

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 18, 1921.

CHAPTER 328—H. F. No. 706.

An act creating county boards of education for unorganized territory within the State, defining their scope and powers, authorizing the levy of taxes and issuance of bonds, repealing inconsistent laws and laws expressly mentioned.

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

Section 1. **County board of education for unorganized territory created.**—The power of providing for the education of children of school age residing in any unorganized territory within the state of Minnesota shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated.

Sec. 2. **Members.**—The chairman of the board of county commissioners, the county superintendent of schools, and the county treasurer shall, ex-officio, compose the county board of education for unorganized territory in each county within the state.

Sec. 3. **Officers—Clerical help.**—The chairman of the county board of commissioners shall be the chairman of the county board of education; the county treasurer shall be treasurer of said board; the county superintendent of schools shall be the clerk of said board of education. The county board of education may also employ such clerical and stenographic and supervisory help as may be needed who shall perform such other services as the board may direct.

Sec. 4. **Compensation and expense.**—For their services performed under the provisions of this act, the chairman of said board of education shall be paid three dollars (\$3.00) per day for the time actually employed by him as such chairman and ten cents (10c) per mile for distance actually traveled by him in performance of his said duties not exceeding the total sum of four hundred dollars (\$400.) in any one year for such mileage and per diem; the treasurer of said board shall be paid one per cent (1%) and the clerk one per cent (1%) of the cash disbursements for the year, but only after all reports required by law have been made in conformity thereto; provided, that this section shall not apply to counties having a population of more than 225,000.

Sec. 5. **Meetings.**—The county board of education for unorganized territory shall meet once each month at the county seat at a time to be fixed by the board, for the purpose of

transacting the business of said board, consider petitions, reports from teachers, audit and pay bills, etc. The board may also hold special meetings as may be deemed necessary.

Sec. 6. Duties of clerk.—It shall be the duty of the county superintendent as clerk of the county board of education to make reports similar to those made by the clerk of organized districts.

Annually on the first Tuesday after the first Monday in August, the Clerk of such board shall make a full and accurate statement of the receipts and disbursements of such board for the preceding school year, which shall contain a full and correct description of each item, from whom and on what account received, to whom paid and on what account expended, together with an accurate statement of the finances of said county board of education at the end of such year, including all debts and liabilities and the assets to discharge the same, and within thirty days thereafter the said county board of education shall cause the same to be published once in a legal newspaper published in the county, which paper, in counties having over one hundred thousand population, shall be a daily paper.

Sec. 7. Tax levy.—The said board of education shall, annually, on the third Saturday of July, make a levy on all property situated in unorganized territory of the county for the purpose of providing schools, teachers, transportation of pupils, board of pupils, textbooks, apparatus, school supplies, etc., for the education of children residing within such territory. This tax levy shall be known as the special unorganized school levy and it shall be so spread on the tax lists by the county auditor.

Sec. 8. Shall furnish school facilities.—It shall be the duty of the said board to furnish school facilities to every child of school age residing in any part of said unorganized territory, either by building school houses, leasing school room, transporting said children to the nearest school, boarding said children within convenient distance from a school at the expense of said board, or otherwise, and to provide necessary supplies, text and library books.

Sec. 9. Powers and duties same as independent school districts.—When not otherwise provided in this act the powers and duties of said board of education of unorganized territory shall be the same as those of school boards and annual meetings of independent school districts.

Sec. 10. Organization of school districts.—When, in the opinion of the said board, it shall appear that any territory enjoying the privileges of unorganized territory should be organized into a common or an independent school district, the said board shall notify the county board, which shall cause notice of hearing thereon to be given and otherwise proceed as provided

by law for organization of common or independent school districts..

