1940 Supplement

To

Mason’s Minnesota Statutes

1927

(1927 to 1940)

(Superseding Mason’s 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions,
and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and
amendatory, and notes showing repeals, together with annotations from the
various courts, state and federal, and the opinions of the Attorney
General, construing the constitution, statutes, charters
and court rules of Minnesota together with digest
of all common law decisions.

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MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1940
establish a Commission to be composed of the members of such county boards, which Commission shall be authorized to license and regulate boats in the manner hereinafter described. Wherever the word "Commission" is used in this act it shall mean the Commission so established. (July 16, 1937, Sp. Ses., c. 80, §1.)

County boards can set up a commission by joint action only. (34g-2, Feb. 9, 1938.)

2740-12. Commission to enforce act—rules and regulations. The Commission is hereby authorized and empowered, and it shall be its duty, to carry out the provisions of this act, and it shall have the power and authority to make such rules and regulations as it may deem necessary to carry out the purposes of this act. (July 16, 1937, Sp. Ses., c. 80, §2.)

2740-13. Inspectors. The Commission shall appoint such inspectors as may be necessary for the purposes of enforcing this act and shall fix the compensation thereof. (July 16, 1937, Sp. Ses., c. 80, §3.)

2740-14. License to operate boats. Any person, corporation, partnership, or association having in his or its possession, as owner or otherwise, any boat used for the transportation of five passengers or more for hire, or for the purpose of rental or for use by others than the owner thereof on any inland lake having a water area of at least two hundred and fifty square miles, shall, on or before the 15th day of April, 1938, and annually thereafter, procure from the Commission a license before using any such boat for the purposes herein stated. (July 16, 1937, Sp. Ses., c. 80, §4.)

Boats coming within this act must procure license from commission, though they are also examined and charged an inspection fee by the boiler inspector under §5481. Op. Atty. Gen. (34g-2), Feb. 9, 1938.


2740-15. Application for license.—Before any license is issued by the Commission it shall require the applicant therefor to make and file an application, in writing, showing the number of boats owned or controlled by the applicant, the size thereof, the owner's name and address, and such other information that the Commission may require. The owner of any boat transported to any inland lake for the uses stated in this act shall make application to the Commission in writing and must secure permission before such boat can be used. All applications shall designate the lake or lakes on which said boat or boats are to be used. (July 16, 1937, Sp. Ses., c. 80, §5.)

2740-16. Rules and regulations for operation of boats. The Commission shall make rules and regulations regulating the operation of all such boats and shall designate the number of persons that each of such boats shall be permitted to carry, and when so determined the Commission shall cause such capacity to be plainly marked on each licensed boat. Should any boat carry more than the designated number of persons, the Commission shall revoke the license issued for such boat. (July 16, 1937, Sp. Ses., c. 80, §6.)

2740-17. License fee. The Commission shall determine the license fee and shall pay all monies received for such licenses into the county treasury and the county treasurer shall credit such monies to the "Boat Inspection Fund" for the use of the Commission in carrying out the provisions of this act. (July 16, 1937, Sp. Ses., c. 80, §7.)

2740-18. Offense. Any persons, corporation, partnership, or association who shall let, lease or carry five passengers or more in any boat without first procuring a license as herein provided for, or who shall violate any rule or regulation of the Commission or any provision of this act shall be guilty of a misdemeanor. (July 16, 1937, Sp. Ses., c. 80, §8.)

2740-19. Effective date.—This act shall become effective on January 1, 1938. (July 16, 1937, Sp. Ses., c. 80, §9.)

CHAPTER 14
Education

2741. Public schools—Tuition free.—Age of pupils. Interim committee to study educational situation in state. Maintenance of public school system is a matter of state and not of local concern. State v. Erickson, 190 Minn. 217, 247 N.W. 195, 197. (June 16, 1937, Sp. Ses. No. 6, §49, Dtl. Dig. 2741.)


Board of education of city of Duluth is not a department of city, and it is not part of official duties of city attorney to act for board, and board has power to retain and employ counsel and pay him upon a continuing monthly basis, and also has power to authorize employees to act as attorneys. Lindquist v. A., 195 Minn. 322, 265 N.W. 594. See Dtl. Dig. 6386.

School districts are governmental agencies subject to control of the legislature, and their powers and privileges may be changed or abrogated by legislative authority to perform duties of educating children, and legislature may clothe them with such powers as it deems wise and reasonable. (1937, c. 98, §27-10-17.)

School districts are governmental agencies established by legislative authority to perform duties of educating children, and legislature may clothe them with such powers as it deems wise and reasonable. (1937, c. 98, §27-10-17.)
upon erroneous theory of law, or unless the decision is fraudulent or the complaint is filed before the time appointed for such hearing. The court shall hear all evidence offered by any person interested, tending to show what territory should be included within such district, and having heard the evidence they shall, if they find it conducive to the good of the inhabitants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundary thereof, and all the remaining school districts thereby affected, attaching to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require. The final order changing any boundaries of any school district shall be valid unless and until the foregoing requirements as to posting and serving of notices have been observed; and provided further, that whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county, and no order in such proceedings shall be valid unless conformed in by the county board of all such counties affected.

At the time of making such division, enlargement or change of boundaries, the county commissioners shall cause to be made a description of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts so affected, and the county commissioners shall cause a copy of the said description of the debts of said other districts so enlarged, such portion of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court.
tion into a new corporation, the old corporation retains all of its property, including that which happens to fall within limits of other corporation. Op. Atty. Gen. (656c-3), May 11, 1934.


Pending appeal from an order consolidating school district, county auditor should pay tax moneys to each respective district in order that they may conduct their school. Op. Atty. Gen. (166f), July 25, 1935.

Where several landowners filed petition with county board to have the detached lands annexed to another, and subsequently the first district and the second district voted for consolidation, county board would not have the authority to act on individual petition, but detachment petition would not render an election void. c. 143, §15. Appeal subsequent petition for detachment from consolidated district. Op. Atty. Gen. (166c-8), June 27, 1935.


The territory of one district and annexed to another is not relieved from paying its proportionate share of outstanding bonds issued by district from which it was annexed. Op. Atty. Gen. (771d), Aug. 30, 1939.

2748-2. Detachment of lands in certain cases legalized.—That in all cases where in a proceeding instituted in court for the detachment of unplatted agricultural lands from cities containing 10,000 inhabitants, or less, the territorial limits of which were formerly a part, providing that the owner or occupant of such detached lands, which may be made at any time, there shall be levied at the time of the levying of the taxes for school purposes upon the taxable property of such special school district, an equal rate for the payment of interest and any maturing principal of such bonded indebtedness, upon the real estate and lands thus detached, each year until the amount so designated and fixed by the board of county commissioners shall be paid in full, and that the county auditor shall levy upon such detached lands and place the same upon the tax list of the taxing district where the same is then situate, in the same manner as other taxes therein and such taxes shall be collected with and in like manner as county and state taxes, are paid and payment thereof enforced, and the county treasurer shall pay such taxes when collected over to the treasurer of such special school district from which said lands have been detached, in the same manner as other taxes are paid over. (Act Apr. 13, 1929, c. 183, §4.)

