

sues to be arbitrated and, shall also contain any stipulations with respect to facts submitted or agreed or defenses waived. In such cases, the agreement of reference shall take the place of the pleadings in the case and be filed of record.

Sec. 3. **EFFECTIVE DATE.** This act shall take effect the day following final enactment.

Approved May 17, 1975.

CHAPTER 161—S.F.No.303

[Coded]

An act relating to game and fish; authorizing use of portable fish houses within the boundary waters canoe area.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [101.425] GAME AND FISH; BOUNDARY WATERS; PORTABLE FISH HOUSES. Notwithstanding any law or regulation of the commissioner of natural resources to the contrary, it shall be lawful to utilize fish houses or dark houses for the purpose of taking fish within the boundary waters canoe area, provided any fish house or dark house so utilized is of a portable type, and the owner or occupant thereof removes the same from any lake within the boundary waters canoe area and collapses or disassembles the portable fish house each night. The owner or occupant shall remove the portable fish house or dark house from the boundary waters canoe area each time he leaves the boundary waters canoe area.

Approved May 17, 1975.

CHAPTER 162—S.F.No.332

[Coded in Part]

An act relating to education; correcting and eliminating certain obsolete provisions and text dealing with school district organization, reporting and finance; amending Minnesota Statutes 1974, Sections 120.01; 120.08, Subdivision 1; 120.10, Subdivision 3; 120.11; 120.12; 121.11, Subdivisions 3 and 5; 121.19; 121.20, Subdivision 4; 122.21, Subdivision 1; 122.23; 122.26, Subdivisions 16 and 19; 122.32, Subdivision 1; 122.355, Subdivision 1; 122.41; 122.43; 122.44, Subdivision 1; 122.45, Subdivision 1; 122.51; 123.015; 123.21; 123.32, Subdivision 25; 123.33, Subdivision 12; 123.34, Subdivision 9; 123.65; 123.78, Subdivision 1; 124.03, Subdivision 1; 124.15, Subdivision 2; 124.41, Subdivision 1; 125.03, Subdivision 1; 125.11; 125.15; 125.16; 127.16; 127.19; 127.25; 136.036, Subdivision 2; 275.124; Chapter 128, by adding a section; repealing Minnesota Statutes 1974, Sections 120.02, Subdivisions 7, 10 and

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17; 121.11, Subdivision 10; 121.35, Subdivisions 1, 2, 3 and 4; 121.355; 121.36; 121.37; 121.38; 121.39; 121.40; 121.41; 121.42; 121.43; 121.44; 121.45; 121.46; 121.47; 122.11; 122.22, Subdivisions 17 and 19; 122.31; 122.33; 122.35; 122.44, Subdivisions 2, 3, 4 and 5; 122.49; 123.33, Subdivisions 9 and 13; 123.56; 125.03, Subdivisions 2 and 3; 127.14; 127.18; 471.741; Laws 1945, Chapter 579; Laws 1949, Chapter 375; Laws 1951, Chapter 236; Laws 1953, Chapter 249; Laws 1955, Chapter 698; Laws 1957, Chapter 469; Laws 1959, Chapters 13 and 533; Laws 1961, Chapters 284 and 591; Laws 1963, Chapters 465, 607, 711, and 847; Laws 1965, Chapters 725, 747, and 857; Laws 1967, Chapters 594 and 658; Laws 1971, Chapter 767.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 120.01, is amended to read:

120.01 EDUCATION; SCHOOL DISTRICT ORGANIZATION; CITATION, EDUCATION CODE. Chapters 120 to ~~127-129~~ may be cited as the education code.

Sec. 2. Minnesota Statutes 1974, Section 120.08, Subdivision 1, is amended to read:

120.08 ATTENDANCE; HIGH SCHOOL IN ADJOINING STATE. Subdivision 1. Any person under 21 years of age residing in any district not maintaining a secondary school who has successfully completed the elementary school may, with the consent of the board of such district, attend any secondary school of a district in an adjoining state willing to admit him, which secondary school is nearer to his place of residence than any duly established secondary school in Minnesota, the distances being measured by the usual traveled routes. Any tuition charged by the district so attended shall be paid to the district attended by the ~~county-district~~ in which the person resides. This tuition shall not be more than (a) such district charges non-resident pupils of that state, (b) the average maintenance cost exclusive of transportation per pupil unit in average daily ~~attendance-membership~~ in the school attended, nor (c) the tuition rate provided for in section 124.18, subdivision 2. ~~The method of certifying tuition for such pupils, the payment by the county, and the levying of taxes for such tuition shall be the same as is provided by section 124.51, for non-resident pupils attending Minnesota secondary schools.~~

Any pupil attending a secondary school in an adjoining state for whom tuition is paid from ~~county-district~~ funds is entitled to transportation services in accordance with Minnesota Statutes.

Sec. 3. Minnesota Statutes 1974, Section 120.10, Subdivision 3, is amended to read:

Subd. 3. **LEGITIMATE EXEMPTIONS.** Such child may be excused from attendance upon application of his parent, guardian, or other per-

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son having control of such child, to any member of the board, truant officer, principal, or city superintendent, for the whole or any part of such period, by the board of the district in which the child resides, upon its being shown to the satisfaction of such board:

(1) That such child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

(2) That such child has already completed the studies ordinarily required in the tenth grade; or

(3) That it is the wish of the parent, guardian, or other person having control of such child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof, such school to be conducted and maintained in a place other than a public school building, and in no event, in whole or in part, at public expense; provided, that a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

Provided that students in regular attendance at the University of Minnesota Northwest School of Agriculture at Crookston, Minnesota, and the University of Minnesota Southern School of Agriculture at Waseca, Minnesota, during the fall and winter terms may be excused from attendance between April 1 and October 1 in any year.

