

therein established by federal officers and agencies pursuant to the Emergency Price Control Act of 1942, as amended, or any other act of the Congress providing for rent control, is in force and effect.

Sec. 16. **Citation.** This act shall be known and may be cited as the state emergency rent control act.

Sec. 17. **Expiration date.** This act shall expire on January 15, 1949.

Approved April 28, 1947.

CHAPTER 633—H. F. No. 1552

[Sections 10 to 15 Coded as Sections 128.311, 128.081 to 128.085; Sections 19 to 21 Coded as Sections 128.086 to 128.088]

An act relating to state aid for schools, providing tuition for pupils and revenue therefor, and amending Minnesota Statutes 1945, Sections 125.06, Subdivision 11, 125.14, 128.01, 128.02, 128.04, Subdivisions 1 and 2, 128.05, 128.07, 128.15, 131.01, 131.21 and 290.62, and repealing Sections 128.015, 128.03, 128.08 except as it applies to the state schools of agriculture, 128.09, 128.10, 128.11, 128.12, 128.16, 128.17, 128.19, 128.20, 133.04 and 290.623.

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

Section 1. Minnesota Statutes 1945, Section 125.06, Subdivision 11, is amended to read as follows:

125.06. **Powers and duties of school boards.** Subd. 11. **Admission of non-resident and over-age pupils.** It may provide for the admission to the schools of the district, of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils. In case a person owns land and pays the taxes thereon, in a common or an independent school district other than the one in which he resides, then such person or his tenant shall be admitted to all the benefits of *said* school the same as residents therein, upon conforming to such reasonable terms for tuition and transportation as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school taxes which he pays to the support of said district applied in payment of said tuition and transportation

fees. Nothing in this subdivision shall be so construed as to authorize any person who may receive any of the benefits or privileges to vote at any school district meeting of the school district within which he may receive such benefits or privileges, but of which he is not a member. *In the payment of said aid, the district in which the pupil attends shall be considered the district of his residence because of the provisions of this subdivision.*

Sec. 2. Minnesota Statutes 1945, Section 125.14, is amended to read as follows:

125.14. **Discontinuance of schools in certain districts; transportation of pupils.** The school board of any district in any emergency or upon authorization by a majority of the voters present at any regular or special school meeting of the district, may provide for the instruction of its pupils in an adjoining or nearby district and, in such case, may discontinue the schools of its own districts or of any grades in said schools, in which case it shall provide for the free tuition and transportation of the pupils of its own district to the school in an adjoining or nearby district. Such free transportation shall conform to the rules and regulations of the state board of education. The teachers shall keep the registers separately for the pupils from *each* district discontinuing its schools and return the registers and make separate records to the clerk of such district and to the county superintendent of the number and names of pupils, with their attendance, and such district shall retain its organization and be entitled to special state aid under such rules as may be fixed by the state board of education.

Sec. 3. Minnesota Statutes 1945, Section 128.01, is amended to read as follows:

128.01. **State aid funds; sources.** For the purpose of aid to public schools, *these funds are established:*

(1) The endowment fund, which shall consist of the income from the permanent school fund; *and*

(2) The special state aid fund, which shall consist of the *amount transferred from the income tax school fund and other sums appropriated by the legislature for aid to public schools.*

Sec. 4. Minnesota Statutes 1945, Section 128.02, is amended to read as follows:

128.02. **Apportionment of endowment funds.** The endowment fund shall be apportioned semiannually by the state

board of education, on the first Monday in March and October in each year, to school districts whose schools have been in session at least eight months, and after July 1, 1948, shall have been in session at least nine months, in proportion to the number of pupils between the ages of five and 21 years who shall have been in average daily attendance during the preceding year, provided, that apportionment shall not be paid to the district attended for pupils for whom tuition is received by such district.

Sec. 5. Minnesota Statutes 1945, Section 128.04, Subdivision 1, is amended to read as follows:

128.04. Apportionment. Subdivision 1. Appropriation and procedure. *A copy of the apportionment mentioned in Section 128.02 shall be furnished by the state board of education to the state auditor, who thereupon shall draw his warrants on the state treasury, payable to the several counties, for the amount due each county. There is hereby annually appropriated from the endowment fund the amount of such apportionments.*

Sec. 6. Minnesota Statutes 1945, Section 128.04, Subdivision 2, is amended to read as follows:

128.04. Apportionment. Subd. 2. Duty of county auditor. The county auditor, upon receiving the warrant from the state, shall forthwith apportion the amount thereof to the various school districts entitled thereto, and shall at the time of making the March and November tax settlements of each year apportion to the several school districts the amount received from liquor licenses, fines, estrays, and other sources belonging to the general school fund, upon the same basis provided for the state apportionment; but no district shall receive any part of the money received from liquor licenses unless all sums paid for such licenses in such district are apportioned to the county school fund. The auditor shall include in such apportionment all amounts received from special state aid to schools not theretofore apportioned.