2748-6. Application.—The provisions of this act shall not affect any action or proceeding now pending in any of the courts of this state. (Act Apr. 13, 1929, c. 183, §§5.)

2748-7. Invalidation of one part not to affect balance of act.—If any provision or part of this act shall be held invalid it shall not invalidate or in any manner affect any other provision or part thereof. (Act Apr. 13, 1929, c. 183, §6.)

2749. [Repealed.]


2750. Districts in two or more counties.


2753. Dissolution of school districts.—Any district in which for two years no school has been held and no provision made by it for the education of its pupils may be dissolved by the county board on its own motion; or such district, or any other district, may be dissolved by the county board on a petition signed by a majority of the resident free-holders of the district, or on presentation of resolutions passed by a majority vote at a legal meeting of the electors of the district. The territory of a district so dissolved shall be attached by order of the board to one or more existing districts or to unorganized territory upon notice as in other cases of change of boundaries, as in its judgment shall seem most equitable having regard to the convenience of the inhabitants. If there be no unorganized territory in the county, the land may by such dissolution create unorganized territory to be governed by the laws relating to such territory. (R. L. '05, §1288; G. S. '13, §2685; Apr. 25, 1931, c. 367.)

"Funds" is limited to cash and school board cannot sell school house located on such land if school house belongs to the district to which territory containing house is assigned. Op. Atty. Gen. June 14, 1924.

Consolidated school district which is also joint district may dissolve and become part of unorganized territory in county. Op. Atty. Gen., June 16, 1932.

Where several landowners filed petition with county board to have their farms set off from one district and annexed to another, and subsequently the first district by a majority of voters in third district voted against consolidation, county board would not have legal authority to act on individual petition, but detachment petition would not render an election held valid, or prevent subsequent petition for detachment from consolidated district. Op. Atty. Gen. (1668-8), June 27, 1938.

2757. Certain districts to receive aid as consolidated districts.


School districts granted rights and privileges of consolidated district subject to order this section in a consolidated school district within meaning of Laws 1923, c. 560. Op. Atty. Gen., July 6, 1933.

2756. Petition for formation of consolidated school district, the signatures of at least 25% of freeholders who have been residents of districts for thirty days prior to signing.


2759. Consolidated school district maintaining a graded elementary school is to be consolidated with another consolidated district maintaining a graded elementary and a high school. Petition for consolidation of two districts should be submitted to legally qualified voters of both districts at one central polling place. Op. Atty. Gen. (1626-5), Jan. 15, 1938.

2757. Inability of common school district.—At such meeting the electors shall elect from their number a chairman and clerk who shall be the officers of the meeting. The chairman shall appoint two tellers, and the meeting and election shall be conducted as are annual meetings in common and independent districts. The vote at such election or meeting shall be by ballot, which shall read "For Consolidation" or "Against Consolidation." The officers at such meeting or election shall, within ten days thereafter, certify the result of the vote to the superintendent of the county in which such district mainly lies. If a majority of the voters cast for consolidation, the county superintendent within ten days thereafter shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the auditor of the county in which any part of any district affected lies, and to the clerk of each district affected, and also to the superintendent of education. If the order be for the formation of a new district, it shall specify the number of such district. The county superintendent shall also cause ten days' posted notice, and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect officers of the newly formed consolidated school district; provided, that the board of a consolidated school district shall have all the powers, privileges and duties, now conferred by law upon boards of independent districts.

After the formation of any consolidated school district appealed to the court under section and of such territory against which it was originally incurred. Provided that, when a territory desires to consolidate with a district which has incurred a bonded debt for the construction of buildings and purchase of equipment, such new territory shall become liable for its proportionate share of such indebtedness upon a majority vote of the electors of such new territory voting upon the question at a special election called at the request of twenty-five (25) per cent of the resident freeholders of such new territory. The results of such election shall be filed with the county auditor. (As amended Apr. 24, 1937, c. 305, §1.)

2760. Consolidation of unorganized districts.


A county board of education may consolidate all or any part of unorganized territory under its jurisdiction with an existing district in which a state high, graded or semi-graded school is maintained, regardless of whether such district is in a consolidated, special or independent district, provided school board of such district approves of such consolidation. Op. Atty. Gen. (1667-1), Aug. 4, 1932.

2761. Powers of consolidated boards.


2764. Schools to receive amount expended for transportation of children.—Consolidated school shall receive annually the amount reasonably expended for the transportation of pupils to and from school. The amount provided for in section 2 of this act shall be classified under one of the following heads: (1) Ungraded elementary, (2) graded elementary, (3) four-year high school, (4) high school department, (5) junior high school, (6) senior high school, or (7) six-year high school, and every such school shall possess all the rights and privileges of the rank and grade which it has attained or is not state aid according to such rank and class. (115, c. 238, §11; '19, c. 443; '21, c. 467, §18; Apr. 24, 1935, c. 288, §1.)

Sec. 19 of Act Apr. 24, 1935, cited, provides that the act shall take effect Sept. 1, 1935.

School district is under no obligation to transport high school pupils who have completed the four-year high school course for the purpose of taking further and additional study. Op. Atty. Gen., Aug. 4, 1931.

2765. Consolidated school district boards given power to acquire lands by condemnation for school purposes sites and dwellings for teachers and other employees. The school board of any consolidated school district which does not contain within its limits an incorporated city or village may purchase or acquire by condemnation proceedings, as provided by law for acquiring school house sites, the site and buildings of such district, a suitable tract of land within the limits of said district to be used for the purpose of erecting, building thereon for use for dwelling purposes by teachers or other employees of said district, and may erect such buildings on said tract or on any other real estate owned by such district. The school board of any such district may also sell, lease or otherwise dispose of such property so built or acquired when deemed advisable and for the best interests of the district. (Apr. 24, 1915, c. 358, §1.)

Omitted from the compiled Laws of 1923.

Sec. 18 of Act Apr. 24, 1915, cited, provides that the act shall take effect from its passage.

2766. Dissolution of consolidated school districts.

Any Consolidated School District in which the school building is destroyed by fire or otherwise purposes may be dissolved in the following manner:

Upon presentation to the clerk of such Consolidated School District of a petition signed and acknowledged by at least twenty-five (25) per cent of all resident freeholders, qualified to vote at school meetings, of such consolidated school district, asking that the question of dissolution of such consolidated school district be submitted to the resident free-holders qualified to vote at school meetings, the clerk shall, within ten
district. If there is no unorganized district within the same place specified in such notice, to vote upon the question of such dissolution. The terms, "electors" and "qualified voters" in this chapter, mean freeholders residing in such consolidated school district, qualified to vote for school officers and the term "majority of the voters," means a majority of such electors or qualified voters therein. (22 c. 316, §§ 11; Apr. 29, 1931, c. 249.)