Sec. 4. Minnesota Statutes 1974, Section 120.11, is amended to read:

120.11 SCHOOL BOARDS AND TEACHERS, DUTIES. It shall be the duty of each board through its clerk or other authorized agent or employee, to report the names of children between six and 16 years of age, with excuses, if any, granted in such district, to the superintendent or ~~principal teacher~~ principals thereof, within the first week of school. Subsequent excuses granted shall be forthwith reported in the same manner. The clerk or principal ~~teacher~~ shall provide the teachers in the several schools under his supervision, with the necessary information for the respective grades of school, relating to the list of pupils with excuses granted. On receipt of the list of such pupils of school age and the excuses granted, the clerk or ~~principal teacher~~ principals shall report the names of children not excused, who are not attending school, with the names and addresses of their parents, to the county district superintendent of schools within five days after receiving the clerk's report. ~~The several teachers in a graded elementary or secondary school shall report to the principal or to the superintendent, in like manner.~~

Sec. 5. Minnesota Statutes 1974, Section 120.12, is amended to
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read:

120.12 COMPULSORY ATTENDANCE; HOW ENFORCED. Subdivision 1. **NOTICE TO PARENTS AND COUNTY ATTORNEY.** The ~~county-district~~ superintendent of schools shall forthwith notify the parent, guardian, or person in charge to send such child, of whose unexcused absence he has been informed, to school and upon his neglect or refusal to comply with the notification, the ~~county-district~~ superintendent shall, upon receipt of information of such non-compliance, notify the county attorney of the facts in each case. ~~The principal of a graded elementary school or the superintendent of a district maintaining a secondary school, shall proceed in like manner as provided in this section respecting the county superintendent of schools.~~ Notification by registered mail shall be considered sufficient notice.

Subd. 2. **PRIVATE SCHOOLS.** It shall be the duty of the principal, teacher, or other person in charge of any private school to make reports at such times and containing such information as is herein required respecting public schools. Such report shall be made to the ~~county-district~~ superintendent of schools in whose ~~county-district~~ such private school is located ; ~~except that where such private school is located in a city or in a district maintaining a secondary school, or a graded elementary school, such reports shall be made to the superintendent of schools or to the superintendent or principal of the high or graded elementary school .~~

Subd. 3. **CRIMINAL COMPLAINT; PROSECUTION.** The ~~county superintendent, district superintendent ; principal of graded elementary school, or superintendent of a district maintaining a secondary school;~~ as the case may be, shall make and file a criminal complaint against persons neglecting or refusing to comply with the provisions of law relating to the sending of children to school, in any court in the county exercising criminal jurisdiction and, upon the making of such complaint, a warrant shall be issued and proceedings and trial be had as provided by law in cases of misdemeanor and shall be prosecuted by the county attorney of the county wherein the offense is committed.

Sec. 6. Minnesota Statutes 1974, Section 121.11, Subdivision 3, is amended to read:

Subd. 3. **SECONDARY SCHOOL AREAS.** (1) To facilitate and control the transportation of non-resident pupils, the state board shall divide the state into secondary school areas and the state board shall continue the administration of the legal provisions and regulations regarding areas. Each area shall contain at least one classified public secondary school and such districts and parts of districts as may conveniently be served by the secondary school. Upon a vote of its governing board any part of a district or the whole thereof may be transferred to an adjoining school area of any district containing a classified public secondary school, if that district is willing to have such district assigned to its area. The decision of any board to transfer any area be-

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tween secondary school areas is subject to a referendum vote of the electorate of the district at a special election on the question pursuant to statutes for conduct of special elections. After such election, or vote of the board, the board of the district having voted on such transfer shall report to the state board the results of the election for the purpose of recording the transfers.

(2) The state board may formulate such rules as may be necessary for establishing, maintaining, and administering such school areas.

~~(3) The state board may appoint county school area committees, composed of superintendents of the secondary schools having territory within the county, an equal number of common school board members and the county superintendent who shall serve as the executive secretary and to assign to them specific duties for assisting in establishing and maintaining the boundaries of the school areas and in the transferring of the territory from one school area to another and in carrying out the rules pertaining to such school areas and the transportation of non-resident pupils. These rules do not deny to any parent the right to transport or to provide for the transportation of his children at his own expense to the secondary school of any district willing to receive them.~~

~~(4)~~(3) The state board of education shall keep maps showing the official school area boundaries within the state.

Sec. 7. Minnesota Statutes 1974, Section 121.11, Subdivision 5, is amended to read:

Subd. 5. **UNIFORM SYSTEM OF RECORDS AND OF ACCOUNTING.** The state board shall prepare a uniform system of records for public schools, require reports from ~~county and other~~ superintendents and principals of schools, teachers, school officers, and the chief officers of public and other educational institutions, to give such facts as it may deem of public value. With the cooperation of the legislative auditor, it shall establish and carry into effect a uniform system of accounting by public school officers and it shall have authority to supervise and examine the accounts and other records of all public schools.

Sec. 8. Minnesota Statutes 1974, Section 121.19, is amended to read:

121.19 MEETINGS WITH SCHOOL BOARDS, SUPERINTENDENTS, AND PRINCIPALS. For the purpose of considering matters affecting the interests of public education, the commissioner, or his representative, shall, upon notice, meet with the several school board members, ~~county and city~~ superintendents, school principals, and teachers at such times and places in the state as he shall deem most convenient and beneficial.

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Sec. 9. Minnesota Statutes 1974, Section 121.20, Subdivision 4, is amended to read:

Subd. 4. Any ~~county-school~~ board may appropriate money from ~~county-district~~ funds for the conduct of teachers' institutes to be held under the general supervision of the commissioner. The ~~county-school~~ board shall pay the expenses of the ~~county~~ superintendent for attendance at institutes.

Sec. 10. Minnesota Statutes 1974, Section 122.21, Subdivision 1, is amended to read:

122.21 DETACHMENT AND ANNEXATION OF LAND. Subdivision 1. The owner of land which adjoins any ~~common or~~ independent district, and whose land is not in a special district may petition the county board of the county in which the greater part of the area proposed for detachment and annexation lies to detach all or any part of his land together with the intervening lands as defined in subparagraph (b) below, from the district it now is in, and to attach it, together with such intervening land, to the adjoining district. For purpose of this section, land is adjoining a school district if:

(a) The boundary of the area proposed for detachment and annexation is the same as the district boundary to which attachment is sought at any point, including corners, or

(b) The area proposed for detachment and annexation is separated at any point from the district to which annexation is sought by not more than one-half mile and the intervening land is vacant and unoccupied or is owned by one or more of the following: The United States, or the state of Minnesota or any of its political subdivisions, or an owner who is unknown or cannot be found or

(c) The area proposed by a land owner for detachment and annexation is adjoining (as defined in subparagraphs (a) and (b) above) any land proposed for detachment from and annexation to the same district in another pending petition.

