

act so that the functions, powers or duties are changed by this one department, commission or agency, the commissioner of administration shall allocate the appropriation between the state departments, commissions or agencies concerned.

Sec. 10. [15.49] **Transfer of employees.** *Except as otherwise provided in this act, all persons in the classified service of the state and employed by any department, board or agency for the purpose of any of its functions, powers or duties which are transferred by this act to another department, commission or agency, are hereby transferred to such other department, commission or agency. The positions of all persons in the unclassified service of the state and employed by any department, board or agency for the purposes of any of its functions, powers or duties which are transferred by this act to another department, commission or agency, are hereby abolished. Notwithstanding the provisions of Minnesota Statutes 1953, Section 43.20, any person in the unclassified service whose position is abolished hereunder may be employed as a provisional appointee for not to exceed 12 months following the date of the abolishment of his position.*

Sec. 11. [15.50] **Official seals.** *The commissioner or head of any state department may have an official seal which he may use to authenticate his official acts, but no official act of a commissioner or head of a department is invalidated if not authenticated with the official seal.*

Sec. 12. *All acts or parts of acts now in effect inconsistent with the provisions of this act are hereby repealed, superseded, modified or amended so far as necessary to give full force and effect to the provisions of this act.*

Sec. 13. *Except as otherwise provided herein, this act is in force and effect on and after its enactment.*

Approved April 25, 1955.

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## CHAPTER 858—H. F. No. 791

[Coded in Part]

*An act relating to school district reorganization; amending Minnesota Statutes 1953, Sections 122.05, 122.06, 122.07, 122.08, 122.09, 122.10, 122.20, 122.23, 122.28 and Section 122.01, Subdivision 1; repealing Minnesota Statutes 1953, Sections 122.111, 122.12, 122.553; Laws 1953, Chapter 744, Section 13.*

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

Section 1. Minnesota Statutes 1953, Section 122.01, Subdivision 1, is amended to read:

**122.01 School districts. Subdivision 1. Kinds.** For school purposes the state is divided into common school districts, special school districts, independent school districts, consolidated school districts, ten-or-more-township school districts, county school districts, unorganized territories and associated school districts, each of which shall be a public corporation. All school districts shall be numbered consecutively in each county, and each shall be known as ..... school district No. .... of ..... County. A district, when situated in two or more counties, shall be *assigned a number which does not conflict with any existing number in those counties and shall be known as joint* ..... school district No. .... of ..... *and* ..... *counties*. Special school districts shall be known by the names or number given them at their organization.

Sec. 2. Minnesota Statutes 1953, Section 122.05, is amended to read:

**122.05 Formation.** A majority of the freeholders, qualified to vote at school meetings or elections, residing in an incorporated village wherein there is no school house, or upon any territory not less than four sections in extent, and in which reside not less than 100 children of school age, whether or not such territory be in whole or in part included in any existing common, independent, or special school district, may petition the county *board* of the proper county to make such territory a school district, common or independent.

Sec. 3. Minnesota Statutes 1953, Section 122.06, is amended to read:

**122.06 Petition. Subdivision 1.** The petition shall contain:

(1) A correct description of the territory to be included in such proposed district;

(2) The number of persons residing therein;

(3) The names and ages of all children of school age residing therein, and the existing district in which each such child lives;

(4) The districts in which such territory lies, and the number of such children in each such district; and

(5) The reasons for the formation of the proposed district.

*Subd. 2.* The petition shall be acknowledged by the petitioners and submitted to the county superintendent *who shall cause a plat to be made showing the size and boundaries of the proposed district, the location of the adjoining school districts and of school houses therein, and the assessed valuation of property in the proposed district, together with such other information as may be required, and submit the same to the state commissioner of education, who shall approve or reject the plan so proposed and certify his conclusions to the county auditor.*

Sec. 4. Minnesota Statutes 1953, Section 122.07, is amended to read:

**122.07 Hearing.** Upon the presentation of such petition, *and the approval of the plan by the commissioner of education,* the county board shall appoint a time and place for hearing thereon and cause two weeks published notice thereof to be given in the county and ten days posted notice in each district affected. Such notice shall be served on the clerk of each district by mail at least ten days before the time set for hearing and the county auditor's certificate is proof of mailing.

Sec. 5. Minnesota Statutes 1953, Section 122.08, is amended to read:

**122.08 Procedure at hearing.** At the hearing, the board shall receive any evidence and consider any arguments for and against such proposed organization and make an order granting or denying the petition. If the petition is granted, the order shall particularly describe the district, state its name or number, shall be signed by the chairman, attested, and filed with the auditor, who shall mail to the clerk of each district affected a copy thereof and cause ten days posted notice to be given of a meeting to organize such district. The board may adjourn the hearing from time to time and, upon the recommendation or with the written approval of the county superintendent, enlarge or change the boundaries proposed in the petition.