There is no constitutional specification of the qualifications of voters to vote upon matters other than the election of elective officers and this act is not invalid. Op. Atty. Gen., Sept. 1, 1931.

2767. Voters of district to vote on question of dissolution.


2768-1. School districts dissolved.—That where a new school district has been or is hereafter created wholly from territory of one existing district, and such new district has or shall fail for a period of three years immediately following its organization to provide a school house within the district and conduct school therein, and has provided or shall provide, during said three-year period, for the education of its pupils in the district from which it is derived, such district shall become a part of said existing district and its territory shall revert to and become a part of the district from which it was taken. (Act Feb. 13, 1933, c. 227, provides that bonds of dissolved school districts in counties having 30 or 29 townships and assessed valuation of $4,000,000 to $6,000,000, shall be an obligation of unorganized territory. Unconstitutional as special legislation. 366M, 240 NW 115.)


2768-2. Disposition of property.—That all property and funds, including taxes levied or in process of collection or in the possession of the County Treasurer of any district so dissolved, remaining after the payment of its obligations, shall become the property of and belong to the district to which the territory is attached. (Act Feb. 13, 1929, c. 15, § 2.)

2768-3. Dissolution of school districts.—Whenever all of the taxable lands in any school district in this state, however organized, have been acquired and are under the control of the state of Minnesota or the United States, and no school has been held therefor in for more than six months and such district has on hand sufficient money to pay and discharge all of its legal liabilities and obligations, such district may by resolution adopted by the school board thereof, without notice, and its school property may be sold and disposed of by such board, without notice, to the state of Minnesota or the United States as such board may determine; a certified copy of the resolution of dissolution adopted by such board shall be filed with the county auditor of the county where in such district is located; provided, however, that no such dissolution shall become effective unless all of the obligations or liabilities of such district shall have been paid and discharged and the remaining funds thereupon shall be paid to the county treasurer and the same placed to the credit of the unorganized district. If there is no unorganized district within such county, such funds shall be proratably distributed by the county treasurer to the school districts within such county adjoining such dissolved district. (Act Apr. 13, 1933, c. 240, § 1.)

2768-4. To include statement of obligations in certificate.—The school board shall attach to such certificate a copy of resolution dissolving such district a statement setting forth all of the obligations or liabilities and property and provided by law cause notice to be given of a special election within such existing school district upon the proposition of annexing the territory of such dissolved school district and assuming the power and authority provided for by law for the issuance of bonds or other evidences of indebtedness for the indebtedness of both said school districts. (Act Apr. 29, 1935, c. 363, § 1.)
§2780-8. Consolidation of school districts in certain counties—submittal to voters.—Any county having less than seven organized school districts may consolidate such districts into one county district which shall be known as the ________ county school district, in the following manner.

The board of county commissioners of such county may by resolution, and shall upon petition to such board signed by not less than ten per cent of the qualified voters of the county according to the votes of the preceding general election, submit to the qualified electors of the county at the next general election to be held in such county not less than thirty days thereafter, the proposition of consolidating said districts into a county district. The ballots submitting the same shall read as follows:

For Consolidation

Against Consolidation

Such ballots shall be voted, canvassed and the result declared and returned in the same manner as ballots for elective county officers. If a majority of the votes cast on the proposition be for consolidation, the county board shall make proper provision for the running of school business of the ensuing year in the same manner as if no consolidation had been voted until July 1st next following, at which time all records, moneys, credits and funds of said districts shall be turned over to the county treasurer to act as custodian of same until such time as the organization of the county district shall have been completed. The county treasurer shall give a receipt for such records and funds and shall cause the financial accounts and statements to be audited by competent authority.

Provided that nothing in this act shall be construed to apply to counties affected by Section 271, Laws of Minnesota, 1919, or acts amendatory thereof.

In issuing bonds for building purposes procedure prescribed by Laws 1927, c. 121, as amended §§3385-8 to 3385-13, as follows, such matter should be submitted to voters. Op. Atty. Gen., Sept. 10, 1929.

School board of county district organized under this act shall constitute a special election district from which shall be elected one member of said board. In case there is only one member living within the county district, said member shall constitute an election district from which shall be elected such board. (Act Feb. 7, 1929, c. 9, §4.)

Procedure to be followed by board created under this act in selling abandoned school houses and sites, including Chapter 467, General Laws 1921 [§§3022 to 3026]. (Act Feb. 7, 1929, c. 9, §3; Feb. 26, 1931, c. 31, §2.)

§2780-10. Duties of school board.—It shall be the duty of said board to furnish school facilities to every child of school age residing in any part of said county district, either by building school houses, leasing school rooms, transporting said children to the nearest school, boarding said children within convenient distance of school at the expense of said district, or otherwise, and to provide necessary supplies, texts, and library books.

The annual meeting as held in ten or more townships districts need not be held, but the clerk of said board shall publish once in a legal newspaper published in the county the annual report required by law to be made by the district treasurer.

When not otherwise provided in this act, the school board of any such county district shall have and shall exercise all the powers and be subject to the same laws and regulations as boards of ten or more townships districts, and all laws applicable to ten or more townships districts, and all laws applicable to State Aid for Equalizing Educational Opportunities in United States Territory shall apply to school districts organized under this law to be made by the district treasurer.

§2780-11. Time of election.—The election of the county district shall be held on the same day as the election in ten or more townships districts at the same time and in the same manner as elections are held therein. (Act Feb. 7, 1929, c. 9, §4.)

§2780-12. Election districts.—Each county commissioner district, as it may from time to time exist, shall constitute an election district from which shall be elected one member of said board. In case there is a ten or more townships district within the county such as herein referred to and in case there are two townships districts within the county, one of said district shall constitute an election district from which shall be elected one member of said board. In case there is a ten or more townships district within the county such as herein referred to and in case there are two townships districts within the county, the board of county commissioners shall appoint an additional member to such school board so that at all times there shall be one member of such board to represent the county commissioner district and such board shall consist of six members only until the expiration of the term first expiring of the said two members from the same commissioner district. In making the appointment of the additional member the opinion of the attorneys is referred to and in determining the length of the terms for which three members
shall be appointed so that the terms of the members of the new board shall expire in consecutive order the term of the member from the commissioner districts from which there are two members first expiring shall be disregarded. (Act Feb. 7, 1929, c. 9, §6.)

2780-13. Compensation of Board Members—Clerk—Treasurer.—The members of the board shall receive a per diem of $6.00 while attending any regular or special meeting of the board, but not, however, more than $144.00 in any one year, and shall receive five cents per mile in going to and from his place of residence to the place of meeting by the usual route of travel.

