

Section 1. Minnesota Statutes 1945, Section 292.08, Subdivision 1, is amended to read:

Subdivision 1. Requests of return by donor. Every person making any gifts other than those exempted by Section 292.04 (6) during that part of the calendar year 1937 subsequent to the effective date of Ex. Laws 1937, Chapter 70, or during any subsequent calendar year, shall make a return thereof in duplicate to the commissioner of taxation. Every return shall specifically set forth the property transferred by gift, the date of the gift, the value at the date of the gift of every item of property transferred by gift, the name and residence of each donee and the relationship of the donee to the donor, and, in the case of property transferred for less than an adequate consideration in money or money's worth, the character and value of the consideration received by the donor. The commissioner of taxation may require such other information to be given on such return as may be necessary for the effective enforcement of this chapter. The return shall be in such form as he may prescribe as necessary to compute the tax imposed by this chapter, and shall be under oath of the person making the return. In the case of a donor dying without filing a required return the return shall be made on his behalf by his executor or administrator, if no representative is appointed in probate proceedings the return shall be filed by the donee; that of a person for whom or whose property a guardian has been appointed shall be made by the guardian of his person or his property or both; and that of a person employing any device to make gifts indirectly shall be made by him and by those in charge or in control of the agency or instrumentality through which such person is making gifts indirectly.

Approved April 25, 1949.

CHAPTER 716—S. F. No. 1126

[Coded as Sections 122.58 to 122.67]

An act relating to the government of school districts and converting special school districts into independent school districts; repealing certain acts of the Legislature creating special school districts, and amendments thereto; and superseding home rule charter provisions applicable to schools and

school districts; providing for the election of school boards in the successor school districts and providing for primary elections in certain of said districts; amending Minnesota Statutes 1945, Section 125.01; preserving pension and civil service rights of school employees; and providing for tax limitations in certain successor school districts.

The legislature recognizing that the maintenance of the public school system is a matter of state concern, and that the independence of the government of school districts is vital to their success, and uniformity of school government is essential in order for it to function efficiently as an integral part of the state school system.

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

[122.58] Section 1. **Classification of special school districts; conversion into independent districts.** Subdivision 1. For the purpose of this act, all special school districts in this state are divided into two classes. Class 1 includes all special school districts in cities of the first class. Class 2 includes all other special school districts.

Subd. 2. All Class 1 special school districts not governed by a separate school board or board of education are converted into independent school districts and all laws and municipal charter provisions, insofar as they relate to such Class 1 special school districts, are repealed effective July 1, 1949, unless the electors of such school district shall determine, by a majority vote at a special election called for such purpose, that said act shall not apply to such school district. Such special election shall be held on Tuesday June 14, 1949, on which day no other measure may be voted upon in any such district.

The question submitted at such election shall be :

Do you favor the conversion of this city's schools from a special school district to an independent school district under Chapter —, Laws of Minnesota 1949?

Yes

No

Subd. 3. All Class 2 special school districts, subject to the provisions of this subdivision, are hereby converted into independent school districts. In any Class 2 special school district, where no election is called as hereinafter provided, the governing body may, within 45 days after the effective date of this act, by resolution, elect that this act shall not apply to such school district, in which case it shall not. The governing body of such district, within 45 days after the passage of this act, shall cause a notice of the provisions of this act to be published for three successive weeks in a legal newspaper of such district. If, within 30 days after the last published notice, at least 15 per cent of the voters of the district or 200 voters, whichever number is smaller, shall petition the body to hold an election on the question of changing to an independent school district, then the question in the form of the question in Section 1, Subdivision 2 of this act shall be submitted to the voters of the district at a special election called for the purpose by the governing body to be held not less than 15 nor more than 30 days after the filing of such petition with the clerk of the district. If the majority of those voting on the question at such election vote in the affirmative, this act shall apply to such district, otherwise it shall not. Any law or charter provision governing any Class 2 special school district becoming an independent school district under this act is repealed to the extent that such law or charter provision is inconsistent with the status of an independent school district or powers common to independent school districts or with this act. This act shall in no way invalidate remaining portions of such laws or home rule charters. When this act applies to any Class 2 special school district, such district shall be an independent school district.

[122.59] **Sec. 2. Rights and powers of converted districts.** An independent school district which succeeds a special school district shall exercise all the governmental rights and powers of an independent school district, including the right to sell and convey over all property controlled by the special school district which it succeeds, including all public property within the district acquired for or dedicated to school use whether title is held in the name of the special school district or not. These rights and powers shall extend to all taxes levied for school purposes in the district, and all funds appropriated or dedicated for school use in the calendar year 1949.

[122.60] **Sec. 3. Government of converted district.** Subdivision 1. In Class 1 special school districts hereby con-

verted into independent school districts, the mayors of such cities, with the approval of the governing body thereof, shall appoint six directors, who shall be electors of the district, to act as the first school board, three of whom shall serve from July 1, 1949, to July 1, 1950, and three of whom shall serve from July 1, 1949, until July 1, 1952. In such districts three directors shall be elected at the school election held in 1950 for a term of four years. Thereafter, three directors shall be elected biennially for a term of four years.

Subd. 2. Members of school boards and boards of education or other governing bodies of Class 2 special school districts who hold office or have been elected to office when this act takes effect shall constitute the personnel of the first school board of such successor independent school districts hereby created until their terms expire as herein provided and new directors are elected and qualify.

[122.61] Sec. 4. **Election of directors.** Subdivision 1. In Class 2 special school districts, hereby converted to independent school districts, two directors shall be elected annually to the boards of each of the successor independent school districts at the time and for the terms now provided by laws applicable to independent school districts. The first election shall be held on the third Tuesday of May, 1950.