Sec. 7. Minnesota Statutes 1945, Section 128.05, is amended to read as follows:

128.05. Distribution of special state aid fund. The state board of education shall distribute the special state aid fund in such manner and upon such conditions as will enable school districts to perform efficiently the services required by law, and to further the educational interests of the state. The board shall have power to fix reasonable requirements

for receiving and sharing in the state aid. Public schools shall at all times be open to the inspection of the state board of education, and the accounts *and records* of any such district shall be open to inspection by the public examiner upon request of the state board of education.

Sec. 8. Minnesota Statutes 1945, Section 128.07, is amended to read as follows:

128.07. Transportation aid. Subdivision 1. Transportation aid in consolidated districts. To receive state aid for transportation, consolidated districts must contain not less than 12 sections of land and schools in such district shall be in session at least *nine* months in the year and be well organized. They shall have suitable school houses with the necessary rooms and equipment. For transportation or board of resident pupils in consolidated school districts, the state shall reimburse such districts at rates to be determined by the state board of education; provided, that no consolidated school district shall receive annually more than an average of \$40.00 per pupil transported or boarded.

All the provisions of law relating to state aid to consolidated school districts shall be equally applicable to the unorganized territory of any county, to county school districts and also to all school districts of ten or more townships.

Subd. 3. Isolated pupil aid. For assisting in providing for the school attendance of isolated pupils, the state board of education; may assist school districts or the county board of education for unorganized territory in any county in providing for the transportation or board of such children of school age as reside beyond reasonable walking distance from the nearest public school. To this end, the state board may grant to such school districts not to exceed \$50.00 annually for each such pupil transported or boarded.

Subd. 4. Transportation and board of crippled children. The state board of education may assist school districts or the county board of education for unorganized territory in any county in providing for the transportation or board of such crippled children of school age as are unable to walk to school with the exercise of normal effort, but are able to carry the regular courses of study. *It* may grant to such school districts not to exceed \$150 annually for each such pupil transported or boarded. The state board may grant such aid to the district of residence when a crippled child is transported *for the purpose of attending* a special class, provided

that the total expenditure under this subdivision shall not exceed the sum of \$40,000 for any one year.

Subd. 5. Attendance at secondary school in another district; reimbursement. In a school district without a secondary school, resident pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to a district having a dclassified secondary school at the expense of the county of not to exceed one and one-half times the amount of state aid. The county may pay the reasonable cost of such board and lodging or transportation in excess thereof. The state will reimburse the county therefor not to exceed \$40.00 per pupil per year.

Subd. 6. Attendance at classified public area vocational-technical school in another district; reimbursement. In a district which does not maintain an area vocational-technical school or vocational classes, a resident pupil may attend a classified public area vocational-technical school or vocational classes in a classified secondary school in another district. When he so attends, the resident district shall provide him board and lodging or transportation between his district and school as provided in subdivision 5.

Subd. 7. Pupils from district where school is closed attending in another district; reimbursement. In a school district which closes or has closed its schools and transports its elementary pupils to another district and pays tuition for them, the state shall reimburse the district for one-half the expense of transporting the pupils, but not to exceed \$18.00 per year per pupil.

Sec. 9. Minnesota Statutes 1945, Section 128.15, is amended to read as follows:

128.15. Aid for teacher training in secondary schools. For teacher training in *secondary* schools such board is authorized to determine amounts of state aid to be granted to any school district for the maintenance of this work.

[128.311] Allotment of state and federal funds for vocational education. Sec. 10. When aid is received through an appropriation by the Congress of the United States conditioned upon the state meeting requirements specified by the government of the United States the state board of education shall allot the necessary funds to be paid by the state out of the special state aid fund as provided in Minnesota Statutes 1945, Section 128.31.

[128.081] **Definitions.** Sec. 11. Subdivision 1. **Pupil units.** A pupil unit is the denominator used to compute the distribution of state aid. Pupil units for each resident pupil in average daily attendance shall be counted as follows:

(1) In an elementary school, for kindergarten pupils attending half-day sessions throughout the school year, one-quarter pupil unit and other elementary pupils, one pupil unit.