The chairman, clerk and treasurer of the county district shall receive such additional compensation as may be fixed by the board of education, provided, however, the chairman shall not receive more than $300.00, the clerk shall not receive more than $720.00 and the treasurer not more than $600.00 as total compensation which includes mileage, in any one year in a county having an assessed valuation of less than $5,000,000.00 which shall be in lieu of any allowance for office clerk hire. (Feb. 7, 1929, c. 9, §6; Apr. 19, 1937, c. 297, §1.)

2780-14. Office of County Superintendent abolished.—Upon the completion of the organization of a county district and the election of a superintendent, the office of county superintendent of schools in said county shall cease to exist from January 1st following and the functions and duties of the county superintendent of schools shall be performed by the superintendent of the county district. (Act Feb. 7, 1929, c. 9, §7.)

2780-15. County Attorney to serve as attorney for board. Whether any county organizes as a county district, the county attorney shall serve as attorney for the county board of education without additional compensation from said board of the county district, but the board of county commissioners of such county may allow such additional compensation for legal services rendered to said county board of education as said board of county commissioners shall deem proper. (Act Feb. 7, 1929, c. 9, §8.)

Lake county school district cannot employ legal services other than that of county attorney. Op. Atty. Gen. (159b-10), Nov. 6, 1936.

Section 2780-15 does not authorize an increase in salary of county attorney, but merely enables county board to grant him extra compensation for legal services performed for county board of education in addition to salary limitations in §335, Op. Atty. Gen. (159b-13), July 22, 1937.

2780-16. Elections validated.—In all cases where an election has been held pursuant to the provisions of Section 1, Chapter 82, General Laws 1927 [2780-11], and a majority of the votes cast on the proposition were in favor of consolidation, said election is hereby declared valid and continued in effect and further proceedings thereunder shall be had pursuant to this act and the organization of the district and school board, the powers and duties thereof, the terms of the members thereof, their election, appointment and compensation shall be as herein provided. (Act Feb. 7, 1929, c. 9, §9.)

2780-17. Inconsistent acts repealed. — That all acts and parts of acts inconsistent with the provisions of this act including Chapter 82, General Laws 1927, are hereby repealed. (Act Feb. 7, 1929, c. 9, §10.)

2780-17a. Counties may pay school bonds in certain cases.—Any county organized under the Laws of 1929, Chapter 9, and having a population of less than 10,000 inhabitants, may by unanimous vote of the county board of education pay bonded indebtedness incurred prior to July 1, 1929, of any or all of the school districts which were in existence prior to the organization of said county school district out of any funds that may be on hand with the school treasurer in an amount the total of which shall not exceed $10,000.00. (Act Feb. 8, 1935, c. 6.)

Act effective upon passage.

2780-17b. Board of Education may bond employees.—The county board of education in any county in this state organized under Laws 1929, Chapter 9, having a population of less than 10,000 inhabitants, may by unanimous vote of the county board of education pay bonded indebtedness of such county school districts against liability arising out of the operation of motor vehicles, or other equipment, by such officers or employees while in the performance of their duties as public officers or employees, and to pay the premiums on indemnity insurance policies out of funds of such county school districts. The county board of education may also at the expense of such county school districts defend any such officer or employee in the same and in behalf of such officer or employee in any suit brought against him to enforce a claim, whether legitimate or otherwise, arising out of the operation of any motor vehicle, or other equipment, by him while in the performance of his official duties; to compromise and, or settle any such claim or suit, and to pay out of the funds of such county school district the amount of such settlement or compromise, or the amount of any judgment rendered against any such officer or employee based upon such claim suit without first requiring such officer or employee to settle and or pay any such claim or judgment. (Act Feb. 16, 1935, c. 15, §1.)

2780-17c. Board of education may pay premiums.—The county board of education may pay the premiums on said indemnity insurance policies referred to in Section 1 hereof, insuring such officers or employees against liability for injury to persons or property as provided in said Section 1, and such payment of such insurance premiums out of the funds of such county school districts shall in no way impose any liability whatsoever upon the governing body thereof. (Act Feb. 16, 1935, c. 15, §2.)

2780-17d. Payments validated.—Any Insurance premiums herefore paid by said county board of education for any indemnity insurance referred to herein are hereby validated. (Act Feb. 16, 1935, c. 15, §3.)

2780-18. Consolidated school district may build sidewalks in certain cases.—That the governing board of any consolidated school district which now or hereafter includes within its limits two villages, may appropriate and expend moneys to build or assist in building a sidewalk or sidewalks for the use of pupils and the general public, connecting with sidewalks in said villages and leading to the school house. (Act Mar. 3, 1933, c. 59, §1.)

2780-19. Village council may appropriate money therefore.—That the village council of any such village may likewise appropriate money for the same purpose or to assist the school district. (Act Mar. 3, 1933, c. 59, §2.)

2780-21. Election of school officers in certain districts.—In all counties having a county school district organized pursuant to Laws 1927, Chapter 82 (§§2780-1 to 2780-7), and amendatory, the members of such school board shall be elected and their terms of office shall be as hereinafter provided. (Act Apr. 29, 1935, c. 362, §1.)

2780-22. Terms of officers.—The term of office of the member of such school board to commence on August 1, 1937, shall expire on the Sunday preceding the first Monday in January, 1941. Such member shall be elected for such term under the provisions of this act and all terms of office shall be for four years, and the election for such office shall be held at the first general election of county officers immediately preceding the year 1941.
The term of office of the member of such school board to commence on August 1st, 1938, shall expire on the Sunday preceding the first Monday in January, 1941. Such member shall be elected for such term under the provisions of law now existing. Thereafter the term of such office shall be for four years, and the election for such office shall be held at the first general election for county officers immediately preceding 1941.

The term of office of the member of such school board to commence on August 1, 1940, shall expire on the Sunday preceding the first Monday in January, 1943. Such member shall be elected for such term under the provisions of law now existing. Thereafter the term of such office shall be for four years, and the election for such office shall be held at the first general election for county officers immediately preceding 1945. (Act Apr. 29, 1935, c. 362, §2.)

2780–23. Meetings—Organizations.—School boards in the same districts shall meet and organize annually on the first Tuesday after the first Monday in January in each year, or as soon thereafter as practicable, but not later than ten days after such date, commencing in January, 1937. Provided further that such board when organizing in August, 1936, under laws now existing, shall organize only for the period extending to the first Tuesday after the first Monday in January, 1937. (Act Apr. 29, 1935, c. 362, §3.)

2780–24. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby superceded and repealed, so far as necessary to give full force and effect to the provisions of this act; provided, however, that the members of any such board in such county shall continue to hold office under the law now existing until the members of such board have been elected for a term of four years as provided for in this act; and thereafter the term of office of each member of such board shall commence on the first Monday in January following such election. (Act Apr. 29, 1935, c. 362, §4.)

2781. Indebtedness of old school district.
Where common district consolidated with county district, which did not assume outstanding bonds issued to pay for school building, and building bonds, proceeds of insurance belong to the county district, and need not be applied towards indebtedness of former common district. Op. Atty. Gen. (1934-5), Apr. 18, 1938.

