

other public ways *shown thereon*, which approval shall be endorsed *thereon* and signed by the chairman and secretary of such commission.

*Subd. 2. The county board may adopt regulations concerning the width of streets and establishment of public parking places with which plats must conform before approval.*

Approved April 25, 1949.

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CHAPTER 666—S. F. No. 675

[Coded as Sections 122.40, 122.41, 122.43, 122.45, 122.47, 122.48, 122.51, 122.52, 122.53, 122.55, 122.56, 122.57.]

*An act relating to the survey for reorganization of school districts; amending Laws 1947, Chapter 421, Sections 1, 2, 4, 6, 8, 9, 12, 13, and 14, and adding three new sections, numbered 16, 17 and 18.*

WHEREAS, because of population trends and educational demands it becomes necessary to give consideration to the establishment of sound educational units, and

WHEREAS, because of universal demand for high school training, necessitating larger facilities and teaching staffs, which in many instances is beyond the financial means of many small high school districts, and

WHEREAS, many rural school districts find new buildings necessary and attendance so low that the continuance of such districts is not feasible, and

WHEREAS, by the process of reorganization high school districts may be shaped into sound economic units, making available to all communities a good high school education, and

WHEREAS, we permit and encourage attendance units especially in lower grades in rural areas within reasonable distance of rural children,

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1947, Chapter 421, Section 1, is amended to add a new subdivision, to read as follows:

[122.40] **Definitions.** *Subd. 6. "Reorganization" means the merger, consolidation or union of two or more school districts or the change of boundaries of any school district or school districts.*

Sec. 2. Laws 1947, Chapter 421, Section 2, is amended to read:

[122.41] **Sec. 2. Membership, term.** A school survey committee of nine members may be created in any county of the state, the members of such committee to be selected within the time and in the manner hereinafter set forth. The members of the committee shall be voters of the county. Members of the committees *and the committees elected hereafter* shall hold their office for a term beginning on the date of their election and expiring *July 1, 1953*.

In case of any vacancy on the committee, the remaining members shall select some qualified person to fill the vacancy *until the next county meeting of school boards*.

Sec. 3. Laws 1947, Chapter 421, Section 4, is amended to read:

[122.43] **Sec. 4. Election of committee.** At the meeting of the rural members not less than five persons shall be elected to the committee, one committeeman from each commissioner district not exclusively urban. If any commissioner district is exclusively urban, no committeeman residing therein shall be elected by the rural members but they shall then elect a committeeman at large in lieu thereof. The urban members shall at their meeting elect four committeemen of whom not more than one shall reside in a single *urban* school district unless there shall be less than four *urban* school districts in the county, when not more than two shall be from a single *urban school district*. Such nine committeemen shall constitute the committee. None of the members of the school survey committee shall be persons who are professionally engaged in education *or elective state or county officers* or who

are employees of any school district. Subject always to the limitations and qualifications above stated, nominations for members of the committee may be made from the floor by any school board member in the respective groups. Twenty-five percent of the school board members in each group shall constitute a quorum at any meeting and a majority of those present at any meeting shall control the action and proceedings of the group. Election of members of the committee shall be by secret ballot. A majority vote shall be necessary to elect. Where necessary to cast a second or more ballots for any specific membership for said committee, the person receiving the lowest vote on any announced ballot shall be removed from the succeeding ballot, until election has resulted. The persons so elected shall be certified by the chairman and secretary of the group to the county superintendent.

Sec. 4. Laws 1947, Chapter 421, Section 6, is amended to read:

[122.45] Sec. 6. **Organization of committee.** *Subdivision 1.* Within ten days after the election of members of the school survey committee in any county the committee shall meet at the call of the county superintendent at a time and place within the county fixed by the county superintendent. At such meeting the committee shall organize and shall elect one of its members as chairman and another of its members as vice-chairman. *Annually thereafter, at a meeting to be held in January, the committee shall elect a chairman and a vice-chairman.* The county superintendent, ex-officio, shall serve as executive secretary of said committee. Members of the committee shall serve without compensation but shall be reimbursed to the extent moneys are available, from the fund hereinafter provided, for their actual expenses incurred in the discharge of their duties as members of the committee. The county superintendent shall provide clerical assistance and supplies and other facilities for the committee to the extent that the same are available in his office and necessary expenditures for additional clerical assistance and supplies and facilities for the committee *shall* be paid from the fund hereinafter provided.

The committee shall meet regularly on a day and at a time and place to be fixed by the committee. Special meetings of the committee may be called by the chairman and shall be called by the executive secretary upon request in writing signed by three members of the committee. A majority of the

members of the committee shall constitute a quorum for the transaction of business.