Sec. 11. Minnesota Statutes 1974, Section 122.23, is amended to read:

122.23 CONSOLIDATION. Subdivision 1. Common or independent districts or parts thereof, including those constituting parts of an unorganized territory or any combination of the foregoing may consolidate into a single independent district by proceedings taken in accordance with this section. The proposed new district must contain at least 18 sections of land. A proposed new district must be composed of contiguous areas unless an entire district is to be part of a district which maintains a secondary school and there is no district intervening which maintains a secondary school.

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Subd. 2. Upon a resolution of a school board in the area proposed for consolidation or upon receipt of a petition therefor executed by 25 percent of the voters resident in the area proposed for consolidation or by 50 such voters, whichever is lesser, the county ~~superintendent~~ auditor of the county which contains the greatest land area of the proposed new district shall forthwith cause a plat to be prepared. The resolution or petition shall show the approximate area proposed for consolidation. If more than one request for a plat is received by a county ~~superintendent~~ auditor and the requests involve parts of identical districts, he shall forthwith prepare a plat which in his opinion best serves the educational interests of the inhabitants of the districts or areas affected. ~~In counties where the commissioner of education is required to render the services of the county school office, the county auditor shall perform the services specified for the county superintendent in this section in executing the procedures regarding the consolidation of school districts and election of new school boards when necessary.~~ The plat shall show:

(a) Boundaries of the proposed district, as determined by the county ~~superintendent~~ auditor, and present district boundaries,

(b) The location of school buildings in the area proposed as a new district and the location of school buildings in adjoining districts,

(c) Other pertinent information as determined by the county ~~superintendent~~ auditor.

Subd. 2a. ~~In the event the office of county superintendent has been abolished in accordance with Minnesota Statutes, Section 121.35, Subdivision 4, and a request for a plat has been submitted under Minnesota Statutes, Section 122.23, then such person acting as the county superintendent shall be disqualified to act in the matter if the school district of such person is in any way involved in the consolidation proceeding and The county auditor of the county containing the greatest land area of the area proposed to be consolidated shall then perform the duties provided by said section 122.23.~~

Subd. 3. A supporting statement to accompany the plat shall be prepared by the county ~~superintendent~~ auditor. The statement shall contain:

(a) The assessed valuation of property in the proposed district,

(b) If a part of any district is included in the proposed new district, the assessed valuation of the property and the approximate number of pupils residing in the part of the district included shall be shown separately and the assessed valuation of the property and the approximate number of pupils residing in the part of the district not included shall also be shown,

(c) The reasons for the proposed consolidation, "including a state-
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ment that at the time the plat is submitted to the state board of education, no proceedings are pending to dissolve any district involved in the plat unless all of the district to be dissolved and all of each district to which attachment is proposed is included in the plat,"

(d) A statement showing that the jurisdictional fact requirements of subdivision 1 are met by the proposal,

(e) Any other information the county ~~superintendent~~ auditor desires to include,

(f) The signature of the county ~~superintendent~~ auditor .

Subd. 4. The county ~~superintendent~~ auditor shall submit the plat and supporting statement to the commissioner and a true copy of each to the auditor of each county containing any land area of the proposed new district.

Subd. 5. Upon receipt of a plat and the supporting statement, each auditor shall immediately notify his respective county board. After such notification, and during the pendency of proceedings under the plat and supporting statement or for a period of six months, whichever is shorter, no action may be taken by the county board under any other law to modify the boundary of any district if any part of the district is included in an area proposed for consolidation.

Subd. 6. The state board shall, upon receipt of a plat, forthwith examine it and approve, modify or reject it. Prior thereto the state board or a member thereof or the commissioner or assistant commissioner as designated by the state board shall conduct a hearing at the nearest county seat in the area upon reasonable notice to the affected districts and county boards if requested within 20 days after submission of the plat. Such a hearing may be requested by the board of any affected district, a county board of commissioners, or the petition of 20 resident voters living within the area proposed for consolidation. It shall endorse thereon its reasons for its actions and within 60 days of the date of the receipt of the plat, it shall return it to the county ~~superintendent~~ auditor who submitted it. He shall furnish a copy of that plat, and the supporting statement and his endorsement to the auditor of each county containing any land area of the proposed new district. If land area of a particular county was included in the plat, as submitted by the county ~~superintendent~~ auditor , and all of such land area is excluded in the plat as modified and approved, the state board shall also furnish a copy of the modified plat, supporting statement, and his endorsement to the auditor of such county.

Subd. 7. Upon receipt of an approved plat, the county ~~superintendent~~ auditor shall forthwith notify the board of any district, all or part of whose land is included in the proposed new district.

Subd. 8. The board of any independent district maintaining a sec-
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ondary school, the board of any common district maintaining a secondary school, or the board for unorganized territory, all or part of whose land is included in the proposed new district, shall, within 45 days of the approval of the plat by the state board, either adopt or reject the plan as proposed in the approved plat. If the board of any such district or unorganized territory entitled to act on the petition rejects the proposal, the proceedings are terminated and dismissed. If any board fails to act on the plat within the time allowed, the proceedings are terminated.

Subd. 9. If the approved plat contains land area in more than one independent district maintaining a secondary school, or common district maintaining a secondary school, and if each board entitled to act on the plat approves the plat, each such board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the resident freeholders of any such district shall petition the clerk of the district, within 30 days after the publication of such notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote in such district at an election held in the manner provided in subdivisions 11, 12 and 13 of this section.

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the residents of such land area within 60 days of approval of plat by the state board in the following manner:

A petition calling upon the county ~~superintendent~~ auditor to call and conduct an election on the question of adoption or rejection of the plat may be circulated in such land area by any person residing in such areas. Upon the filing of such petition with the county ~~superintendent~~ auditor, executed by at least 25 percent of the resident freeholders in each district or part of a district contained in such land area, the county ~~superintendent~~-auditor shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means and shall be construed to include any person or persons residing on any remaining portion of land, a part of which is included in the consolidation plat. Any freeholder owning land included in such plat who lives upon land adjacent or contiguous to that part of his land included in such plat shall be included and counted in computing the 25 percent of the resident freeholders necessary to sign such petition and shall also be qualified to sign such petition. Failure to file such petition within 60 days of approval of plat by the state board terminates the proceedings.