2784. Notice of meeting.

2789. Annexation of land to school districts.—When any freshholder shall present to the board of any county a petition, verified by him, stating that he owns land adjoining any district, or separated therefrom by more than one line, the same being vacant and unoccupied, or that its owner is unknown, and that he desires his said land, together with such intervening land, set off to form a new district, or to change the boundaries of such district, and asking the board to be attached and the adjoining district to lie in different counties, such annexation shall not be effective, until such petition has been presented to the county board of each county and each such board has made its order granting the same. In the manner provided in Section 2676, General Statutes 1913 [Mason’s Stat., §2747]. (R. L. ’05, §1301; G. S. ’13, §2704; ’15, c. 113, §1; Apr. 17, 1931, c. 189.)


Landowner in one school district in order to have his land detached from said district specified to another school district adjoining his land must make application under this section. Op. Atty. Gen. (169c), Dec. 11, 1934.

2790. Districts to be composed of adjoining territory.

2793. Annual elections in school districts.—(a) The annual meeting of all common school districts shall be held on the last Tuesday in June, at 8:00 o’clock p.m., unless a different hour has been fixed at the preceding annual meeting, upon ten days’ posted notice given by the clerk, and specifying the matters to come before such meeting; but failure of the clerk to give such notice or of the board to transact the business to be transacted therein, shall not affect the validity of any business, except the raising of money to build or purchase a schoolhouse, the accounting for the issue of bonds, the fixing of a schoolhouse site, or the organization as an independent district. The board of education or trustees in special school districts may fix the time of the annual meeting, when so authorized by vote of the district. Provided, that the polls at all school meetings shall be held open at least one hour.

(b) The annual meeting or election of an independent school district shall be held on the last Tuesday in June and shall be called and conducted in the same manner as provided in subsection (a) above except as hereinafter provided.

In districts maintaining graded elementary and high schools, the annual meeting or election shall be held on the third Tuesday in May.

In any independent school district which maintains two or more schools the school board may, and upon a majority vote of the electors shall, provide for more than one polling place and in such districts the annual school meeting or election shall be conducted as follows:

(1) Ten days’ posted notice shall be given by the clerk specifying the matters to be voted upon at such annual meeting or election and setting forth the polling places established by the board and describing the voting precincts. The clerk shall prepare, or cause to be prepared, ballots, and shall arrange for voting booths at such places as the school board shall previously have determined.

(2) The school board shall, at least thirty days before the date of the annual meeting or election, determine the number of polling places, and the hours the polls will be open. It shall choose, or cause to be chosen, three election judges for each polling place, who shall act as clerks of election, and shall canvass the ballots cast, and thereafter submit the same to the school board, which
board shall be in session at the time and shall receive such ballots.

(3) The school board may pay such judges an amount not to exceed fifty cents per hour for the time actually served by them in the performance of their duties as judges of election. The school board shall have the power to extend such time not to exceed twelve hours.

(5) In such districts one polling place may be designated by the school board as the place for the annual meeting; provided, that by a majority vote at any annual or special meeting when proper notice has been given, the annual meeting in such districts may be discontinued, substituting therefor an annual election.

Salary of chairman and treasurer of common school districts determined at the annual meeting without specifying such action will be taken in notice of meeting, the regular compensation of clerk. Op. Atty. Gen., Aug. 2, 1932.


Voters may provide for keeping polls open from 1 a.m. to 8 a.m. and from 7 p.m. to 11 p.m. Voters may provide for keeping polls open from 1 a.m. to 8 a.m. and from 7 p.m. to 11 p.m. Voters may provide for keeping polls open from 1 a.m. to 8 a.m. and from 7 p.m. to 11 p.m. Voters may provide for keeping polls open from 1 a.m. to 8 a.m. and from 7 p.m. to 11 p.m.


If, by a majority vote at any annual meeting, the school board shall fix the compensation of the school board members for the year, board may call a special election for that purpose, but electors cannot fix the salary for any future years without the designation of a specific site for a school nor can the school board fix the salaries of any future years without the designation of a specific site for a school. Op. Atty. Gen. (161a-16). Apr. 20, 1936.

A common school district which has maintained an accredited high school for two years prior to passage of this act, and which has assessed valuation of more than $600,000 or less is authorized to publish its official proceedings in the same manner as independent district and limitation of 50 cents per folio, board may not award an annual contract, first six months to one paper and next six months to another, nor award an annual contract to the two papers at a rate of twenty-five cents per folio each or a total of fifty cents per folio, but must select one of the papers. Op. Atty. Gen. (767b-10), Aug. 3, 1937.

No law requires school district to publish annual financial statements, but when it does, to publish such statements, it should be considered as a part of the school board proceedings. Op. Atty. Gen. (277e), Aug. 3, 1939. The financial statement by §2855, but is not controlled by any rate of twenty-five cents per folio each or a total of fifty cents per folio, must be published. Op. Atty. Gen. (767b-10), Aug. 3, 1937.


There is no limit on the number of elections that may be held for change of site on proper petition to clerk. Op. Atty. Gen., Aug. 15, 1929.

An unorganized school district is required to print an annual financial statement by §2855, but is not controlled by any rate of twenty-five cents per folio each or a total of fifty cents per folio, must be published. Op. Atty. Gen. (277e), August 15, 1929.

Where high school burned, a vote of majority of electors was necessary for issuance of bonds to purchase lands. Op. Atty. Gen., July 8, 1929.

Where bonds have been voted for the building of a new junior high school without the designation of a specific site, the board may not fix the site, but must proceed under subdivision 4 of this section.

Act relating to power of common school districts to build a new school building for use of teachers. Laws 1931, c. 192.

A vote of electors in favor of issuing bonds to be used for erection of a new school building may be rescinded by a subsequent vote to remove and repair the old building instead. Op. Atty. Gen., Mar. 16, 1931.

School board may not maintain two different voting places, as in the case of a lease of land on which school building stands, where the lease is so elected and the time of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement of the lease of land and the date of the commencement
for a three (3) year term. And annually thereafter at each annual meeting, one or two directors, as the case may be, shall be elected to succeed those whose terms are expiring on July 1 next following such meeting, and to serve for three (3) years. Provided, that directors now holding office shall hold office until the expiration of the terms for which they were hereinafter elected but not longer than until July 1 of the year in which their terms expire. (Act Apr. 14, 1937, c. 221, §1; Mar. 17, 1939, c. 62, §8.)

Sec. 9 of Act Mar. 17, 1939, cited, repeals inconsistent acts.


2802-4d. Same—vacancies.—Any vacancy in the school board shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election at the next annual meeting at which time a director shall be elected to fill the vacancy for the unexpired portion of the legal term. In case the board shall fail to fill such vacancy within fifteen (15) days after the vacancy, on petition of fifteen (15) freeholders of the district and ten (10) days posted notice thereof, a special meeting of the voters of the district shall be held at which time the vacancy shall be filled for a term to expire at the next regular annual meeting (Apr. 14, 1937, c. 221, §2.)