(2) In secondary schools pupils in grades seven and eight, in junior high school or a six-year high school, and all other pupils in secondary schools, one and one-half pupil units, but only one pupil unit shall be counted in rural school districts unless such district does not maintain an elementary school and, provided further, that only one pupil unit shall be counted to a resident school district unless the pupil attends the secondary school within the district's high school area.

Subd. 2. **Average daily attendance.** Average daily attendance means the quotient to be obtained by dividing the number which represents the total of all days which all pupils attend school during the school year by the number of days during the school year while the school is in session.

Subd. 3. **Basic aid.** Basic aid is the sum required to be paid to a school district which, when added to the sum paid to the district as apportionment plus \$10.00 for each pupil enrolled in the public schools, shall total a sum equal to \$50.00 multiplied by the total number of pupil units of the district.

Subd. 4. **Distressed school district.** A distressed school district is one which by reason of calamity, high tax delinquency or excessive debt, or a combination thereof, or by other justifiable cause is unable by taxation to collect sufficient revenue to maintain its schools therefrom on minimum standards established by the state board of education.

Subd. 5. **Emergency aid.** Emergency aid is money paid by the state to a distressed school district according to such standards. Such aid will be paid only when directed by the state board of education.

Subd. 6. **Equalization aid.** Equalization aid is money paid by the state to a school district to enable it to maintain such minimum standards when it is without sufficient taxable property to meet them.

[128.082] **Equalization aid schedule.** Sec. 12. Subdivision 1. **Districts maintaining elementary and secondary schools.** When the assessed valuation of all taxable property

of a district is less than \$2,000 for every resident pupil unit in average daily attendance of the district, the state shall pay equalization aid for each resident pupil unit in average daily attendance in accordance with the following schedule:

| Assessed value of district per resident pupil unit in average daily attendance | Equalization aid per resident pupil unit in average daily attendance |
|--|--|
| \$2000 or over | .. |
| 1900 to 2000 | \$ 3 |
| 1800 to 1900 | 6 |
| 1700 to 1800 | 9 |
| 1600 to 1700 | 12 |
| 1500 to 1600 | 15 |
| 1400 to 1500 | 18 |
| 1300 to 1400 | 21 |
| 1200 to 1300 | 24 |
| 1100 to 1200 | 27 |
| 1000 to 1100 | 30 |
| 900 to 1000 | 33 |
| 800 to 900 | 36 |
| 700 to 800 | 39 |
| 600 to 700 | 42 |
| 500 to 600 | 45 |
| 400 to 500 | 48 |
| 300 to 400 | 51 |
| 200 to 300 | 54 |
| 100 to 200 | 57 |
| Less than \$100 | 60 |

Subd. 2. Districts not maintaining secondary schools.

In a school district which maintains no secondary school but maintains an elementary school of insufficient size to meet graded school standards, equalization aid is paid by the state for secondary school pupils residing in the district but attending a secondary school in another district upon the following basis:

| Assessed value of district per resident pupil unit in average daily attendance | Equalization aid per resident pupil unit in average daily attendance |
|--|--|
| \$2000 or over | \$10 |
| 1500 to 2000 | 20 |
| 1000 to 1500 | 30 |
| 900 to 1000 | 33 |
| 800 to 900 | 36 |
| 700 to 800 | 39 |
| 600 to 700 | 42 |

| | |
|-----------------------|----|
| 500 to 600 | 45 |
| 400 to 500 | 48 |
| 300 to 400 | 51 |
| 200 to 300 | 54 |
| 100 to 200 | 57 |
| Less than \$100 | 60 |

Assessed valuations used as the basis for computing valuations per resident pupil in average daily attendance mentioned in this section shall be the 1945 assessed valuations as reported by the county auditors of the state to the state department of education. If it appears to the commissioner of education that inequalities of assessments exist under the provisions of this act, he shall make known such inequalities to the commissioner of taxation for the purpose of investigation and adjustment. If upon investigation the commissioner of taxation is satisfied that inequalities of assessment exist, he shall order a re-assessment of such district, the cost of such re-assessment to be charged to the district as provided in Minnesota Statutes 1945, Chapter 274.

Subd. 3. Aid to schools that unite. Where two or more school districts hereafter unite the state aid shall continue to be paid on the basis of Section 12, subdivision 2 of this act for secondary school pupils from the districts uniting with the district that maintains the secondary school.