*Subd. 2. When there are proposed districts which include territory in more than one county, the school survey committees of such counties shall organize subcommittees of three members from each county survey committee who shall cooperate and work with the subcommittees of the adjoining counties and shall prepare recommendations for the improvement of school districts for the consideration of their respective county survey committees.*

*Subd. 3. When a proposed larger administrative district should extend into one or more counties and one or more of such counties have no official survey committee, then the survey committee of the adjoining county in which a portion of such proposed district will lie may request the superintendent of schools of the county having no survey committee to call a meeting of the school board members of the school districts that logically belong in the proposed larger administrative district for the purpose of organizing a committee to represent the area in the county without an official committee which is proposed to be included in the larger district. Within 20 days after receiving such request the county superintendent shall call a meeting of the school board members of the districts concerned.*

*The matter of establishing a committee of three members to represent the area and to work cooperatively with the subcommittee of the adjoining county in the preparation of a joint recommendation for the reorganization of school districts shall be presented to the school board members of the districts affected. The question of establishing such a committee shall be submitted to the school board members, and, if a majority of the school board members present and voting shall be in favor thereof, a committee of three members shall be elected. The three committee members shall be elected in the manner prescribed in this statute for the election of members of county survey committees.*

*The committee elected shall cooperate with the subcommittee of the adjacent county or counties in developing recommendations to be submitted to the people in the proposed district in the same manner as provided for regular school survey committees, and the vote on the recommendations shall*

*be in accordance with the provisions of the act providing for the reorganization of school districts.*

Sec. 5. Laws 1947, Chapter 421, Section 8, is amended to read:

[122.47] **Sec. 8. Tentative report of committee; hearings.** Prior to *December 1, 1950*, the committee shall prepare a tentative report with recommendations and shall file the same in the office of the county superintendent of schools and furnish a copy thereof to each member of a school board in the county. *No change shall be made in the tentative recommendations by the county school survey committee for any proposed area until after completion of the hearings affecting that area. Fifteen* copies thereof shall also be filed with the commissioner of education, who shall forward a copy to each of the members of the state commission. The county superintendent shall give notice by publication at least once in one or more newspapers of general circulation in the county of the filing of such tentative report and that the same may be examined in his office, and shall fix the time or times not less than *15* days after the filing thereof with the county superintendent, of the place or places at which any resident of the county desiring to be heard with reference to the report or any part thereof may appear before the committee. Upon the date so fixed by the county superintendent of schools and such subsequent dates as may be necessary for the committee or subcommittee thereof shall hold a public hearing or hearings at which residents of the county shall be afforded an opportunity to appear before the committee and be heard with reference to such tentative report. At such hearing, the committee shall explain the benefits and advantages and any disadvantages resulting from the reorganization of the district as the same appear to the committee. Any resident of the county or of any affected district *shall at his request* be heard with reference to the reorganization of any such district. *Voters of the affected rural districts may petition the survey committee indicating their desire for and justified need of available attendance units in rural areas.*

The committee shall also receive and consider such suggestions as may be made by the state commission concerning the committee's tentative report and the recommendations made therein.

Sec. 6. Laws 1947, Chapter 421, Section 9, is amended to read:

[122.48] **Sec. 9. Final report of committee.** *Subdivision 1.* The committee shall consider the matter presented at the several hearings held by it and the recommendations of the state commission and shall prepare a final report. On or before *June 1, 1951*, the final report of the committee with recommendations and with a map or maps showing the boundaries of the present school districts in the county and the boundaries of the proposed school districts in the county shall be filed with the county superintendent. *Fifteen* copies of such report shall at the same time be filed with the commissioner of education and a copy thereof shall be furnished to each school board member in the county by the county superintendent of schools. The report shall be available for public inspection in the office of the county superintendent and the office of the commissioner of education.

*Subd. 2.* *The county survey committee may amend its final report at any time not later than 90 days before the notice for election is given.*

*Subd. 3.* *In case the people of any district feel aggrieved by the proposed division of the district, or by assignment to a proposed district other than the one which includes the high school by which they have previously been served, or by assignment to a proposed district which in their opinion would create a gross injustice, the school board of such district may appeal to the state commission by filing a written brief of such grievances, a copy of which shall be filed with the survey committee in the county or counties affected. Such appeal must be made within 60 days after the passage of this act or filing of the final report or any revision or amendment to the final report.*

*The state commission upon receipt of such brief shall provide for a hearing before a board of appeal to be selected by the state commission. Such board of appeal shall consist of five competent members who are not residents of the county or counties affected, but who shall come from the section of the state affected. It shall be the duty of such board of appeal to consider the facts in the case and to render a decision. A copy of the decision shall be furnished to each affected school district, to the survey committee of the county or counties affected, and to the state commission. The survey committee*

*shall make any changes necessary to incorporate the findings of the board of appeal in the proposal which is to be submitted to the voters.*

*Members of the board of appeal shall be entitled to compensation of \$10 per day plus sustenance and traveling expense, which, together with necessary clerical help, shall be paid 50% from state funds and 50% from the funds of the district or districts initiating the appeal.*

Sec. 7. Laws 1947, Chapter 421, Section 12, is amended to read:

[122.51] Sec. 12. **Duties of commissioner of education; territory in more than one county.** To the extent that he has available personnel and facilities the commissioner of education shall, upon request, assist the school survey committees in the respective counties in the discharge of their duties and provide them with information. He shall inform *in writing* the county school survey committees concerning the recommendations and suggestions of the state commission.