Subd. 11. Upon an election becoming callable under provisions of subdivision 10, the county ~~superintendent~~ auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the area, one weeks'

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published notice shall be given. The notice shall specify the time, place and purpose of the election.

Subd. 12. The county ~~superintendent-auditor~~ shall determine the date of the election, the number of boundaries of voting precincts, and the location of the polling places where voting shall be conducted, and the hours the polls will be open. He shall provide official ballots which shall be used exclusively and shall be in the following form:

For consolidation

Against consolidation

He shall appoint three election judges for each polling place who shall act as clerks of election. The county may pay these election judges not to exceed \$1 per hour. The ballots and results shall be certified to the county ~~superintendent-auditor~~ who shall canvass and tabulate the total vote cast for and against the proposal.

Subd. 13. If a majority of the votes cast on the question at the election approve the consolidation, and if the necessary approving resolutions of boards entitled to act on the plat have been adopted, the county ~~superintendent auditor~~ shall, within ten days of the election, issue his order setting a date not later than July 1 next following the election for the effective date of the change. He shall mail or deliver a copy of such order to each auditor holding a copy of the plat and to the clerk of each district affected by the order and to the commissioner. If the election fails, the proceedings are terminated and the county ~~superintendent-auditor~~ shall so notify the commissioner and the auditors and the clerk of each school district affected.

Subd. 14. Upon receipt of the order creating a new district, the commissioner shall forthwith, by order, assign an identification number to the new district and shall mail a copy of his order to the county ~~superintendent-auditor~~ and to each auditor who holds a copy of the plat. If all of the territory in one and only one independent district maintaining a secondary school is included in the new independent district created pursuant to consolidation, and if the commissioner finds that it is more practical and reasonable and in the interest of efficiency and economy of operation to so do, he may assign to the new district the same number as previously held by the included independent district.

Subd. 15. If no district is divided by virtue of the proceedings, all of the assets, real and personal, of the districts involved and all legally valid and enforceable claims and contract obligations of the districts pass to the new district. If a district is divided by virtue of the proceedings, upon receipt of the order of the commissioner, the auditor of the county containing the greatest land area of the new district shall present a copy of the plat and supporting statement and orders issued in the proceedings to the county board at its next regular meeting, to-

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gether with such information as is available to him concerning the assets and liabilities not secured by bonds of each district, any part of which is included in the newly created district. Thereafter within 30 days the county board shall issue its order providing for a division of the assets of the districts involved and apportioning and dividing these assets according to such terms as it may deem just and equitable. In making this division of assets and liabilities, the county board may consider the amount of bonded debt to be assumed by property in each area under the provisions of this section. If the order of consolidation transfers any real estate interest to the new district or to another district, the order apportioning assets and liabilities may impose a dollar claim on the district receiving the real estate in favor of any other district involved in an amount not exceeding the reasonable value of the real estate interest involved, which claim shall be paid in the manner provided by law for the enforcement of judgments.

Subd. 16. As of the effective date of the consolidation, all the taxable property in the newly created district is taxable for the payment of any bonded debt theretofore incurred by any component district in the proportion which the assessed valuation of that part of a pre-existing district which is included in the newly created district bears to the assessed valuation of the entire pre-existing district as of the time of the consolidation. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the county board dividing the assets and liabilities of the component parts. This subdivision shall not relieve any property from any tax liability for payment of any bonded obligation but taxable property in the newly created district becomes primarily liable for the payment of bonded debts to the extent of the proportion stated. The board of the newly created district, when constituted as provided in subdivision 17, may provide for an election of that district on the issuance of bonds, and may issue and sell bonds authorized at such an election, or bonds authorized at an election previously held in any pre-existing district wholly included within the newly created district, or bonds for a purpose for which an election is not required by law. Such actions may be taken at any time after the date of the county ~~superintendent's-auditor's~~ order issued under subdivision 13, and before or after the date upon which the consolidation becomes effective for other purposes, and taxes for the payment of any such bonds shall be levied upon all taxable property in the newly created district; except that no bonds shall be delivered to purchasers until 30 days after the date of the county ~~superintendent's-auditor's~~ order. If within this period a notice of appeal from the county ~~superintendent's-auditor's~~ order to the district court is filed in accordance with section 127.25, no bonds shall be delivered by the newly created district to purchasers until and unless the ~~superintendent's-county auditor's~~ order is affirmed by final order of the district court in such special proceeding, and a period of 30 days from the service of such final order expires without an appeal to the supreme court being commenced or, if an appeal is taken, the order is affirmed by the supreme court; except that if all of the territory of one and only one independent district maintaining a secondary

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school is included in the newly created district, and if the assessed valuation of taxable property in such territory comprises 90 percent or more of the assessed valuation of all taxable property in the newly created district, the board may issue, sell, and deliver any bonds voted by the pre-existing independent district and any bonds voted or otherwise authorized by the newly created district, notwithstanding the pendency of any such appeal, and such bonds shall be paid by the levy of taxes upon the property within the territory of the pre-existing independent district and within such other areas, if any, as may be finally determined to be properly included within the newly created district. In any election held in the newly created district as authorized in the preceding sentence, all qualified electors residing within the area of that district as defined in the county ~~superintendent's-auditor's~~ order shall be entitled to vote, but the votes cast by residents of former districts or portions of former districts included in such area, other than the independent district maintaining the secondary school, shall be received and counted separately; and the bonds shall not be issued and sold unless authorized by a majority of the votes cast thereon by electors of the independent district maintaining the secondary school, and also by a majority of the votes cast thereon by electors residing within the entire area of the newly created district.

Subd. 17. If all of the territory of one and only one independent district maintaining a secondary school is included in the new independent district, the board of that previously existing independent district shall assume the duties and responsibilities of the board of the newly organized district for the balance of the term to which the members were elected. At the next annual school election the successors to the members whose terms then expire shall be elected by the legally qualified voters of the newly organized district. Thereafter, board members shall be elected according to the election procedure established for the election of board members in independent districts.

Subd. 18. (a) If no board is provided for under the foregoing provision, upon receipt of the assigned identification number, the county ~~superintendent-auditor~~ shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of electing a board of six members for terms as follows: two until July following the next annual election, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies according to provisions of law governing the election of board members in independent districts.

