

sel and, with the governor and the chief justice, fix *his* compensation. Except as herein stated, no additional counsel shall be employed and the legal business of the state shall be performed exclusively by the attorney general and his assistants.

Approved April 25, 1955.

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CHAPTER 862—S. F. No. 622

[Coded]

*An act relating to the establishment of associated school districts, acquiring and authorizing facilities therefor and financing thereof; repealing Minnesota Statutes 1953, Section 122.01, Subdivision 10; and repealing Section 122.015.*

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

Section 1. [122.71] **Establishment of associated school districts.** Subdivision 1. Two or more school districts or portions thereof, contiguous or not, may establish an associated school district without disturbing the organization or powers of any existing district except as herein provided. The associated school district may maintain secondary schools, but may not maintain elementary schools; no member of the associated district shall maintain secondary schools after association. No district is eligible to become a part of an associated district unless at the time of the adoption of the resolution or filing of the petition or during the immediately preceding school year it had maintained within its district an elementary school with an enrollment of at least 24 pupils or maintained a graded elementary school with three or more teachers for grades 1 through 6 inclusive.

Subdivision 2. (1) "Facilities" as used in this chapter means land, buildings, equipment and furnishings necessary and incidental to operation of an elementary or secondary school.

(2) "Host district" is the one or more of the districts associated or districts proposed for association in which secondary school facilities exist at the time of the election on the question of association.

(3) "Member districts" are the districts associated or proposed for association in which no secondary facilities exist at the time of the election on the question on [of] association.

Subdivision 3. Nothing herein shall prevent the association of districts or portions thereof in which no secondary

facilities exist at the time of the election on the question of association, nor the construction and operation therein of new secondary facilities.

**Section 2. [122.72] Methods of establishment.** Subdivision 1. An associated district may be established in any one of the following manners provided in this section.

Subdivision 2. The school board of each district proposed for association may, by resolution passed by each board, order a special election on the question of association. The election shall be held in all districts proposed for association and in like manner and on like notice as any special school election or meeting. All districts voting must by a majority of votes cast in each district approve association; if one or more fails to cast a majority affirmative vote, the association shall not be effective.

Subdivision 3. The special election shall also be ordered by the school boards of affected districts on the filing of a petition for association with the school board of each district proposed for association. The petition must be signed by at least ten percent of the resident freeholders in the districts proposed for association, but the petition filed with each board need contain the signature of only ten percent of the resident freeholders in that board's district.

**Section 3. [122.73] Contents of resolutions or petitions.** The resolutions or petitions mentioned in section 2 shall contain a correct description, by legal description or district numbers, of the territory to be included in the proposed associated district; a general description of all secondary school facilities, and their locations, then existing within the proposed associated district, a demand or order for a special election or school meeting on the question of association of the described districts; the name of the county or counties in which the described districts are located; and attached to each petition, the affidavit of one or more persons that all of the signatures thereon are the signatures of resident freeholders, are genuine and were affixed by the signers.

**Section 4. [122.74] Elections.** On a separate ballot at the election on the question of association or at a special election thereafter, the host district may authorize the associated district board to govern and provide facilities for grades 1 through 6 in the host district and no part of the cost of such elementary facilities or the government or operation thereof shall be chargeable to the associated district, and upon its organization, the associated district board shall assume all the

powers and duties with respect to secondary and elementary education in the host district.

Section 5. [122.75] **Organization, powers.** Upon the establishment of any associated district, it shall be organized as, have all the powers of, and be governed as an independent school district except that it shall be without power to maintain elementary schools and except as in this chapter otherwise provided.

Section 6. [122.76] **First school board, election.** The following shall be the procedure for election of the first school board: At 10 o'clock a.m., 14 days after the election on the question of association, the chairmen of all the districts associated shall meet in the district courtroom or other space in the courthouse if court is in session, of the county in which the greatest acreage of the new associated district lies, and shall discharge the following duties:

(1) Elect a temporary chairman and clerk of their own group, and

(2) Thereafter fix a place, time and date not more than 30 days after the meeting of the chairmen for the first election; there shall be only one polling place which shall be in the most centrally located schoolhouse in the associated district as determined by the chairmen, and

(3) Thereafter elect from their number an acting chairman, vice-chairman, clerk and three judges of election, who shall conduct said first election in like manner as any other annual independent school district election of officers; all expenses of the election shall be paid from the treasury of the associated district after organization of the first school board.