2802-4e. Same—organization.—On the first Saturday or other day thereof as practicable, in August, 1937, and annually thereafter, the board shall organize and elect a president, and by choosing a chairman, clerk and treasurer who shall hold offices for one year and until their successors are elected and qualified. The chairman, clerk and treasurer elected by the board in August, 1936, shall hold such offices for the term for which they were elected by the board. (Apr. 14, 1937, c. 221, §3.)

2802-4f. Same—what are schools.—Schools as herein mentioned shall mean school buildings wherein classes are regularly maintained. (Apr. 14, 1937, c. 221, §4.)

2802-4g. Same—tax limitations.—Common school districts having ten (10) or more townships and less than ten (10) schools, shall have the same tax limitations as those of independent school districts. (Apr. 14, 1937, c. 221, §5.)

2802-4h. Same—school districts to continue operation.—An independent school district of ten (10) more townships and less than ten (10) schools, operating under Chapter 84, Laws of 1927, during the years 1927 to 1933, and which school district continued to operate pursuant to and under Chapter 84, Laws of 1927, §§2802-1 to 2802-4, after said laws were amended by Chapter 391, Laws of 1933, shall continue to operate and exist as herein set forth. It is hereby provided that acts and proceedings of such school districts, the annual meetings, boards of education and voters thereof which such school districts operated and followed Chapter 84, Laws of 1927, after said act was amended by Chapter 391, Laws of 1933, are hereby validated and legalized insofar as the same are in relation to the public schools of such city, shall vest in and be performed by said inspectors, who shall be known as "the board of education" of such city. (Act Apr. 20, 1903, c. 289, §1.)

2802-17. Legal voters shall petition city council.—Whenever a majority of the legal voters of such city, to be determined by the total vote cast in such city at the last general election, shall desire to relieve the council of the said city from the duties of controlling and managing the public schools of said city, such legal voters shall petition the common council or city council for the election of a board of education, which petition shall be filed with the city recorder or city clerk of said city at least forty (40) days before the city election of said city. (Act Apr. 20, 1903, c. 289, §2.)

2802-18. Notice of election.—Upon filing of such petition, the said council shall immediately cause notice to be given that at the next city election the question will be submitted to the voters of said city whether the method of managing the public schools of said city shall be changed, and shall submit said question to the voters at the next election occurring more than thirty (30) days after the filing of said petition. The said question shall be submitted to said voters on the city ballot and may be in the following form:

In favor of a new board of education, against a new board of education, and the voter shall put an X mark opposite the proposition he shall vote for. If a majority of those voting on said question at said election shall vote in favor of such new board, then the management, direction, supervision and control of the public schools of such city shall be vested in such board of education, and shall be divested out of the council of said city. (Act Apr. 20, 1903, c. 289, §5.)

2802-19. Nomination and election of school inspectors.—Nominations for members of such board of education, to be denominated "school inspectors," may be made and such inspectors may be elected at the same election at which, the proposition to change the management and control of the schools from the city council to the board of education shall be submitted: and if said proposition is adopted by the vot-
ers, as specified in section 3 of this act, the inspector so elected shall immediately become the board of education of said city, and shall be vested with all the powers, duties, and responsibilities theretofore vested in the council of said city acting as a board of education. (Act Apr. 20, 1903, c. 289, §4.)

§2802-20. Election and term of office of school inspectors.—Such school inspectors shall be elected at the same time and in the same manner that city officers are elected under the provisions of the charter of such city district. Said inspectors or under the provisions of any amendments to such charter, or under the provisions of any home rule charter, or any amendments thereto, and the term of office of such inspectors shall begin at the same time as the terms of such city officers.

Such school inspectors shall, however, be elected as follows:

Two (2) inspectors shall be elected from each ward of said city, and one inspector shall be elected at large, said inspectors shall hold office for four years and until their successors are elected and qualified, but at the first election one of the inspectors from each ward shall be nominated and elected to hold office for two years only, and thereafter one inspector from each ward shall be elected for four years. (Act Apr. 28, 1903, c. 289, §50; Laws 1907, c. 50, §1.)

§2802-21. Board of education—powers—organization.—The inspectors so elected and qualified shall be a body corporate and shall be known as the board of education of said city which shall be their corporate name. Said board of education may sue and be sued, have a corporate seal, and may do and perform all the acts and things and have all the powers and duties which their predecessors, such council, as the board of education, could do or perform in the management, control and operation of the public schools of such city, and all such clerks and officers as to them may seem necessary, and may pay for the same such sum or sums as to them may seem just and proper. They may appoint an attorney for said board at an annual compensation to be fixed by said board. They may also secure such other counsel and legal advice and services as to them may seem proper, whether an attorney has been appointed by the board or not, have a corporate seal, and may sue and perform all the acts and things and have all the powers and duties which their predecessors, said council, as the board of education, could do or perform in the management, control, and operation of the public schools of said city, and shall give bonds for their respective faithful performance of their duties and for the faithful care and custody of the funds of said board, in such amounts and as often as shall be required by the board. (Act Apr. 20, 1903, c. 289, §7; Feb. 27, 1935, c. 28, §1.)

§2802-22. Treasurer—Bonds.—The city clerk or city recorder shall officio be the treasurer of said board of education, and the city treasurer shall have systematic and other duties of said board of education. The funds of the said board of education shall be paid out on the warrant of the board, signed by the president and countersigned by the secretary, and the city treasurer shall give bonds for the faithful performance of their duties, and for the faithful care and custody of the funds of said board, in such amounts and as often as shall be required by the board. Provided, that in any city containing a city of the first class, all the duties which their predecessors, such council, as the board of education, could do or perform in the management, control and operation of the public schools of said city, and for the faithful care and custody of the funds of said board, at its first meeting following the general city election shall elect a secretary and treasurer who shall serve for the term of two years, unless removed for cause, and shall fix their respective compensations; such secretary and treasurer so elected by said board shall give bonds for their respective faithful performance of their duties and for the faithful care and custody of the funds of said board, in such amounts and as often as shall be required by the board. (Act Apr. 20, 1903, c. 289, §7; Feb. 27, 1935, c. 28, §1.)

§2802-22a. All acts and parts of acts, both general and special which are inconsistent herewith are hereby repealed to the extent of such inconsistency. (Act Feb. 27, 1935, c. 28, §2.)