(b) The county ~~superintendent-auditor~~ shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

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(c) The county may pay the election judges not to exceed \$1 per hour for their services.

(d) Any person desiring to be a candidate for a school election shall file an application with the county ~~superintendent~~ auditor to have his name placed on the ballot for such office, specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(e) The county ~~superintendent~~ auditor shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The county ~~superintendent~~ auditor shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county ~~superintendent~~ auditor for tabulation and canvass.

(f) Upon canvass and tabulation by the county ~~superintendent~~ auditor he shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office with the county auditor within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill vacancy has been taken.

(g) The board of each district included in the new enlarged district shall continue to maintain school therein until July 1 next following, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to maintain properly the schools for the period they may be in session prior to said first day of July.

(h) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year and to enter into the necessary contracts for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes and when authorized by the voters to issue bonds under the provisions of chapter 475; and on said July 1 to assume the full duties of the care, management and control of the new enlarged district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas, as will afford equitable and efficient school administration and assure the

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convenience and welfare of the pupils residing in the enlarged district.

Subd. 19. In case of the consolidation of two or more districts or parts of districts into a larger district, any portions or parts of divided districts which have less than four sections of land shall be attached to one or more adjoining districts by the board of county commissioners upon due notice and hearing.

The county auditor shall give ten days' posted notice of the hearing in the area to be attached and shall deliver a copy of the notice of hearing to the clerk of each district adjoining the area at least 30 days prior to the date set for the hearing. If any adjoining district by resolution of its board, a copy of which is served on the county board before the hearing, demands that area to be attached assume a proportionate share of the bonded debt of the demanding district, then if the order of the county board attaches any land area to such district, the taxable property in such area assumes its proportionate share of the authorized and outstanding bonded debt of the district to which it is attached.

Sec. 12. Minnesota Statutes 1974, Section 122.26, Subdivision 16, is amended to read:

Subd. 16. The board of an independent district located wholly or partly within a city of the first class may not levy taxes on real and personal property for school purposes in any year at a mill rate to exceed the mill rate of such district or any predecessor district or on behalf of the district for the preceding year, except as authorized by this section. When such independent district results from the conversion of a special district, the amount of taxes from which the first mill rate of the new district is calculated shall include the estimated or agreed cost of all services which may have previously been furnished by the municipality without cost to the school district. The levy under this limitation shall not include levy for pensions, employee benefits, and debt service which shall continue to be levied separately as now provided by law. Nothing herein shall authorize a levy in excess of the limitation contained in Minnesota Statutes, Section ~~275.12~~275.125.

Sec. 13. Minnesota Statutes 1974, Section 122.26, Subdivision 19, is amended to read:

Subd. 19. Not less than ten days nor more than 30 days after this special meeting, the board may establish a new limitation not in excess of that contained in the notice of hearing on the maximum tax levy that can be imposed, expressed in dollars per resident pupil unit as used in section 124.17. This new limitation shall not exceed the higher of the limitations calculated as provided in Minnesota Statutes, Section ~~275.12~~275.125. This new limitation shall take effect 60 days after the date of said resolution unless the people take action to reject the limitation in the manner provided in subdivision 20.

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Sec. 14. Minnesota Statutes 1974, Section 122.32, Subdivision 1, is amended to read:

122.32 REMAINING DISTRICTS, ACTION OF COUNTY BOARD; ELECTION. Subdivision 1. If there be any organized school district ~~on or after July 1, 1966~~, not maintaining a classified school within the district, except those districts which have a contract with the state college board, ~~a special school district~~, or with the board of regents of the university of Minnesota for the education of all the children of the district, such district shall hereby be dissolved as ~~hereinafter provided of the date the district ceases to maintain a classified school~~. Any such district not maintaining a classified school shall forthwith ~~after July 1, 1966~~, be attached by order of the county board to such district maintaining classified elementary or secondary schools upon notice and hearing as provided in ~~Minnesota Statutes 1961~~, section 122.22 ; for the attachment of dissolved districts.

Sec. 15. Minnesota Statutes 1974, Section 122.355, Subdivision 1, is amended to read:

122.355 BORDER DISTRICTS; CONTINUED OPERATION. Subdivision 1. The common school districts situated along the border of the state of Minnesota and the state of Wisconsin which have, for the preceding 25 years, prior to the effective date of this act been educating pupils of their district in school districts in Wisconsin may continue to operate as common school districts ~~after July 1, 1966~~, notwithstanding that any of such school districts do not maintain classified schools. Such school districts are not subject to the terms and provisions of sections ~~122.31~~ 122.32 to 122.52.

Sec. 16. Minnesota Statutes 1974, Section 122.41, is amended to read:

122.41 POLICY. It is hereby declared to be the policy of the state to encourage the ~~reorganization~~ organization of school districts into such local units of administration as will afford better educational opportunities for all pupils, make possible a more economical and efficient operation of the schools and insure a more equitable distribution of public school revenue. To this end all area of the state ~~except Fort Snelling~~ shall ~~after July 1, 1971~~, be included in an independent or special school district maintaining classified elementary and secondary schools, grades one through twelve.

Sec. 17. Minnesota Statutes 1974, Section 122.43, is amended to read:

122.43 DISSOLUTION OF DISTRICTS NOT A PART OF INDEPENDENT DISTRICTS. Subdivision 1. If there be any organized school district ~~or an unorganized territory on July 1, 1970~~, not a part of an independent school district maintaining classified elementary and secondary schools, grades one through twelve, such district shall hereby

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be dissolved.

Subd. 2. The board of each district so dissolved ~~or the county board of education for any unorganized territory~~ shall continue to maintain school therein until all territory thereof has been attached to a proper district not later than July 1, ~~1971~~; ~~as hereinafter provided~~; but such boards shall have power and authority only to make such contracts and to do such things as are necessary to maintain properly the schools for the period they may be in session prior to the attachment.

Sec. 18. Minnesota Statutes 1974, Section 122.44, Subdivision 1, is amended to read:

122.44 ATTACHMENT TO ORGANIZED DISTRICTS; PROCEDURE. Subdivision 1. All territory of school districts dissolved by sections 122.41 to 122.52 and all area of the state not in a district maintaining classified elementary and secondary schools ; ~~including the area of any and all unorganized territory~~; shall ; ~~prior to July 1, 1971~~; be attached by order of the county board to organized districts maintaining classified elementary and secondary schools, grades one through twelve upon notice and hearing , as provided in ~~this~~ section 122.22 for the attachment of dissolved districts .

