

CHAPTER 80—H. F. No. 403

An act to legalize certain proceedings heretofore taken for the funding of floating indebtedness by any county, authorizing the completion of such proceedings and the issuance of county bonds in connection therewith and legalizing such bonds.
Be it enacted by the Legislature of the State of Minnesota:

Section 1. County board proceedings validated.—In all cases where a county has heretofore, acting through its county board, determined to issue the bonds of such county for the purpose of funding its outstanding floating indebtedness as represented by the warrants of such county outstanding and unpaid on the 1st day of March, 1931, and has by resolution provided for the issuance and sale thereof, such proceedings already had are hereby legalized and declared to be valid and of full force and effect, and the county board of any such county is hereby authorized to complete the proceedings for the issuance of such bonds in accordance with such resolution and to issue the bonds of such county in such amount as may be in the judgment of the board necessary to fund such outstanding floating indebtedness. Provided, that such bonds shall mature serially in approximately equal amounts each year, the first of such installments to become due in not more than two years from their date and the last of such installments to become due in not more than ten years from their date and provided, further, that prior to the issuance of such bonds the county board shall levy a tax for the payment thereof in the manner prescribed by Section 5 of Chapter 131, General Laws 1927.

Sec. 2. Not to affect pending action.—This act shall not apply to or affect any action or proceedings now pending in which the validity of any such proceedings or bonds is questioned.

Approved March 19, 1931.

CHAPTER 81—H. F. No. 616

An act to amend Mason's Minnesota Statutes of 1927, Section 2748, relating to changing boundaries of school districts.
Be it enacted by the Legislature of the State of Minnesota:

Section 1. Changing boundaries of school districts.—That Mason's Minnesota Statutes of 1927, Section 2748, be amended so as to read as follows:

"2748. By like proceedings, and upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district, *by detachment of land on petition of the owner or owners*, or otherwise shall be made, so as to leave the old district without at least one school house used for school purposes and without at least four sections of land *if not a consolidated district and not less than 12 sections if a consolidated district*, nor shall any change of districts in any way affect the liabilities of the territory so changed upon any bond or other obligation; but any such real estate shall be taxed for such outstanding liability and interest, as if no change had been made. In case of the consolidation or annexation of districts, whether under the foregoing or any other provisions of the law, action shall be brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, but a judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the discontinued district, when the liability was incurred.

Provided, that when any incorporated borough, village or city of seven thousand or less inhabitants, has within its limits a school district, however organized, or is wholly or partly included within the boundaries of any school district, however organized, or whenever any such school district shall include within its boundaries part or the whole of any incorporated borough, village or city of seven thousand inhabitants or less, the boundaries of any such district or districts may be enlarged or changed so as to include all lands within the corporate limits of such borough, city or village or so as to include lands within and outside of such incorporated borough, city, or village, but contiguous to said district in the following manner, to-wit:

Whenever a majority of the legal voters residing within such school district and a majority of the legal voters residing upon the lands proposed to be attached or annexed to such school districts shall petition the board of county commissioners of the county wherein such district is situated for an enlargement of such district, and shall file a petition with the auditor of said county, it shall be the duty of the board of county commissioners at its next regular meeting, or special meeting, to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of such

hearing to be posted in some public place in each district to be affected by such proposed change, and a copy thereof to be served upon the clerk of each of said districts, at least ten (10) days before the time appointed for such hearing. The posting of such copy of notice shall be proven by the affidavit of the person posting the same; said affidavit shall state the time and place of posting and serving of the copy of notice as herein specified, and upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall at the time and place fixed proceed with the consideration of such matter and shall hear all evidence offered by any person interested, tending to show what territory should be included within such district, and having heard the evidence they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundaries thereof and of all the remaining school districts thereby affected, attaching to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require; provided, that no action or order changing any boundaries of any school district shall be valid unless and until the foregoing requirements as to posting and serving of notices have been observed; and provided further, that whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county board of all such counties affected.

At the time of making such division, enlargement or change of boundaries, the county commissioners shall apportion to the district so enlarged that portion of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts affected, and the county commissioners may also apportion to said districts so enlarged, such portion of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court;

And provided further, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, may appeal to the district court from such order, such appeal to be governed by the provisions of section 1285, Revised Laws 1905."

Approved March 20, 1931.