Sec. 8. Laws 1947, Chapter 421, Section 13, is amended to read:

[122.52] Sec. 13. **Election on reorganization.** (1) In the event the final report of any committee recommends the reorganization of school districts, then the question of reorganizing such school districts, as recommended by the committee, shall be submitted to the legal voters residing in the proposed district *only*, at an election to be called *prior to April 1, 1953*, by the county superintendent of the county in which such district or territory, or the major portion thereof is located. *When a recommendation includes an existing joint district, a part of which lies in a county which has no survey committee, the entire joint district shall be included in the proposed larger school district by the survey committee making the recommendations. The county school survey committee shall hold public hearings for the purpose of discussing the final recommendations in each school district in the area affected and wherever possible in the school building thereof, and the election date shall not be determined until at least 30 days after the last public meeting on such recommendations. A notice of election shall be given, the question submitted, the election held and the vote canvassed and reported in accordance with the provisions of Minnesota Statutes, Section*

122.21, for the submission of a similar or like proposal except that the filing of a petition shall not be required, *and the ballot shall read "For Reorganization" and "Against Reorganization,"* and the entire area of such proposed district or territory shall vote as a unit; provided, that if any *school district* maintaining a graded elementary or high school, or both is located within any such proposed district or territory, then one or more voting precincts shall be established wholly within the limits of such *urban school district* and one or more voting precincts shall be established wholly within that part of the district or territory lying outside the limits of such *urban school district* and the proposition to reorganize such school district shall not be deemed to have received a majority of the votes cast on the proposition or to carry, unless a majority of the votes cast within such *urban school district* and a majority of the votes cast in such territory outside of such *urban school district*, the count to be taken separately, each are in favor of establishing such school district.

(2) *The county superintendent, with the approval of the county survey committee, shall determine the date of the election, the number of voting precincts, the polling places where such voting shall be conducted and the hours the polls will be open. Wherever possible the election shall be held in the school building of the school districts included in the proposal. The polls shall be open for at least two hours, and may be open for a longer period, not to exceed 12 hours, if so designated in the posted and published notices. The county superintendent, with the approval of the county survey committee, shall appoint three election judges who shall be school board members if available for each polling place, which judges shall act as clerks of election, and canvass the ballots cast and thereafter submit the same to the county superintendent and the county survey committee.*

(3) *In case an election for reorganization has been held in accordance with the provisions of this act, and such election has failed, the county superintendent, with the approval of the county survey committee, may call another election in any proposed district at which time the same recommendation or a revised recommendation, approved by the state advisory commission, shall be submitted to the voters. Such election shall be conducted in accordance with the provisions of this act.*



(4) *If a majority of the votes cast be for reorganization, the county superintendent within ten days thereafter shall make proper orders to give effect to such vote and thereafter transmit a copy thereof to the auditor of each county in which any part of any district affected lies, and to the clerk of each district affected, and also to the state commissioner of education. The order shall specify the number assigned to the reorganized district.*

Sec. 9. Laws 1947, Chapter 421, Section 14, is amended to read:

[122.53] **Sec. 14. Assets and liabilities.** *When two or more existing districts or parts of districts, however organized, including common, independent or special, are reorganized into a larger school district under the provisions of this act, the reorganized district shall thereby become an independent school district.*

*Districts organized under the provisions of this act having the land area specified in Minnesota Statutes, Section 122.19, shall have the powers, duties and privileges of a consolidated district.*

*In case of the reorganization 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 as provided in Minnesota Statutes, Section 122.03.*

*When two or more existing districts or parts of districts are united by proceedings herein authorized, Minnesota Statutes, Section 122.16, Subdivisions 5 and 6, and Sections 122.17, 122.18, 122.25, 122.26 and 122.27, as modified by this act, shall apply.*

*In the event the final report of any county survey committee established and organized under the provisions of Laws 1947, Chapter 421, recommends that a reorganized or consolidated district, to be established upon a recommendation of said survey committee, should assume the liability for bonded indebtedness originally incurred by one or more of the districts which would become a part of such new reorganized or consolidated district, the voters of the reorganized or consoli-*