Sec. 19. Minnesota Statutes 1974, Section 122.45, Subdivision 1, is amended to read:

122.45 DISTRIBUTION AND DIVISION OF ASSETS AND LIABILITIES; TAXATION. Subdivision 1. Title to all the property, real and personal, of any district dissolved under the provisions of sections 122.41 to 122.52 ~~and of any unorganized territory~~; and all legally valid and enforceable claims and contract obligations, pass to the district to which such dissolved district ~~or unorganized territory~~ is attached. If a district ~~or unorganized territory~~ is divided by virtue of the proceedings, the county board shall issue its subsequent order providing for the division of the assets and liabilities according to such terms as it may deem just and equitable.

Sec. 20. Minnesota Statutes 1974, Section 122.51, is amended to read:

122.51 APPEAL. The appeal provisions of Minnesota Statutes, section 127.25 ; shall be applicable only after the county board has issued its final order of attachment under section ~~122.44, subdivision 5~~; ~~or to a final order of the commissioner as he makes the final order of attachment~~ 122.22 .

Sec. 21. Minnesota Statutes 1974, Section 123.015, is amended to read:

123.015 ELECTIONS; CORRUPT PRACTICES. The provisions of Changes or additions indicated by underline deletions by strikeout

sections 211.03 and 211.08 and all acts amendatory thereof shall apply to any elections of a ~~common~~ school district, ~~an independent school district, a special school district~~ however organized, or a school election held in unorganized territory.

Sec. 22. Minnesota Statutes 1974, Section 123.21, is amended to read:

123.21 **LIMITATION OF SECTIONS.** Material contained in sections 123.11 through 123.20; ~~unless expressly stated otherwise,~~ relates only to common school districts numbers 323 and 815.

Sec. 23. Minnesota Statutes 1974, Section 123.32, Subdivision 25, is amended to read:

Subd. 25. (a) Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote, by proceeding as follows:

He shall file with the clerk of the district court of the county in which the administrative office of the school district is located, within ten days after the canvass is completed, a written notice of contest specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period as follows:

(1) If the contest be upon the election of any person, then upon the person whose election he is contesting and the official authorized to issue the certificate of election;

(2) If the contest be upon the question of consolidation or reorganization, then upon the county ~~superintendent~~ auditor authorized by law to issue the order;

(3) If the contest be upon any other question, by serving a copy upon the clerk of the district.

When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant notice thereof specifying such additional points. Such notices shall be treated as the pleadings in the case and may be amended in the discretion of the court in such manner and within such times as the court may by order direct. Thereafter the matter shall be tried and determined by the court at a time set by the court within 30 days after such canvass. So far as consistent with this section, the Rules of Civil Procedure shall apply.

(b) When an appeal is taken to the supreme court from the determination of the district court in any contest instituted under this code, the party appealing shall file in the district court a bond in such sum, not less than \$500, and with such sureties, as shall be approved by the

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judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by the court.

Sec. 24. Minnesota Statutes 1974, Section 123.33, Subdivision 12, is amended to read:

Subd. 12. The clerk, treasurer, and superintendent of any district shall receive such compensation as may be fixed by the board. Unless otherwise provided by law, the other members of the board shall also receive such compensation as may be fixed by the board. All members of the board may receive reimbursement for transportation at the rate provided for in section 43.328.

~~The chairman, clerk, and treasurer of a district reclassified from a county district shall receive such additional compensation as may be fixed by the board of education.~~

~~In addition to their salaries, the members of boards in districts reclassified from county districts shall be paid their actual expense and necessary travel expenses incurred and paid by each of them in the conduct of their official duties, including the visitation of schools. Such expenses should be paid upon the presentation of duly itemized statements, approved by the board, and which shall be made a part of the official records of the board.~~

Sec. 25. Minnesota Statutes 1974, Section 123.34, Subdivision 9, is amended to read:

Subd. 9. All districts maintaining a classified secondary school shall employ a superintendent who shall be ex officio a member of the school board but not entitled to vote therein. The superintendent in such districts shall visit the schools of the district, and exercise a general supervision over them, and report their condition to the board, with proper recommendations, when he deems it advisable, or when requested by the board. He shall make recommendations to the board concerning the employment and dismissal of teachers. He shall superintend the grading of the schools and examinations for promotions and perform such other duties as the board shall prescribe. He shall make ; either directly to the commissioner ; ~~or through the county superintendent,~~ such reports as shall be required.

Sec. 26. Minnesota Statutes 1974, Section 123.65, is amended to read:

123.65 **DISCONTINUANCE OF SCHOOLS.** The board of any district in any emergency or upon authorization by a majority of the vot-

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ers 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 department of education 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. 27. Minnesota Statutes 1974, Section 123.78, Subdivision 1, is amended to read:

123.78 EQUAL TREATMENT. Subdivision 1. The school board of any district which is now or hereafter eligible to receive state aid for transportation under chapters 123 and 124, shall provide equal transportation within the district for all school children to any school when transportation is deemed necessary by any board by reason of distance or traffic condition in like manner and form as provided in sections 123.16, subdivisions 3 and 4; 123.18; 123.37, subdivisions 3 and 4; 123.39; ~~124.22;~~ and ~~124.51, subdivision 5-~~124.223, when applicable.

Sec. 28. Minnesota Statutes 1974, Section 124.03, Subdivision 1, is amended to read:

124.03 AGRICULTURAL LAND TAX DIFFERENTIAL RATIO. Subdivision 1. The rate of taxation for school maintenance purposes in districts maintaining a graded elementary or secondary school ~~and for the unorganized territory of counties~~ is limited as follows:

(a) ~~In counties containing 20 or more common districts the rate on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, shall not exceed by more than ten percent the average rate for school maintenance purposes on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, in districts not maintaining graded elementary or secondary schools in the same county.~~

(b) ~~In counties containing less than 20 common districts the rate on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, shall not exceed one-half the rate for school maintenance purposes on non-agricultural lands in the same district or unorganized territory.~~

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(e) in independent districts organized under the reorganization or consolidation statutes or containing at least 18 sections of land, the rate on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, and upon personal property having a taxable situs on farms, shall not exceed one-half the rate for school maintenance on other taxable property in the same district.