Filing of candidates for the first election shall be with the acting clerk and in accordance with section 124.05 and for the terms specified by 124.02, subdivision 3 (4); the time for which each candidate shall hold office if elected shall appear on his filing statement and on the ballot.

The acting clerk shall forthwith after fixing of the time, date and place, give notice of the first election as required by section 124.02, subdivision 3 (1), and by one publication in a newspaper of general circulation in the associated district or in one newspaper in each of the counties in which the associated district or any part thereof may lie.

Section 7. [122.77] **Additional districts.** After an associated district is established, additional districts may be associated at an annual or a special election or school meeting; all districts voting must by a majority of votes cast in each

district approve association; if one or more of the additional districts proposed for association or the associated district fails to cast a majority affirmative vote, association of the additional districts shall not be effective. The election may be ordered by the board of the associated district and the boards of additional districts to be associated or on petition and in all other respects shall be held in like manner as the initial election for establishment of an associated district as provided by section 2 of this chapter. Any district may withdraw from the associated district in like manner; however, withdrawal shall not be effective unless approved by a majority vote in the district seeking to withdraw and a majority vote in the remainder of the associated district.

**Section 8. [122.78] Existing bonded indebtedness.** Upon establishment of an associated district, any bonded indebtedness then existing for secondary school facilities in any of the districts associated shall become the liability of the entire associated district. Where secondary and elementary facilities are in or on the same or attached structures or land, the secondary and elementary facilities shall be appraised separately and the associated district shall become liable only for that portion of the total existing indebtedness which the appraised value of the secondary facilities bears to the appraised value of the whole installation.

**Section 9. [122.79] Disposal of property of former districts.** **Subdivision 1.** Upon establishment of an associated district,

(1) any secondary school facilities then existing in any of the districts associated shall become the property of the associated district, subject to payment of the appraised valuation as determined under this chapter, and

(2) The district in which the secondary facilities are located shall be compensated therefor in the manner provided in this chapter, and

(3) The associated district board shall take possession of such secondary facilities immediately upon its organization, subject to payment of the said appraised valuation.

**Subdivision 2.** Upon organization of the associated board, it or the host district's board shall forthwith present to the district court of the county in which the facilities are located a petition describing the facilities, reciting establishment of an associated district, naming by number or legal description the districts associated and the names of at least three proposed appraisers and praying for the appointment of appraisers to appraise the facilities. Upon filing, the court

shall make its order ex parte fixing a time and place for hearing on appointment of appraisers at which time the court shall receive all competent evidence offered for or against appointment of any appraisers proposed in the petition or at the hearing. The court may appoint any three residents of the associated district as appraisers. The order appointing appraisers shall fix the time and place of their first meeting and prescribe their compensation, which shall be paid by the associated district. Where any appraiser fails to act, the court without further notice, may appoint another in his place. Thereafter proceedings shall be substantially in accordance with sections 117.08 through 117.18 and appeal may be had by the associated district board, the host district's board or any taxpayer in the associated district as in the case of taking of property pursuant to statutes regulating exercise of the right of eminent domain. If there has been a favorable affirmative vote pursuant to section 4 of this chapter at the time of the election on the question of association, appeal may be had by the associated district board or any taxpayer in the associated district.

**Section 10. [122.80] Bonds, state transportation aids.**  
**Subdivision 1.** For purposes of paying the appraised valuation as finally determined, the associated school board shall issue bonds of the associated district in like manner as provided for the construction of new school facilities in independent districts, except that this bond issue shall not be submitted to the electors. The bonds shall be a charge on all the real estate in the associated district, including the district in which the facilities were located before association. The taxes to pay the bonds shall be levied by the school board of the associated district against all real estate in the associated district, including the host district, and in like manner as in the case of bonds for new construction. If there be bonds outstanding as indebtedness against the secondary facilities existing at the time of establishment of the associated district, such bonds shall be called and paid out of the new bond issue as part payment of the appraised valuation, except that if any such outstanding bonds are not by their terms callable upon establishment of the associated district, taxes to pay the same shall be levied as required by the terms of such non-callable bonds. Any monies paid by the associated district to the host district as the appraised valuation or a part thereof where bonds have been called shall be placed in the general revenue fund of the host district and used for operation and maintenance of the host district's elementary facilities.