Subd. 4. Tuition per pupil unit. Every school district which provides instruction in other districts and which receives basic aid, except as provided in Section 21, shall pay \$110 per pupil unit in average daily attendance per annum or the actual cost of instruction chargeable to maintenance, whichever amount is lower, based on average daily attendance to the district furnishing elementary and secondary school instruction on account of elementary and secondary school pupils attending school in another district. The per pupil unit cost of instruction chargeable to maintenance herein established shall be effective until July 1, 1949.

Subd. 5. Requirements for receiving special state aid. Every school district which receives special state aid shall (1) maintain school or provide instruction in other districts, in teacher's college laboratory school or in the university laboratory school, at least nine months in a year, and (2) furnish free textbooks to pupils, and all school districts are authorized to provide such free textbooks, and (3) when it employs teachers, expend for teachers' salaries at least 65 per cent of the maintenance expenditures unless such maintenance expenditures exceed \$110, exclusive of transportation costs

for the pupil units in average daily attendance enrolled in the schools of the district. If maintenance expenditure exclusive of transportation costs is less than \$110 per pupil unit in average daily attendance, the amount of special state aid shall be reduced in like proportion.

[128.083] **State aid adjustments.** Sec. 13. In any case when pupils are prevented from attending school because of epidemic, calamity or weather, or other justifiable cause, the state board of education in determining the amount of state aid to be allotted to the district may increase the sum to which the district is otherwise entitled not to exceed ten per cent.

[128.084] **Aid apportionment.** Sec. 14. Appropriations made for special state aid are for the following purposes:

Basic aid; equalization aid; emergency aid; transportation aid provided in Section 128.07; aid for special classes of handicapped children provided in Section 128.13; teacher training mentioned in Section 128.15; gross earnings tax aid mentioned in Minnesota Statutes 1945, Sections 128.22 and 128.23, summer school for crippled children mentioned in Section 128.13, tuition aid as mentioned in Section 128.08 as it applies to state schools of agriculture, and vocational aid as provided in Section 128.31.

Before any other aids are paid, transportation aid shall be paid.

[128.085] **Dates of aid payment.** Sec. 15. Special state aid shall be paid to school districts in October and March based upon information available. In August a final distribution for the previous school year shall be made based upon accurate information.

Sec. 16. Minnesota Statutes 1945, Section 131.01, is amended to read as follows:

131.01. Public schools. Subdivision 1. Classification. For the purpose of administration all public schools shall be classified under the following heads:

- (1) Elementary,
 - (a) *Graded elementary,*
 - (b) *Ungraded elementary.*
- (2) *Secondary,*
 - (a) *Four year high,*
 - (b) *High school departments,*

- (c) *Junior high,*
- (d) *Senior high,*
- (e) *Six-year high,*

(3) *Junior Colleges.*

Subd. 2. **Definitions.** (1) *An elementary school includes all schools below the grade of a high school.*

(a) A graded elementary school shall be a school giving instruction in the first six years of the public school course and employing at least three teachers devoting their entire time to elementary school work, or a school giving instruction in the first eight years of the public school course, and employing at least four teachers devoting their entire time to elementary school work. In each such school one teacher may be designated as principal.

(b) An ungraded elementary school shall be a school giving instruction in the elementary course and employing one or more teachers but not having the rank of graded elementary school.

(2) *A secondary school includes four-year high school; high school department; junior high school; senior high school; and six-year high school. A secondary school may include a vocational school.*

(a) A four-year high school shall be a school giving one or more four-year courses beyond the eight-year elementary course, and which shall employ a superintendent, a high school principal, and one or more high school teachers.

(b) A high school department shall be a school giving instruction in high school subjects beyond the eight-year elementary course. Such high school department shall employ two or more qualified high school teachers to give instruction in such high school subjects, one of whom may be the superintendent of the high school department and the elementary school associated therewith.

(c) A junior high school shall be a school having a separate organization and employing a principal and two or more teachers giving instruction in the seventh, eighth, and ninth years of the 12 year public school course. It shall be located in a school district which employs a superintendent for the entire system of public schools in such school district.

(d) A senior high school shall be a school having a separate organization and employing a principal and two or more

high school teachers giving instruction in the 10th, 11th and 12th years of the 12 year public school course. It shall be located in a school district which maintains a junior high school and which employs a superintendent for the entire system of public schools in such school district.

(e) A six-year high school shall be a school employing a superintendent, a high school principal, and three or more teachers giving instruction in *grades* seven to 12 *inclusive* of the public school course.

(3) A junior college shall be a school organized according to sections 131.02 to 131.07.

Sec. 17. Minnesota Statutes 1945, Section 131.21, is amended to read as follows:

131.21. **Length of school term.** The school shall be maintained not less than *nine* months, but this provision shall not apply to night schools or kindergartens. The school month shall consist of four weeks. Every Saturday shall be a school holiday and all legal holidays shall be counted as part of the school week.