(d) In independent districts organized under the consolidation or reorganization statutes or which contain at least 18 sections of land, and which district contains a statutory city located entirely within the boundaries of the district, and if the assessed valuation of the statutory city does not exceed ten percent of the total assessed valuation of the property within the district, the rate on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, in the district shall not exceed the average rate for school maintenance on agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, in common districts of the county in which the district is located by more than 100 percent.

Sec. 29. Minnesota Statutes 1974, Section 124.15, Subdivision 2, is amended to read:

Subd. 2. Whenever the board of the district authorizes or permits within the district violations of law by

(1) employment in a public school of the district of a teacher who does not hold a valid teaching certificate or permit, special state aid for this violation shall be withheld in accordance with section 124.19, subdivision 2-3.

(2) noncompliance with a mandatory rule or regulation of general application promulgated by the state board in accordance with statute in the absence of special circumstances making enforcement thereof inequitable, contrary to the best interest of, or imposing an extraordinary hardship on, the district affected, or

(3) continued performance by the district of a contract made for the rental of rooms for school purposes, or for the free transportation of children to and from school or for the rental of any facility owned or operated by or under the direction of any private organization, which contract has been disapproved where time for review of the determination of disapproval has expired and no proceeding for review is pending, or

(4) any practice which is a violation of section 2 of article 13 of the Constitution of the state of Minnesota, or

(5) failure to provide reasonably for the school attendance to

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which a resident pupil is entitled under Minnesota Statutes,

the special state aid to which a district is otherwise entitled for any school year shall be reduced in the amount and upon the procedure provided in this section.

Sec. 30. Minnesota Statutes 1974, Section 124.41, Subdivision 1, is amended to read:

124.41 SCHOOL LOAN COMMITTEE. Subdivision 1. The members of the equalization aid review committee defined in section ~~124.211, subdivision 3~~-124.212, subdivision 10, are hereby constituted a school loan committee, with the commissioner of administration as chairman, the commissioner of revenue as vice chairman, and the commissioner of education as secretary, for receiving and considering applications for and granting or denying loans under Extra Session Laws 1959, Chapter 27.

Sec. 31. Minnesota Statutes 1974, Section 125.03, Subdivision 1, is amended to read:

125.03 TEACHERS, DEFINITION, CERTIFICATION. Subdivision 1. The term "teachers" for the purpose of certification, means and includes any and all persons employed in a public school as members of the instructional and supervisory staff such as superintendents, principals, supervisors, classroom teachers, and librarians and the county superintendents of schools.

Sec. 32. Minnesota Statutes 1974, Section 125.11, is amended to read:

125.11 RECORDING OF CERTIFICATES; DISTRICT SUPERINTENDENT. No person shall be accounted a qualified teacher until such person has filed for record with the ~~county or local district~~ superintendent of schools where such person intends to teach a certificate, or certified copy thereof, authorizing such person to teach school in such ~~county or local district~~ school system.

Sec. 33. Minnesota Statutes 1974, Section 125.15, is amended to read:

125.15 KEEPING OF REGISTERS. Each teacher shall keep a register, furnished by the clerk, showing the daily attendance of each pupil, and such other matters as may be required in such register. He shall also keep such record of department and scholarship as may be required by the board. The register shall show the names and ages of all pupils, the names and number of days' attendance of all pupils between the ages of five and eight years, between eight and fifteen years, and between fifteen and twenty-one years, and the names of all paying tuition. ~~In districts maintaining ungraded elementary schools only~~ The teacher shall return such register, properly kept, to the clerk within ten

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days after the close of the school year.

Sec. 34. Minnesota Statutes 1974, Section 125.16, is amended to read:

125.16 TEACHERS' REPORTS. Each teacher in districts maintaining ungraded elementary schools only, and each superintendent of districts maintaining graded elementary or secondary schools, shall, within ten days after the close of the school term, make his report to the county superintendent upon blanks furnished by the superintendent, giving such information as may be called for in the blank, checking with a cross (X) the names of all pupils who are not eligible for apportionment. The superintendent shall receipt for such reports. No order shall be issued for the payment of the wages of any teacher while he is in default in making such reports or in returning his register. In districts in more than one county a report shall be made according to rules established by the state board. The teachers, principals, and superintendents in districts maintaining graded elementary or secondary schools shall make such reports as may be required by law or the rules of the state or local board under like penalty.

Sec. 35. Minnesota Statutes 1974, Section 127.16, is amended to read:

127.16 DUTY OF OFFICERS TO REPORT VIOLATIONS OF LAW. Every officer to whom reports are required by law to be made and for the failure to make which a penalty or fine or forfeiture is provided, shall give immediate written notice of such failure to the delinquent and to the proper county attorney. Such county attorney shall thereupon institute proper proceedings to collect such penalty, fine, or forfeiture. Upon complaint of the ~~county~~-district superintendent, or when it comes to his knowledge that any school officer has violated any provision of law for which violation a penalty, fine or forfeiture is provided, such attorney shall institute like proceedings.

Sec. 36. Minnesota Statutes 1974, Section 127.19, is amended to read:

127.19 OFFICERS, TEACHERS; NEGLECT OF DUTY; PENALTY. Any school officer, truant officer, teacher of a public or private school, graded elementary school principal, ~~or~~ district superintendent ~~or county superintendent of schools~~ refusing, wilfully failing, or neglecting to perform any duty imposed upon him by the provisions of law relating to the compulsory attendance in school of children of school age shall be guilty of a misdemeanor; and, upon conviction thereof, punished for each offense by a fine of not to exceed \$10 or by imprisonment in the county jail for not to exceed ten days. All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

Sec. 37. Minnesota Statutes 1974, Section 127.25, is amended to

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read:

127.25 **APPEALS.** Subdivision 1. Any district or any person aggrieved by final order of the county board or final order of the commissioner, or final order of the county ~~superintendent-auditor~~, made pursuant to the provisions of this code, may appeal from such final order to the district court upon the following grounds:

(1) That the county board, the commissioner, or the county ~~superintendent-auditor~~ had no jurisdiction to act;

(2) That the county board, the commissioner, or the county ~~superintendent-auditor~~ exceeded its jurisdiction;

(3) That the action appealed from is arbitrary, fraudulent, capricious or oppressive or in unreasonable disregard of the best interest of the territory affected;

(4) That the order of action appealed from is based upon an erroneous theory of law.