**Subdivision 2.** Associated school district shall re-

ceive state transportation aids available to consolidated schools of like classification.

**Section 11. [122.81] Associated district school board, powers.** Upon its organization, the new associated district school board shall select and operate its facilities according to one of the classifications authorized by sections 131.01, subdivision 1, (2) (a), (b), (c), (d) or (e). Any district included in the associated district may provide seventh and eighth grade education in its elementary facilities, regardless of classification selected by the associated secondary school, except that any district having once discontinued seventh and eighth grade elementary education shall not resume the same, without the approval of the associated district board, so long as it remains a part of the associated district. The board of the district in which the secondary facilities are located may employ jointly with the associated district of which it is a part, a superintendent and such other administrative personnel as may be authorized and necessary.

**Section 12. [122.82] Annual meetings, proposed budgets.** Subdivision 1. There shall be an annual meeting in each associated school district, which shall be held on the first Tuesday in July, starting at 9 a.m. When the first Tuesday falls on July 4, the annual meeting shall be held on July 5. Fifteen legal voters shall constitute a quorum. The clerk of the school board shall keep the minutes. The clerk shall give ten days posted notice of the annual meeting, but failure of the clerk to give notice shall not affect the validity of the meeting. The notice shall specify if the annual meeting is to consider the raising of monies to build or purchase a school house, the authorization of an issue of bonds, or the fixing of a school house site.

Subdivision 2. The board of an associated district shall prepare, adopt and publish once in full in a newspaper of each county in which the associated district is located, or in a newspaper of general circulation throughout the district and published in one of the counties, an annual proposed budget. The publication shall be made not less than ten days before the annual meeting. The board may from time to time, modify the budget after the annual meeting.

**Section 13. [122.83] Order of business at annual meetings.** Subdivision 1. At the annual meeting:

(1) The first order of business shall be election of a chairman of the annual meeting, who shall preside throughout the annual meeting. The chairman of the school board

shall officiate during this election. In the absence of the clerk, the voters shall elect a clerk pro tem.

Subdivision 2. The second order of business shall be a budget session at which the board shall report on the budget.

Subdivision 3. The third order of business shall be the annual election which shall begin immediately after the budget session. Polls shall be open for at least three hours at the annual election and shall close at 9 p.m.

Section 14. **Repealer.** Minnesota Statutes 1953, Section 122.01, Subdivision 10; and Section 122.015, are hereby repealed.

Approved April 25, 1955.

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CHAPTER 863—S. F. No. 726

[Coded in Part]

*An act relating to the powers and duties of the state auditor; amending Minnesota Statutes 1953, Sections 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.08, 6.10, 6.11, 6.12, 6.136, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26; repealing Minnesota Statutes 1953, Sections 6.07, 6.09; 6.13, 6.14, 6.15, 6.16, 6.17, 6.27.*

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

Section 1. Minnesota Statutes 1953, Section 6.01, is amended to read:

**6.01 Duties, seal.** The state auditor shall superintend and manage the fiscal concerns of the state as required by law. He may execute in behalf of the state assignments and satisfactions of judgments rendered in its favor. He shall have a seal bearing the words "Seal of the Auditor of Minnesota" and affix it to all official certificates and conveyances executed by him.

Sec. 2. Minnesota Statutes 1953, Section 6.02, is amended to read:

**6.02 Deputy, employees.** The state auditor shall appoint a deputy, who may perform all the duties of the office when the auditor is absent or disabled. He may employ and at pleasure dismiss a *private secretary*.

Sec. 3. Minnesota Statutes 1953, Section 6.03, is amended to read: