existing subordinate county services area pursuant to

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the procedures specified in sections 4 through 7. Only qualified voters residing in the area 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 area petition to participate therein, all qualified voters residing in the proposed service area shall be eligible.

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

Sec. 10. **Withdrawal.** Upon receipt of a petition signed by ten percent of the qualified voters within the territory of the subordinate service area requesting the withdrawal of the service area from the provisions of this act, 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 area. The question to be submitted and voted upon by the qualified voters within the territory of the service area shall be phrased substantially as follows:

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

If a majority of those voting on the question favor the withdrawal and discontinuance of such services, the service area 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.

Sec. 11. **Effective date.** This act takes effect when approved by the county board of Scott county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 25, 1969.

CHAPTER 181—S. F. No. 191

[Coded in Part]

An act relating to business corporations; amending Minnesota Statutes 1967, Sections 301.04; 301.071, Subdivision 2; 301.24; 301.28, Subdivision 4; 301.37, Subdivision 4; 301.42, Subdivisions 1

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