§2802-22b. Primary election in certain independent school districts.—Any independent school district having a population of not less than 7500 nor more than 11,000 inhabitants, and an assessed valuation of not less than $2000.00 per capita of population of monies and credits, may hold an election of nominees, hereinafter designated as the “primary election” for the purpose of nominating candidates for school offices by adopting one of the following methods:

1. By resolution of two-thirds vote of the governing body of the independent school district; or

2. By a petition signed by at least 10 per cent of the voters of said independent school district, addressed to the governing body of said independent school district, requesting that said governing body submit to the voters thereof the determination of the question as to whether said independent school district shall have a primary election system for the purpose of nominating candidates for school offices of such independent school district at a special election to be held for that purpose. Within 15 days after receiving such a petition, the governing body shall provide for such special election and shall give not less than 10 nor more than 15 days posted notice thereof. The form of question to be voted on shall be as follows: "Shall the independent school district of... adopt the primary election system for nominations for school offices not of the nature of elections for the purpose of selecting candidates at a special primary election to be held for the purpose..."

§2802-22c. Same—date of primary; notice; publication of sample ballot; certification of result; canvass; ballots for general election.—The primary election shall be held not less than 10 days nor more than 14 days preceding the school election to be determined by the governing body. The clerk of such governing body shall give at least 10 days' published display notices in the official newspapers of the time and place of holding the same, of the hours during which the polls will be open, and of the offices for which candidates are to be nominated. All voting at the primary election shall be by ballot. The clerk of the governing body of such school district shall, at least one week before the primary election, give to be published a sample of the school primary ballot in the official newspapers of such independent school district, or if there is no newspaper therein, in the official newspaper of the county in which the county in which such independent school district is situated, and shall also post a sample printed copy in the office for public inspection. The judges and clerks of election shall certify the results of said primary election to the governing board of the independent school district, which shall forthwith canvass the votes and shall issue certificates of nomination to the four candidates receiving
schools of the said city who is related by blood or marriage to the said city clerk or city recorder by such payment to the said city shall be In full compensation for all service required by the provisions of this act. (Act Apr. 20, 1903, c. 289, §8.)

2802-22d. Same—filing—fee.—At least 30 days before the primary election any party eligible and desirous of having his name placed on the primary ballot as a candidate for any school office, shall file his affidavit with the clerk, stating his residence, that he is a qualified member of such independent school district, and the office for which he desires to be candidate. Upon payment by such candidate of $2.00 to the clerk of such independent school district, the clerk shall place the name of such candidate upon the primary election ballot of such independent school district. (Apr. 21, 1937, c. 342, §2.)

2802-22e. Same—compensation of judges and clerks.—The judges and clerks of said election shall receive the same compensation as is provided for the judges and clerks at the regular independent school district election. (Apr. 21, 1937, c. 342, §4.)

2802-22f. Same—primary election laws to apply.—All laws now in force as applies to primary elections generally shall apply to this act as far as applicable. (Apr. 21, 1937, c. 342, §5.)

Act Mar. 25, 1939, c. 86, enacts a primary election law, similar to that embraced in §§2802-22b to 2802-22f above, applicable to independent school districts consisting of one township having population of 4,500 to 6,000, and having two organized villages within its boundaries.

2802-23. Educational fund transferred.—Upon the adoption by the legal voters of any such city of such change of the management of the public schools of such city from such city council to such board of education, and immediately after the election and organization of such board, all funds in the city treasury of said city belonging to the educational fund, or to the common schools of said city, shall immediately be subject to the order, drafts and warrants and under the exclusive control of said board of education, and the city council of said city shall have no further authority over said funds. The city treasurer of said city shall hold the same subject to the order of said board of education only. (Act Apr. 20, 1931, c. 276, §5.)

2802-24. School board officers received no salary.—No member of the board of education shall receive any salary, fees or compensation whatsoever for acting as the secretary of such board of education. The city treasurer shall receive no salary, fees or compensation whatsoever for acting as the city treasurer of said board of education, but the salaries, fees or compensation paid to the said city clerk or city recorder by such city; and the salary or compensation paid to such city treasurer by such city shall be in full compensation for all service required by the provisions of this act. (Act Apr. 20, 1903, c. 289, §9.)

2802-25. Officers may not be interested in contracts.—No member of the board of education, secretary of said board, or treasurer thereof, shall be a party to, or interested in any contract made with the said board of education, nor shall said board of education engage any superintendent of schools or any teacher for the schools of the said city who Is related by blood or marriage to any member of said board of education, except by the unanimous consent and vote of all members of said board. (Act Apr. 20, 1903, c. 289, §10; Apr. 9, 1929, c. 141.)


2802-26. Board of education to establish voting places in certain cases.—In all bond elections for school purposes held in a city organized as a school district under the provisions of chapter 289, Laws 1903, the board of education of such city shall before notice is given of any such election as required by such district may adopt a resolution therein declaring a voting place in each ward of such city and appoint two judges and a clerk for each such ward to act as the officers of election at the voting place therein established. The polls at each voting place shall be held open from 2 P. M. to 9 P. M. on the day of such election. Immediately after closing the polls the judges and clerk of each voting place shall canvass and count the ballots, place such ballots in an envelope, seal it and file such sealed envelope and their return of the result with the clerk of the board of education. Such sealed envelope containing the ballots shall remain on file in the clerks' office and shall not be opened except upon order of court in appropriate contest proceedings. Within five days after the filing of the returns in the office of the clerk the board of education shall meet and canvass the return and by resolution declare the result. (Act Mar. 11, 1921, c. 77, §1.)

2802-27. Present statutes shall govern.—Except as herein provided such bond elections shall be held and conducted as provided by the general statutes relative to such elections. (Act Mar. 11, 1921, c. 77, §3.)

2802-28. Board to fix compensation.—How paid.—The board of education shall have authority to fix the compensation of judges and clerks acting as such at the aforesaid elections and the compensation so fixed shall be paid out of the moneys in the general fund of the district. (Act Mar. 11, 1921, c. 77, §5.)

2802-29. Schools to make labor regulations.—That the school board of each independent school district which Is within the limits of any city of the second class may adopt any ordinance duly enacted by the council of such second class city, including the penalty provisions for the enforcement thereof, relating to residence requirements, wage scales, and other regulations pertaining to labor on public works, and to require that it be a part of the specifications in contracts and be effective in all construction or repair work or any other public work involving the improvement of school property of such independent district. (Act Apr. 20, 1931, c. 276, §1.)

2802-30. School board to adopt forms and methods.—That such school board may adopt and use the same forms and methods of regulating said ordinance as is used by the council of such city of the second class. (Act Apr. 20, 1931, c. 276, §2.)

2802-31. To the additional powers.—That these powers shall be in addition to all other powers now vested in the school boards of an Independent school district which is within the limits of any city of the second class. (Act Apr. 20, 1931, c. 276, §3.)

2803. School board.—When common school district boards shall exercise same right as independent school district boards.

Common school district with more than 10 townships is not limited to 30 mills levy for school maintenance, but is limited to 8 mills rate for building and equipment. Op. Atty. Gen. (519m), Oct. 10, 1933.

A superintendent may be employed at meeting other than organization meeting of new board, and new board can abrogate contract with attorney or physician made by such board. Op. Atty. Gen. (768k-1), Sept. 4, 1936.