Sec. 18. Minnesota Statutes 1945, Section 290.62, is amended to read as follows:

290.62. **Distribution; refunds.** The revenues derived from the taxes, interest, and penalties under this chapter shall be paid into the state treasury and credited to a special fund to be known as income tax school fund, and be distributed as follows:

(1) There shall be paid from this income tax school fund all refunds of taxes erroneously collected from taxpayers under this chapter as provided herein;

(2) There shall be transferred each year from this fund to the general revenue fund the amount expended from the latter fund for expenses of administering this chapter;

(3) *Out of the balance in this income tax school fund, after meeting the requirements of clauses (1) and (2), there shall be distributed as income tax school aid to each school district of the state, including municipalities operating their own school, an amount equal to \$10.00 per child between the ages of six and 16 years, both years inclusive, residing in such district without being subject to any conditions;*

provided, that a child in his sixteenth year shall be included only if in actual attendance in school.

(4) The balance thereof shall be credited to the special state aid fund to be distributed as in this act provided.

[128.086] **Certain laws not affected.** Sec. 19. Unless and until superseded by the provisions of this act, all laws now in effect relating to the payment of state aids shall continue in operation.

[128.087] **Secondary school tuition.** Sec. 20. Any person of school age residing in a school district in which no classified secondary school is maintained is entitled to attend a classified secondary school outside his resident district under standards established by the state board of education.

[128.088] **Allocation of aid.** Sec. 21. Subdivision 1. **Certification of tuition of pupils by county superintendent.** It is the duty of the county superintendent in each county before July 1, 1947, and annually thereafter to certify to the board of county commissioners the number of resident pupils of each school district in the county wherein no classified secondary school was maintained in the preceding school year, who attended a classified secondary school in another district, naming the district attended, the length of time attended by each pupil, and the tuition charged for each pupil by the district which furnished the instruction.

Subd. 2. **Tuition paid by county board.** The board of county commissioners of the pupil's residence shall thereupon cause to be paid out of the county school tax fund hereby created to each such school district which furnished such instruction the tuition so charged for such instruction.

Subd. 3. **Reimbursement to county board.** State apportionment, and special state aid paid by the state on account of such secondary school instruction shall be paid to the county which pays such high school tuition.

Subd. 4. **Tax levy for tuition.** The board of county commissioners in the county which pays such tuition, at its July meeting shall determine the total sum to be paid on account of such tuition for the preceding year in excess of the aid received from the state on account thereof, and shall levy a tax for such sum sufficient to pay such tuition, and the county auditor shall spread such tax on the property in the school districts of the county which maintain no classified secondary school in the manner provided by law for spreading other taxes therein and such taxes shall be

collected in the same manner as other taxes on property are collected. When collected such taxes shall be credited to the county school tax fund which is hereby created.

Subd. 5. Levy for transportation. The board of county commissioners in the county which shall receive state aid for transportation shall, at its July meeting, determine the total sum to be paid on account of such transportation for the preceding year in excess of the aid received from the state on account thereof, and shall levy a tax for such sum sufficient to pay such transportation, and the county auditor shall spread such tax on the property of the county. Such taxes shall be collected in the same manner as other taxes are collected. When collected such taxes shall be credited to the county school transportation tax fund, which is hereby created.

Subd. 6. Temporary payments out of general revenue fund. Until there shall be money in such fund out of which to make the disbursements herein provided, such disbursements shall be paid out of the general revenue fund of the county, but any money paid from the general revenue fund shall be replaced therein from money thereafter collected and credited to the county school tax fund.

Sec. 22. Repealer. Minnesota Statutes 1945, Sections 128.015, 128.03, 128.08 except as it applies to the state schools of agriculture, 128.09, 128.10, 128.11, 128.12, 128.16, 128.17, 128.19, 128.20, 133.04 and 290.623 are repealed.

Sec. 23. Effective date. This act shall take effect July 1, 1947, and no aid shall hereafter be claimed under a law repealed hereby except as provided in section 19.

Approved April 28, 1947.

CHAPTER 634—H. F. No. 1559

[Not Coded]

An act appropriating money from the following funds for the following purposes: from the General Revenue Fund for the expenses of state government, including public relief, and salaries of officers and employees thereof, and for other purposes; from the Trunk Highway Fund for certain expenditures therefrom; from the Rural Credit Expense Fund for expenses of the Rural Credit Department, and salaries