

*tion as to warehousing shall not apply to a wholesaler located in any adjoining state which permits Minnesota wholesale licensees to deliver malt beverages to retailers without warehousing in that state.*

Sec. 2. *Section 1 shall be effective on July 1, 1961.*

Approved April 14, 1961.

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CHAPTER 378—S. F. No. 1141

[Not Coded]

*An act authorizing special school district No. 3, Duluth, St. Louis county, to detach certain of its territory and transfer it to independent school district No. 704.*

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

**Section 1. Special School District No. 3; detachment of territory.** Special School District No. 3, whose district boundaries are co-terminus with the boundaries of the city of Duluth, St. Louis county, may detach and transfer that portion of its district commonly known as "Bay View Heights" and other land bordering thereon, adjoining the corporate limits of the village of Proctor to Independent School District No. 704, St. Louis county, by and with its consent.

Sec. 2. Whenever such transfer is made pursuant to this act, all legislation and acts based on the classification of Special School District No. 3 shall remain valid in all respects in the same manner as if the transfer had not been made, and the validity of all obligations, commitments and contracts previously made, or that may hereafter be made pursuant to laws based upon the above classification shall not be affected in any way whatsoever.

Sec. 3. The school board of each of said districts may pass a resolution authorizing the filing of a joint petition to the county board of St. Louis county, which petition shall pray for the transfer of the territory from said Special School District No. 3 to said School District No. 704.

Sec. 4. Such petition, in addition to any other pertinent and relevant facts, shall contain: (1) A correct description of the territory to be so transferred; (2) The number of persons residing in said territory; (3) The assessed value

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

thereof; (4) The reasons for such change, including the advantages, if any, for educational opportunities or convenience of the pupils in the territory affected; (5) The total number of pupils residing in such affected territory and the place or school wherein such pupils are enrolled at the time of such petition; and (6) Such apportionment of the money, funds, credits, property of the districts and such apportionment of the outstanding obligations and indebtedness of the detaching district as may have been mutually agreed upon between the governing boards of the respective districts.

Sec. 5. Upon the presentation of such petition, the county board shall appoint a time and place for a hearing thereon and shall cause two weeks' published notice thereof to be given in a duly qualified newspaper of general circulation in such districts. Such notice shall also be served on the clerk of each school district affected by such proceedings by mail at least ten days before the time for hearing, and the auditor's certificate shall be sufficient proof of such services by mail.

Sec. 6. At the hearing, the board shall receive any evidence and consider any arguments for or against such proposed change in boundaries and shall make an order either granting or denying the petition; and if the petition be granted, the order shall particularly set forth the change provided for and shall provide for a division of all moneys, funds, credits, and property belonging to such districts and for an apportionment of the outstanding obligation other than bonded indebtedness, which said division shall be such as has been agreed upon by the districts affected as hereinbefore provided. A copy of such order shall be filed with the auditor and a copy mailed to the clerk of each of the districts affected. The change set forth in such order shall become effective 60 days after mailing such notice; the county board shall grant the petition if such change in boundaries will be for the best interests of a majority of the pupils of the districts affected.

Sec. 7. When the petition for transfer is approved, the detaching district may transfer and convey legal title to all real and personal property of the district and owned by it to the other school district for such consideration and under such terms and conditions as are mutually agreeable.

Sec. 8. Any person aggrieved by the order of the county board may appeal from such order to the district court of St. Louis county upon the following grounds:

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(1) That the county boards's order did not conform to the contents or prayer of the petition;

(2) That the order of the county board is contrary to the best interests of the school districts involved and contrary to the interests of a majority of the pupils of the districts affected.

Such appeal shall be taken by serving upon the county auditor within thirty days of the making of the order a notice of appeal specifying the grounds thereof. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

Sec. 9. This act shall be effective only after it has been approved by a resolution adopted by a majority of the members of the school board of Special School District No. 3 and the school board of Independent School District No. 704, and upon compliance with Laws of 1959, Chapter 368.

Approved April 14, 1961.

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CHAPTER 379—H. F. No. 124

[Coded]

*An act relating to county surveyors; establishing their qualifications and duties; providing for their appointment, election, and bonding; and providing for the termination of the office; repealing Minnesota Statutes 1957, Section 389.01.*

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

Section 1. [389.011] **County surveyors; qualifications, appointment, election, termination of office, performance of duties, bond.** Subdivision 1. **Qualifications.** Any county surveyor elected or appointed after July 1, 1961, or any surveyor designated to perform the professional duties of a county surveyor after July 1, 1961, shall be registered in Minnesota as a land surveyor as provided in Minnesota Statutes 1957, Chapter 326. Such professional duties shall include any of the duties involved in the practice of land surveying as provided in Minnesota Statutes 1957, Chapter 326. Any county surveyor or other surveyor designated to perform the duties of a county surveyor at all times while holding such office or while such designation is in effect shall be duly registered in Minnesota as a land surveyor.

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**