Sec. 6. Minnesota Statutes 1953, Section 122.09, is amended to read:

**122.09 Consolidation, petition.** *Subdivision 1.* *Aft-division 1.* Where it is desired to change the boundary of a district, or to annex another district, or to merge one or more districts in an existing district, the boundary change, merger, or annexation may be effected by the filing of a petition signed by at least 20 per cent of the freeholders of the district

which is to be merged in or annexed, in whole or in part, to another district, and otherwise proceeding in the manner prescribed for the formation of districts. In addition, the boundary change, merger, or annexation, must be approved by the school board of the district to which the other district or area is to be attached.

*Subd. 2. When a school district or a part of a district has or has not a bonded debt and is to be merged by the county board with a district which has an outstanding bonded debt for the construction of building and purchase of equipment, such districts become liable for the proportionate share of this bonded debt upon approval by a majority of the electors of the territory to be merged voting upon the question at a special election called at the request of the county board of the county in which the greatest portion of the land area lies. The question of assuming this bonded debt shall be submitted at an election held prior to any final action taken by the county board as to such merger.*

Sec. 7. Minnesota Statutes 1953, Section 122.10, is amended to read:

**122.10 Limitations.** No change in the boundaries of a district by organization of a new district, by detachment of land on petition of the owners, or otherwise shall be made so as to leave the old district, *if not a consolidated district*, without at least one school house used for school purposes and without at least four sections of land, and not less than 24 sections, if a consolidated district; *provided, however, that a portion of a district maintaining an ungraded elementary school may be made a part of a consolidated district, in which case the county board shall attach the remaining portion or parts to one or more adjoining districts as provided in section 122.03; provided further, that a majority vote of the voters voting upon the question in each affected portion of the district affected approve such action.* No change of districts affects the liabilities of the territory so changed upon any bonded indebtedness; but any such real estate shall be taxed for such outstanding liability and interest as if no change had been made.

Sec. 8. Minnesota Statutes 1953, Section 122.20, is amended to read:

**122.20 Consolidation, petition.** *Subdivision 1.* After approval by the commissioner of education of the plan for the formation of a consolidated school district, an election on consolidation shall be held upon presentation to the county superintendent of a petition or petitions asking for the formation of a consolidated school district in accordance with the

plan approved by the commissioner of education, signed and acknowledged by at least 25 percent of the resident freeholders of each school district all of the territory of which is included in the proposed consolidated school district and which district is maintaining only an ungraded elementary school or schools and of each portion of a school district so included which is taken from a school district which is maintaining only an ungraded elementary school or schools, who are qualified to vote at school meetings or elections and who have been such freeholders for at least 30 days immediately preceding the signing and acknowledging of the petition.

If the territory of the proposed consolidated school district lies in two or more counties, the petition or petitions shall be presented to the county superintendent of the county in which the greater portion of such proposed consolidated school district lies.

*Subd. 2.* If the territory of any district or districts maintaining a graded elementary or secondary school or schools, or both, or any part of any such territory, is included in the proposed consolidated school districts, no such election shall be called unless and until the board of each such district or district shall have adopted a resolution in favor of such consolidation and a copy thereof, certified by the clerk, has been filed with the county superintendent. Such resolution may be conditioned upon the districts or parts of districts included in the proposed consolidation assuming their proportionate share of its bonded indebtedness. If so conditioned, the question of assuming such indebtedness shall be submitted at such elections separate from, but at the same time as the question of consolidation, and the results thereof be reported with the report of the vote on consolidation.

*Subd 3.* *When there are incorporated cities or villages located within the boundaries of each district included in a proposed consolidation and each district has a bonded debt for the construction of a school building and equipping the same, the question of mutual debt assumption of such bonded indebtedness shall be submitted to the voters of each district when the school boards of each such district have adopted a resolution requesting an election on debt assumption and a copy of such resolution is filed with the county superintendent. The consolidation is not effective unless the electors of such districts have voted favorably on the question of debt assumption.*

Sec. 9. Minnesota Statutes 1953, Section 122.23, is amended to read:

**122.23. Independent districts, consolidation.** *Subdivision 1.* When consolidation is effected by a vote of two or

more districts or parts of districts, the new district *becomes* an independent district with the powers, duties, and privileges now conferred by law upon independent districts. The county superintendent of schools shall cause a ten days posted notice and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect officers of the newly formed consolidated district. The new board shall be elected in the manner provided when a common district changes to an independent district. When such consolidation is with a district maintaining a graded elementary or *secondary* school the school board of the latter *continues* to govern the consolidated district until the next annual school election when the successors to the members whose terms then expire shall be elected by the legally qualified voters of the consolidated school district. Within ten days after election and qualification of members of the school board in the consolidated school district, the officers of *each district* dissolved shall turn over to the proper officers of the newly elected school board, or to the proper officers of the school board in the district maintaining the state graded elementary or *secondary* school, all records, funds, credits, buildings, property, and other effects of *the district*.

