

district shall be open to inspection by the public examiner upon request of the state board of education.

Sec. 10. This act shall not apply to any action pending in a court at the time of its enactment.

Approved April 21, 1953.

CHAPTER 601—S. F. No. 1100

[Coded]

An act relating to certain contract of school districts for rental of rooms or transportation of pupils.

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

Section 1. [125.181] **Contracts.** Subdivision 1. **Rental, transportation of pupils.** Any contract made by the school board of a school district (herein called district board) :

(a) under Minnesota Statutes 1949, Section 125.06, Subdivision 5, for the rental of rooms for school purposes, or

(b) under Minnesota Statutes 1949, Section 125.06, Subdivision 14, for the free transportation of pupils to and from school, or

(c) for the rental of any facility or facilities owned or operated by or under the direction of any private organization, shall be effective until disapproved by the commissioner of education (herein called the commissioner), and all such contracts shall be submitted to him for approval immediately after being signed by the parties.

Subd. 2. **Approval.** The commissioner shall approve each such contract unless it appears from the information available to him that :

(a) The amount to be paid by the school district concerned for the rooms or facilities rented, or for the transportation to be furnished, under such contract substantially exceeds the reasonable value thereof ;

(b) The rooms or facilities to be furnished are not reasonably required for or suitable to the operation of the schools of the district, or the transportation contracted for is not suitable to the requirements of the district ; or the contract does not provide adequately against any encroachment on or interference with the conduct of a public school, or

(c) The contract does not conform to law or a duly promulgated regulation of general application of the state board of education.

Subd. 3. Notice of objections. If the commissioner determines that one or more of such circumstances (a), (b), and (c) exists, he shall notify the district board, giving it a reasonable stated time in which to meet the objections specified in the notice. If the contract is not so changed within that time, it shall be disapproved by the commissioner. If the contract is approved the commissioner shall so notify the district board. The commissioner's action together with a statement as to whether or not a petition to review such action has been filed as hereinafter provided, shall appear in the proceedings of the next meeting of the district board, held after receipt of notice from the commissioner, and the proceedings shall briefly identify the contract approved or disapproved.

Sec. 2. [125.182] Disapproval of contract, subject to review by state board. Subdivision 1. Petition for review. The determination of the commissioner disapproving a contract under Section 1 shall be subject to the review of the state board of education (hereinafter called state board), on the petition of the district board, made pursuant to its resolution.

Subd. 2. Requisites for petition. The determination of the commissioner approving a contract under Section 1, shall be subject to the review of the state board of education, on the petition of voters of such school district equal in number to five percent of those who voted at the last annual election or annual meeting of the district, except that there shall be at least five petitioners and that no more than 25 petitioners shall be required. Such petition must be filed in duplicate with the commissioner on or before the tenth day after the publication of the proceedings of the meeting of the district board which show the determination of the commissioner, the review of which is asked, or the thirtieth day after such determination, whichever date is earlier.

Subd. 3. Contents of petition. Such petition shall:

(a) Identify the determination of the commissioner sought to be reviewed and the contract in question by the names of the parties to it, and

(b) Allege the grounds upon which the determination of the commissioner is claimed to have been erroneous, but such allegation may be on information and belief of the petitioners, and

(c) State the names, post office addresses, and voting residences of the petitioners, and

(d) State the person or persons, not more than three, and their respective post office addresses, who are authorized to receive for all of the petitioners any notices with respect to the review or any subsequent proceeding. A person, not a resident of the district, may be so named.

Sec. 3. [125.183] Hearing on petition. Subdivision 1. **Time and place.** Upon the filing of a petition, which in form complies with the requirements of this act, the commissioner shall set a time and place for hearing thereof, which shall not be less than ten nor more than 30 days after such filing. He shall cause notice of such hearing to be given by mail to the parties to the contract affected and to the person or persons named in the petition as authorized to receive notice, and in addition shall cause a notice thereof to be published in a newspaper qualified to publish proceedings of the district board concerned.

Subd. 2. **Rules of proceedings for review.** The state board shall adopt rules governing the proceedings for review under this act not inconsistent with the requirements hereof. Such rules shall be designed to give a full and fair hearing and to permit interested parties an opportunity to produce evidence relating to the issues involved. Such rules may provide that any question of fact to be determined upon such review may be referred to one or more members of the board or to an employee of the state board of education acting as a referee to hear evidence and report to the state board the testimony taken.

Subd. 3. **Subpoenas, oaths, stenographic record.** The state board, or the parties to the proceedings, or any person designated to receive evidence upon a review under this act, shall have the same right to issue and procure subpoenas and administer oaths as are granted in proceedings before the industrial commission under Minnesota Statutes, Section 176.49. There shall be a stenographic record made of all testimony given and other proceedings during such hearing, and as far as practicable, rules governing reception of evidence in courts shall obtain.

Sec. 4. [125.184] State board's decision in writing. The decision of the state board shall be in writing and the controlling facts found upon which the decision is made shall be stated in sufficient detail to apprise the parties and the reviewing court of the basis and reason of the decision. If it is the decision of the state board that none of the grounds of disapproval specified herein exist, the contract in question shall

be approved; if it is the decision of the state board that one or more of those grounds exist, the contract shall be disapproved.

Sec. 5. [125.185] **Review of state board's decision by district court on certiorari.** The decision of the state board may be reviewed on certiorari by the district court of the county in which the school district or any part thereof is located, and the reasonableness of the state board's decision under all the circumstances of the case shown by the record will be a judicial question of fact.

Sec. 6. [125.186] **Effect of proceedings.** [Subdivision 1.] The fact of approval or disapproval of a contract under this act shall not be evidence in any civil or criminal proceeding growing out of the making or performance of the contract or related to the official conduct of the members of the district board. Proceeding or failure to proceed under this act shall not preclude any civil or criminal action otherwise proper. Necessary costs and disbursements, exclusive of those incurred in the administrative proceedings, on review by certiorari shall be taxed against the losing party and in the event taxed against the state shall be paid as an expense of the Department of Education in the administration of special state aid.

Sec. 7. [Subd. 2.] This act shall not apply to any action pending in a court at the time of its enactment.

Approved April 21, 1953.

CHAPTER 602—S. F. No. 1143

[Coded in Part]

An act relating to the crime of arson and providing penalties for violation thereof; repealing Minnesota Statutes 1949, Sections 621.02, 621.03 and 621.04, and amending Minnesota Statutes 1949, Section 621.05.

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

Section 1. [621.021] **Arson, first degree.** Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether permanently affixed to the land or not, whether occupied, unoccupied or vacant, or any shop, barn, stable or other outhouse that is parcel, thereof, or belonging to or adjoining thereto, whether the property of himself or of another, shall be guilty of arson in the first degree,