Subd. 2. Directors on existing boards whose terms expire between July 1, 1949, and July 1, 1950, for whose positions no successors have been elected under existing law, shall continue to hold office as members of the boards of the successor independent school districts, until July 1, 1950.

Subd. 3. The terms of directors on existing boards whose terms under existing law first expire subsequent to the effective date of this act shall terminate on July 1, 1950. The terms of directors on existing boards whose terms under existing law next expire shall terminate on July 1, 1951. The terms of the remaining directors, if any, on existing boards shall terminate on July 1, 1952.

Subd. 4. In the event that the foregoing procedure would result in a board of less than the prescribed membership such additional members shall be elected for such terms as may be required to maintain such membership.

Subd. 5. Vacancies occurring prior to July 1, 1952, shall be filled as provided by Minnesota Statutes 1945, Section 125.03, except that during said period no vacancies shall be filled so long as the remaining number of school board members is no less than the prescribed membership.

[122.62] Sec. 5. **Number of directors.** In the successor independent districts the number of directors shall be six, but if the electors of the district shall have indicated their desire to have a board of seven, by a vote on the proposition duly submitted to them, then the prescribed number of directors shall be seven. The provisions of this section shall apply to both Class 1 and Class 2 special districts when succeeded by independent districts.

Sec. 6. Minnesota Statutes 1945, Section 125.01, is amended to read:

125.01. **School board; membership; terms.** The care, management, and control of common and independent school districts shall be vested in a board of *directors*, to be known as the school board. *The term of office of a director shall be three years and until his successor qualifies.* The school board of each common school district shall consist of a chairman, a treasurer, and a clerk. The membership of the school board of each independent school district shall consist of six elected *directors* together with such ex-officio member as may be provided by law. *But the school board in any independent district may submit to the electors at any school election the question whether the school board shall consist of seven members and if a majority of those voting on the proposition favor a seven member board, a seventh member shall be elected at the next election of directors for a three-year term and thereafter the board shall consist of seven members. This section shall not apply to school districts in cities of more than 100,000 population.*

[122.63] Sec. 7. **Time of holding elections.** Subdivision 1. In any school district within the limits of which a city or village is located, in which city or village elections are held between March 1, and June 30 in any year, the school board with the consent of the city or village may by resolution provide for holding its school election at the same time and at the same places and with the same election personnel and equipment as the city or village election.

Subd. 2. In school districts now or hereafter having a population of 20,000 or more, there shall be a primary election for school board directors to be held at a date fixed by the board at least four weeks prior to the election. At such primary, twice the number of directors to be elected shall be nominated and such primary election shall in all respects be conducted in conformity with the law governing such city primary election. In cases where the school election is held with a city election, the school primary election shall be held at the same time as the city primary election.

[122.64] Sec. 8. **Existing pension laws continued.** In any municipality where an existing pension law is applicable to employees of a special school district such law shall continue to be applicable to the same extent to employees of the successor district.

[122.65] Sec. 9. **Civil service provisions.** In any municipality where existing civil service provisions of any law or charter are applicable to special school district employees, such provisions shall continue to be applicable in the same manner and to the same extent to employees of the successor district.

Such school districts shall contract with the cities in which located for such facilities as are furnished by the Civil Service Bureau, purchasing department, comptroller, legal department and other services supplied by such cities, provided, however, that the school board may contract for other legal services when the interests of such school district and such city are in conflict in any legal matter and provided further that such school board may contract for architectural services for the planning and construction of new school buildings when funds have been made available for construction of such school buildings.

[122.66] Sec. 10. **Tax levy.** In Class 1 special school districts hereby converted into independent school districts, the school board may levy taxes as provided by Minnesota Statutes 1945, Section 125.08, Subdivision 5; but the levy in any one year shall not exceed \$18.50 per capita, including the county one mill tax for schools. The provisions of Minnesota Statutes 1945, Section 127.04, shall not apply to such districts. In addition, the school boards in such districts may levy for the payment of principal and interest on any bonds issued by the school district or by its predecessor district and may levy

for the payment of employees' pensions as such pensions may be authorized by law. Such independent school district, which is a successor to a special school district, shall assume all financial obligations incurred by or for the special school district, outstanding on the date such independent district comes into existence. In computing the statutory limitation upon such a city to contract public indebtedness, the obligation of a school district imposed in this subdivision shall be deducted from the obligation of the city.

[122.67] Sec. 11. **Bonding provisions.** In Class 1 special school districts converted into independent school districts, the school board, by a majority vote thereof, may issue and sell not to exceed \$1,000,000 par value bonds of such district in each calendar year. The proceeds of the sale of such bonds shall be used only for the rehabilitating, remodeling, expanding and equipping of existing school buildings or for the acquisition of sites, construction and equipping of new school buildings. The provisions of this section shall apply to the issuance and sale of such bonds and to the purposes for which the same may be issued notwithstanding any provision to the contrary in any other existing law or city charter relating thereto; and no provision of any law of Minnesota enacted in 1949 or thereafter shall be construed as inconsistent or as repealing the provisions of this section unless such subsequent law shall specifically provide that the provisions of this section shall be superseded, modified, amended or repealed.

Sec. 12. **Effective date.** This act shall take effect on July 1, 1949, except for the provisions of Subd. 2 and 3 of Section 1 as to which it shall be effective on passage.

Approved April 25, 1949.

CHAPTER 717—S. F. No. 1198

[Not Coded]

An act relating to reimbursement aid to rural school districts for the transportation of high school pupils and appropriating money therefor.