*Subd. 2. Where consolidation of two or more districts is completed during the school year, the governing school board of the newly consolidated district may by resolution authorize the school board of any discontinued district to maintain school therein for the remainder of the school year in which the consolidation was completed, but this board may only do such things as are necessary to properly maintain the schools for the period they are in session during the remainder of that school year.*

Sec. 10. Minnesota Statutes 1953, Section 122.28, is amended to read:

122.28 **Dissolution.** Subdivision 1. Any district in which for two years no school has been held and no provision made by it for the education of the its pupils may be dissolved by the *county* board on its own motion; or such district, or any other district, may be dissolved by the *county* board on a petition signed by a majority of the resident freeholders of the district who are entitled to vote at school elections therein, or on presentation of resolutions passed by a majority vote at a legal meeting of the electors of the district.

*Subd. 2.* The territory of a district so dissolved shall be attached by order of the board to one or more existing district, or to unorganized territory, upon notice as in other cases of changes of boundaries, as in its judgment shall seem most

equitable having regard to the convenience of the inhabitants. If there be no unorganized territory in the county, the board may, by such dissolution, create unorganized territory to be governed by the laws relating to such territory. If the district or any part thereof is to be annexed to an adjoining district which lies in a different county, such annexation shall not be effective until such petition or resolution has been presented to the *county* board of each county and each such board has made its order granting the same in the manner herein provided.

Subd. 3. (1) When a school district is to be dissolved by the *county* board and it is proposed to attach the entire district or a portion of such district to a district which has incurred a bonded debt for the construction of buildings and purchases of equipment, such dissolved district shall become liable for its proportionate share of such indebtedness upon a majority vote of the electors of such new territory *to be attached* voting upon the question at a special election called at the request of the school board of the district which has incurred such bonded debt and the election *shall be held prior to the dissolution of such district* by the *county* board.

(2) When it is proposed to divide the territory of a dissolved district and the question of assuming the bonded debt involves only a portion of the district, or applies unequally within the district, the election shall be held for each portion of the district affected, on the question of assuming a prorate share of the bonded debt of the district to which attachment thereof is proposed.

(3) When an election on the question of assuming this bonded debt has been called for, the *county* board shall not make an order for the annexation of any territory from the dissolved district until a vote favoring assumption of the bonded debt is certified to the *county* auditor.

Sec. 11. [122.554] **County study committee.** *In any county in which there is not a county school survey committee, a study committee shall be appointed by the County Board, upon the presentation to it of a petition signed by at least 15 per cent of the duly elected and qualified school board members within the county. The members of the study committee shall be voters of the county and representing the different sections of the county. Five lay members shall be selected from the territory of the county not included in any incorporated city or village and wherever possible, one from each county commissioner district and four lay members from territory included within the incorporated cities and villages but not more than one shall be selected from any one incor-*

porated city or village, unless there are less than four incorporated cities or villages in the county, then not more than two may be so appointed from any one incorporated city or village. The county study committee will elect its own officers and the county superintendent shall serve as the executive secretary for the committee. The duties of the study committee shall be the same as set forth in Minnesota Statutes, Section 122.46 and to prepare a report which shall be distributed to the school officers of the county and copies shall be filed with the county superintendent and the commissioner of education, but the county study committee shall have no authority to call for an election on its recommendations.  
ty study committee.

The county board shall and is hereby authorized to defray the necessary expense incurred under the provisions of this act by the county superintendent and the county study committee.

**Sec. 12. [122.571] State advisory commission, county school survey committees.** *The terms of the state advisory commission on school reorganization and the existing elected county school survey committees shall expire on July 1, 1959.*

**Sec. 13. Repealer.** Minnesota Statutes 1953, Sections 122.111, 122.12, 122.553 and Laws 1953, Chapter 744, Section 13, are hereby repealed.

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#### CHAPTER 859—S. F. No. 347

*An act relating to property exempt from attachment or sale on final process; amending Minnesota Statutes 1953, Section 550.37.*

Section 1. Minnesota Statutes 1953, Section 550.37, is amended to read:

**550.37 Property exempt.** No property hereinafter mentioned shall be liable to attachment, or sale on any final process, issued from any court:

- (1) The family Bible;
- (2) Family pictures, school books or library, and musical instruments for the use of the family;
- (3) A seat or pew in any house or place of public worship;
- (4) A lot in any burial ground;