Sec. 11. New counties — Procedure — Apportionment.—Whenever a new county or counties have been or may hereafter be created and organized out of territory embraced within the boundaries of one or more organized counties and in which there is unorganized school territory, acting under the provisions of this act and lying partly within the old and new counties, or wholly within the new county, the county boards of education of the old and new counties shall meet upon the written request of the county superintendent of either county at such time and place as shall be designated in said request, which said request shall be served upon each member of each county board of education of the counties affected at least five days before the time of such meeting and make a division of all the moneys, funds, and credits belonging to such unorganized school territory as the same existed prior to the division of the county or counties, and in making such division, the said board shall take into consideration the indebtedness of said unorganized school territory and shall make such division as they deem just and equitable, and all such moneys, funds, credits, and property shall be divided and apportioned to the respective unorganized territory in the old and in the new county in proportion to assessed valuation of taxable property in such unorganized territory, respectively, in such old and new county, at the last assessment thereof.

Sec. 12. Failure to apportion—Procedure.—In cases provided by section 11 and in case the county boards of education of the old and new counties shall fail to meet pursuant to the notice provided in section 11 of this act, the county superintendents of the old and new county or counties and the state superintendent of public instruction, or his deputy, shall constitute a board of apportionment, and upon the written application of the county board of education of either county affected shall make a division of all the moneys, funds, credits and property as provided in section 11 of this act, which apportionment shall be in writing and verified by the state superintendent of public instruction, or such deputy, and by at least one of the county superintendents of the counties affected, and filed in the office of the secretary of state, and shall be final and conclusive. Within five days after the filing of said apportionment the secretary of state if apportionment is made as provided in this section, or the superintendent of schools of each county if such apportionment is made as provided by section 11 of this act, shall transmit to the treasurers of the counties affected by said apportionment a certified copy of such apportionment and application, if any.

Sec. 13. County boards of education to carry out terms of agreement.—The county boards of education and the county of-

ficials of the old and new counties shall forthwith after such division and apportionment proceed to fulfill and carry out the terms thereof, determined or herein provided.

Sec. 14. Districts may be dissolved—Petition.—Any common or independent school district in any county may be dissolved, annulled and discontinued by the county board of commissioners and its schools shall be cared for in accordance with the laws governing unorganized territory. A petition requesting the taking of such action shall be presented to said county board of commissioners and shall contain a correct description of the territory included in said district, the number of persons residing therein, the total assessed valuation of all property within said district, and request that such district be dissolved, annulled and discontinued. Such petition shall be signed by a majority of the freeholders qualified to vote for school officers in said district and before being presented to the county board it shall be approved by the county superintendent of schools if such petition meets with his approval.

Sec. 15. Notices—Hearing.—Upon the presentation of such petition approved as aforesaid, the county board shall designate a time for hearing the same and notice thereof shall be given in the manner provided by law for notice in the case of the formation of the school district.

Sec. 16. Hearing—Procedure—Appeal.—At such hearing the board shall act in a manner similar to the action provided by law for the formation of districts, and any person aggrieved may appeal in like manner.

Sec. 17. Old districts dissolved—Disposition of property.—If said petition is granted by the county board, then said school district shall from that time cease to exist and all of the territory thereof and the schools previously conducted by it shall then come under the jurisdiction of the county board of education of said county, and shall thereafter be managed by said county board of education in the same manner as if said district had never been organized. And it shall be the duty of the officers of said vacated school district to forthwith deliver to the county auditor of said county all of the books and records of said school district, and to the county treasurer all of the money and school funds in its possession, and said county treasurer shall forthwith credit all such moneys and school funds to the account of the county board of education of such county. The county treasurer shall hereafter credit to the account of said county board of education all moneys and school funds thereafter collected from any previous tax levy made by said school district, except such moneys and school funds as are derived from taxes levied for the purpose of paying the bonds or interest on the bonds of any such school district.