*dated district may, after its formation by a majority vote take over and assume liability for the payment of the bonded debt of each district or part of district entering into the reorganization or consolidation and the recommendation of the county school survey committee shall be the authority for the school board of the reorganized or consolidated district to call such an election within 90 days after the establishment of the new reorganized or consolidated district. Such election to be conducted in the manner prescribed in Laws 1947, Chapter 421, Section 13 (1). The clerk of the reorganized or consolidated district shall, in case such bond assumption vote carries, give proper notice thereof to the auditor of each county in which any part of such reorganized or consolidated district is situated.*

Sec. 10. Laws 1947, Chapter 421, is further amended by adding a new section, to be known as Section 16, as follows:

[122.55] **Sec. 16. School board; election of.** *Subdivision 1. Upon reorganization, candidates for school board may be nominated in the manner provided in Minnesota Statutes, Section 124.05, the superintendent of the county who issued the order of reorganization performing the duties therein specified to be performed by the clerk.*

*Subd. 2. Not later than 30 days following the order of reorganization, the county superintendent shall give notice for election for the purpose of electing a school board for terms as specified in Minnesota Statutes, Section 124.02, Subdivision 3, Clause (4). The distribution of the representation of the first school board shall provide for one member residing within the incorporated villages or cities and one residing outside the incorporated villages or cities of the new district for the short term; the board members elected for the middle-length term shall be elected in the same manner; and the board members elected for the long term shall be elected without regard to place of residence within the reorganized district. Following the first election, the distribution of board representation shall be on the basis of two from the rural areas, two from the incorporated villages or cities, and two from the district at large. If the reorganized district is exclusively rural or is wholly within the corporate limits of cities or villages, all six members shall be elected at large.*

*Subd. 3. In the conduct of the special school board election, the county superintendent shall, with the approval of the*

*county survey committee, determine the date of election, the hours the polls shall be open, the number of voting precincts, the appointment of three election judges, and provide the official ballots. The election judges, who shall serve as clerks of the election, shall return all marked ballots with a certificate of the results of the precinct election to the county superintendent and the county survey committee for canvass and tabulation.*

*Subd. 4. No election of a new school board shall be held within 60 days prior to the annual election for independent districts. In such case the election of the new school board members shall be held at the time of the annual election, the third Tuesday in May. The filings and the election shall be held in the manner prescribed in this section.*

Sec. 11. Laws 1947, Chapter 421, is further amended by adding a new section, to be known as Section 17, as follows:

[122.56] **Sec. 17. Public meetings.** *In counties in which no official survey committees were organized prior to December 15, 1947, the county superintendent shall hold a public meeting of all school board members within such county prior to December 1, 1949. At such meeting or adjourned meeting held not later than December 15, 1949, the provisions of Laws 1947, Chapter 421, as amended by the 1949 Legislature, shall be explained to the school officers and the question of the establishment of a survey committee shall be submitted. The notices of the meeting, voting on the creating of a survey committee and other applicable provisions of Laws 1947, Chapter 421, Section 3, are made effective to December 20, 1949. In case the survey committee of a county has failed to file a final report, then the school board members of such county at a county meeting held prior to December 1, 1949, may vote on the question of continuing such committee.*

Sec. 12. Laws 1947, Chapter 421, is further amended by adding a new section, to be known as Section 18, as follows:

[122.57] **Sec. 18. State advisory committee; term of office.** *The term for the members of the state advisory commission on school reorganization is hereby extended until July 1, 1953, and the commission shall continue to perform the du-*

*ties as prescribed by Laws 1947, Chapter 421, as amended by the 1949 Legislature, until that date.*

Approved April 25, 1949.

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CHAPTER 667—S. F. No. 859

*An act relating to the salaries of judges of the District Court, amending Minnesota Statutes 1945, Section 350.10, as amended.*

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

Section 1. Minnesota Statutes 1945, Section 350.10, as amended by Laws 1947, Chapter 545, Section 1, is amended to read as follows:

**350.10. Salaries; judges of the district court.** The yearly salaries to be paid to the judges of the district court shall be \$8,500 each from the state and \$1,500 additional from each county in their respective districts having a population of 75,000 or more and \$300 additional in each judicial district having an area of more than 15,000 square miles, from the counties comprising such judicial district in such proportion as the assessed valuation of each county bears to the total assessed valuation of such judicial district in the preceding year; provided, that when any district judge shall preside upon the trial or hearing of any cause outside of his resident judicial district, wherein the district judge receives a larger salary, he shall receive as additional compensation during the period of such trial or hearing the difference between his fixed compensation and the compensation of the district judge of the district where he has been so engaged, the same to be paid by the county wherein the trial or hearing was held upon certification of the senior resident district judge thereof.

Sec. 2. **Effective date.** This act shall be in force beginning July 1, 1949.

Approved April 25, 1949.