An appeal from a final order of a county board or the county auditor shall be taken by serving a notice of appeal upon the county auditor. An appeal from a final order of the commissioner shall be taken by serving a notice of appeal upon the commissioner. ~~An appeal from a final order of the county superintendent shall be taken by serving a notice of appeal on the county superintendent.~~ An appeal from a final order of a county board or a county ~~superintendent-auditor~~ shall be taken to the district court in the county of the board or ~~superintendent-auditor~~. An appeal from a final order of the commissioner shall be taken to the district court for Ramsey county. Notice of appeal must be served within 30 days of the issuance of the order appealed from and shall be accompanied by a corporate surety bond in the amount of \$250, conditioned for the payment of all costs taxed against appellant on such appeal. The notice of appeal shall be filed with the clerk of the district court and noticed for hearing in the manner provided for the trial of civil actions by Minnesota rules of civil procedure.

Any order of the commissioner or the state board rejecting a consolidation plat shall be deemed a final order for the purposes of this section. In an appeal from an order of a county ~~superintendent-auditor~~ effecting a consolidation the action of the commissioner or the state board approving the plat is reviewable and the commissioner may be called by either party as a witness in such appeal proceedings and may be examined under the rules of civil procedure relating to the cross-examination of adverse parties.

Subd. 2. Any school district or any person affected by final order of the county board or final order of the commissioner or final order of the county ~~superintendent auditor~~ shall be permitted to intervene in appeals under this section as a party respondent.

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Subd. 3. An appeal lies from the district court to the supreme court in accordance with the provisions of Minnesota Statutes, Chapter 605.

Sec. 38. Minnesota Statutes 1974, Chapter 128, is amended by adding a section to read:

[128.069] LIMITATION OF SECTIONS. Material contained in sections 128.01 to 128.06 relates only to school districts numbers 166 and 381.

Sec. 39. Minnesota Statutes 1974, Section 136.036, Subdivision 2, is amended to read:

Subd. 2. **PROVIDE FOR SUPERINTENDENTS AND TEACHERS.** The state college board is granted authority to provide in-service education, on or off-campus, for county-district superintendents and teachers in rural or city schools.

Sec. 40. Minnesota Statutes 1974, Section 275.124, is amended to read:

275.124 REPORT OF CERTIFIED LEVY. Prior to March 1 of each year, each county auditor shall report to the commissioner of education on forms furnished by the commissioner, the amount of the certified levy made by each school district within the county maintaining one or more classified secondary schools which has taxable property. The reports shall also contain the amount payable to each district pursuant to sections 273.13, subdivision 15, 273.60, 207A.55 and 207A.57-section 124.03.

Sec. 41. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall delete the term "unorganized territory" from Minnesota Statutes, Chapters 120 to 129, and shall make all necessary changes in terminology to remove all reference to unorganized territory or the board of an unorganized territory in Minnesota Statutes, Chapters 120 to 129.

Sec. 42. **REPEALER.** Minnesota Statutes 1974, Sections 120.02, Subdivisions 7, 10 and 17; 121.11, Subdivision 10; 121.35, Subdivisions 1, 2, 3 and 4; 121.355; 121.36; 121.37; 121.38; 121.39; 121.40; 121.41; 121.42; 121.43; 121.44; 121.45; 121.46; 121.47; 122.11; 122.22, Subdivisions 17 and 19; 122.31; 122.33; 122.35; 122.44, Subdivisions 2, 3, 4 and 5; 122.49; 123.33, Subdivisions 9 and 13; 123.56; 125.03, Subdivisions 2 and 3; 127.14; 127.18; 471.741; Laws 1945, Chapter 579; Laws 1949, Chapter 375; Laws 1951, Chapter 236; Laws 1953, Chapter 249; Laws 1955, Chapter 698; Laws 1957, Chapter 469; Laws 1959, Chapters 13 and 533; Laws 1961, Chapters 284 and 591; Laws 1963, Chapters 465, 607, 711, and 847; Laws 1965, Chapters 725, 747, and 857; Laws 1967, Chapters 594 and 658; Laws 1971, Chapter 767 are repealed.

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Approved May 17, 1975.

CHAPTER 163—S.F.No.413

An act relating to natural resources; authorizing acquisition of perpetual conservation restrictions by the commissioner of natural resources and certain nonprofit corporations; amending Minnesota Statutes 1974, Sections 84.64, Subdivision 1; and 84.65, Subdivisions 1 and 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 84.64, Subdivision 1, is amended to read:

84.64 NATURAL RESOURCES; PERPETUAL CONSERVATION RESTRICTIONS. Subdivision 1. A conservation restriction for a definite period or in perpetuity may be acquired by:

(a) The commissioner of natural resources, in the name of the state, may acquire by gift, purchase or exchange, conservation restrictions with funds specifically made available for that purpose ; or

(b) A nonprofit charitable corporation whose purposes include conservation of land or water areas .

Sec. 2. Minnesota Statutes 1974, Section 84.65, Subdivision 1, is amended to read:

84.65 CONSERVATION RESTRICTIONS; EFFECT OF RECORDING; RELEASE OF RESTRICTIONS; ENFORCEMENT. Subdivision 1. No conservation restriction as defined in section 84.64 held by the commissioner of natural resources or a nonprofit charitable corporation shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land. Nonprofit charitable corporations acquiring such conservation restrictions shall file a notice of each such acquisition with the department of natural resources within 90 days. All restrictions shall be duly recorded and indexed in the office of the register of deeds or the registrar of titles for the county where the land lies so as to affect its title, in the manner of other conveyances of interests in land, and shall describe the land subject to the restrictions by adequate legal description or by reference to a recorded plat showing its boundaries.

Sec. 3. Minnesota Statutes 1974, Section 84.65, Subdivision 3, is amended to read:

Subd. 3. The restriction may be ~~released, in whole or in part, by the holder for consideration, if any, as the holder may determine, in~~ Changes or additions indicated by underline deletions by ~~strikeout~~