Sec. 18. Debts and obligations to remain charge on territory.—All incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property formerly within said district to the same effect as if said district had not been discontinued, and the county auditor shall each year levy against all of the taxable property within the limits of said former school district a sufficient levy, not to exceed the maximum provided by law, for the cancellation and liquidation of such outstanding indebtedness, such levy to be made year after year until said entire indebtedness is cancelled and extinguished. And the amount levied by the county board of education upon all taxable property in unorganized territory shall be levied upon the property within the limits of said former school district in addition to the amount so levied by said auditor and in the same proportion that it is levied upon the taxable property in said county outside of organized school districts.

Sec. 19. Bonds may be sold—Interest rate.—The board of education of any unorganized territory in the state is hereby authorized and fully empowered by unanimous vote of such board to issue and sell bonds of such unorganized territory for the purpose of providing school sites and school buildings, for paying any judgment lawfully rendered against them or for refunding outstanding bonds or floating indebtedness, in such amounts and at such periods as the board may decide; said bonds to be payable in such amounts and at such times, not exceeding twenty years, as the board may determine, with interest thereon not to exceed six per cent (6%) per annum, which bonds shall be signed by the chairman and the treasurer of said board and countersigned by the clerk thereof; provided that the total bonded indebtedness of such unorganized territory shall at no time exceed seven and one-half per cent (7½%) of its assessed valuation. Any bonds issued hereunder shall be sold conformably to the provisions of Section 1856 General Statutes 1913.

Sec. 20. Tax levy for bonds and interest.—Every county board of education for unorganized territory issuing bonds under the authority of this act is hereby required annually to levy taxes upon all the taxable property in such unorganized territory sufficient to pay the interest on such bonds and to provide a sinking fund for the payment of the principal of such bonds at maturity.

Sec. 21. Laws repealed.—All laws and parts of laws inconsistent with the provisions of this act are hereby repealed. The following laws and parts of laws are hereby expressly repealed, to-wit: Chapter 76, Laws 1907, Chapter 309, Laws 1909, Chapter 500 Laws 1909, Chapter 103 Laws 1911, Chapter 82 Laws 1913, Chapter 255, Laws 1919, Chapter 314, Laws 1919, Sections 2776 to 2794, inclusive, General Statutes, 1913.

Sec. 22. Application.—This act shall not apply to any coun-

ty or counties not having a county board of education as provided in this act.

Sec. 23. This act shall take effect and be in force from and after its passage.

Approved April 18, 1921.

CHAPTER 329—H. F. No. 939.

An act to provide an additional judge for the district court of the fourth judicial district of the State of Minnesota, and to provide for the appointment of a deputy clerk for any county in said district.

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

Section 1. **Additional judge in fourth judicial district.**—A judge of the district court of the fourth judicial district of the State of Minnesota, in addition to the present judges of said Court, is hereby authorized and the office of such additional judge is hereby created.

Sec. 2. **Election.**—An incumbent of the office hereby created shall be elected at the general election to be held next after the passage of this act. The person so to be elected shall have and possess the qualifications prescribed by law for the other judges of said court. He shall take office on the first Monday in January, 1923, and shall serve for a term of six years. His successor shall be elected as shall then be provided by law for the elections of judges of said court.

Sec. 3. **Same power and duties as other judges.**—The incumbent of the office hereby created shall have and exercise all the rights, powers and privileges, and shall be subject to the same duties and obligations as are by law granted to or imposed on the other judges of said court. He shall receive the same compensation as such other judges, to be paid in the same manner and at the same time as the other judges of said Court.

Sec. 4. **Appointment by governor—Vacancies.**—Within ten days after the passage of this act, the governor of the State of Minnesota shall appoint a suitable and legally qualified person to hold the office of judge of the district court of the fourth judicial district, hereby created, beginning September 1, 1921 and continuing until the election and taking of office by an incumbent thereof under the provisions of section "2" on this act. Any vacancy in the office hereby created shall be filled in like manner as shall be provided by law for the filling of vacancies in the office of other judges of the district court of said district. Upon the appointment of such judge, the Clerk of the District Court of any County in said District may appoint an additional deputy clerk, whose salary shall not exceed \$1600 per annum.