2803-1. Powers of school boards in certain common school districts.—That the school board of every common school district which is maintaining and which for at least 2 years next prior to the passage of this act has maintained such school, and each high school department shall have and possess all of the powers now or hereafter vested in the school board of independent school districts. Provided however that as to common districts having an assessed
valuation of more than Two Million ($2,000,000) Dollars none of the powers of independent districts shall be extended to or assumed by such districts except the provisions of law relating to courses of study, and the hiring of teachers and superintendents. (Act Apr. 17, 1931, c. 168, §1.)

171M376. Where the vote upon the payment of such salaries or compensation shall be by ballot. (As amended Mar. 17, 1939, c. 62, §5.)

Sec. 2806. School board of independent districts.—The school board of each independent school district shall consist of six directors elected at the first meeting of the district, six directors shall be elected, two to hold until July 1 following the next annual meeting, and two to hold until the expiration of one year, and two until the expiration of two years, from said July 1, at which time each director shall hold being designated on the ballot. (As amended Mar. 17, 1939, c. 62, §5.)

Sec. 2807. Boards of independent districts—Meeting and organization—Officers—Superintendent. Within ten days after the election of the first school board in independent districts, and annually thereafter on the first Saturday in July, or as soon thereafter as practicable, the board shall meet and organize by choosing a chairman, a clerk, and a treasurer, who shall hold their offices for one year, and until their successors are elected and qualified. They may also elect a superintendent who shall be enrolled as a member of the board, but not entitled to vote therein. (As amended Mar. 17, 1939, c. 62, §6.)

When office of treasurer becomes vacant and appointment of successor is not made until next succeeding annual election of district, at which election a membership be elected, said treasurer having served a term of office, and said vacancy be filled by a special election, person elected holds office for unexpired term. (Act Apr. 23, 1934.)

2800. School board of common and independent districts. —School board may rule that hot lunches be served to all students at noon. (Op. Atty. Gen., Jan. 17, 1934.)

When office of treasurer becomes vacant and appointment of successor is not made until next succeeding annual election of district, at which election a membership be elected, said treasurer having served a term of office, and said vacancy be filled by a special election, person elected holds office for unexpired term. (Act Apr. 23, 1934.)

2805. School board of common districts.—The school board of each common school district shall consist of a chairman, a treasurer and a clerk. At the first meeting of each school district embracing or containing less than ten townships, the chairman shall be elected to hold office until July 1 following the next annual election; the treasurer from such date, and the clerk until two years from such date. At the first meeting in each common school district embracing or containing ten or more townships, the chairman shall be elected to hold office until July 1 following the next biennial general state election, and the treasurer until one year from such date, and the clerk until two years from such date. Said trustees so elected in districts embracing or containing ten or more townships shall be paid such salary or compensation as the electors or legal voters of such district shall fix or determine, and the electors or legal voters of such district at the annual meeting thereof shall fix or determine, and the electors or legal voters of such district at the annual meeting thereof shall have no right to vote with the members of the school board on questions having to do with the erection of the building, and are not entitled to any compensation. (Act Aug. 18, 1931.)


2807. Election of officers in certain school districts.—That in all special school districts elected at the annual meeting of the district, six directors shall be elected, two to hold until July 1 following the next annual meeting, and two to hold until the expiration of one year, and two until the expiration of two years, from said July 1, at which time each director shall hold being designated on the ballot. (As amended Mar. 17, 1939, c. 62, §5.)
as judges of said school election. (Act Mar. 27, 1929, c. 52.)

2807-2. School board to be elected at large in certain cases.—Any school district, however organized, now or hereafter having a population of not less than 10,000 and not more than 20,000 inhabitants, wherein the members of its governing board are elected by and from precincts or subdivisions of the district, shall elect such members by and from the district at large upon the electors thereof voting in favor of so doing, as herein provided. (Act Mar. 9, 1931, c. 52, §1.)

2807-3. Petitions—elections.—Whenever a petition, signed by 100 or more qualified electors of any such district, shall be presented to the governing board thereof requesting that the proposition of electing the members of such board by and from the district at large be submitted to the electors of such district, the governing board shall by resolution direct such proposition to be submitted at the next general election held not less than 30 days and not more than 60 days thereafter, if any. If there be no such general election to be so held, the said board shall cause a special election to be called and held in the manner provided for the calling and holding of other special elections in said district. (Act Mar. 9, 1931, c. 52, §2.)

2807-4. Ballot.—The ballot used at such election shall be substantially in the following form:

"Shall the members of the governing board of our school district be elected by and from the district at large?

Yes................

No................

Notice shall be given and such election shall be conducted and the ballots counted and canvassed, returns made, and the results declared in the same manner as in the case of other propositions submitted to the electors when voted upon by the district at large. (Act Mar. 9, 1931, c. 52, §3.)

2807-5. Conduct of elections.—If a majority of the votes cast upon the proposition be in the affirmative, members of the board shall thereafter be elected by and from the district at large, but the several precincts or subdivisions of the districts shall be continued as voting places, notwithstanding such change, and such elections shall be held and conducted as theretofore, except that the members of such board shall be elected by and from the district at large. (Act Mar. 9, 1931, c. 52, §4.)

2807-6. Members to finish term.—The members of the board in office at the time such change is effected shall continue to serve for the balance of their respective terms, unless sooner vacated, and their successors shall be elected by and from the district at large. (Act Mar. 9, 1931, c. 52, §5.)

2807-7. Vacancies.—Vacancies in the membership of the board occurring otherwise than by expiration of the term shall be filled by the board of education, and the board shall continue to be the board of said school district until the next election after his appointment. (Act Mar. 9, 1931, c. 52, §6.)

2807-8 to 2807-14. [Repealed].

Repealed by Act Mar. 27, 1933, c. 117.

2807-15. Annual election of school board in certain districts.—That in any independent school district, however organized, in any city of the first class in the state of Minnesota, the territorial limits of which independent school district coincide with the territorial limits of such city, and the government of which independent school district is not provided for in the charter of such city, the annual election of members of the board of education of such school district shall be held on the first Tuesday in April. That the governing body of any such school district and the governing body of any such city shall apportion the cost of such a school election and any such general municipal election in any such city, when both of said elections occur on the same day, in such proportion and amount as said governing bodies shall agree upon. The members of said board of Education shall be so elected for the terms and in the manner prescribed by law. (Act Mar. 27, 1929, c. 117, §1; Apr. 24, 1935, c. 236.)

2807-16. May be held on same date as general election.—Whenever the date for holding such election shall coincide with the date of a general municipal election in any such city, the members of said board of education shall be voted for in the several voting precincts and at the several places where city officers are or may be voted for at such general elections. The persons entitled to vote at such general municipal elections for officers of such city, and only such persons, shall be entitled to vote for members of such board or other governing body. The polls shall be open for voting for members of such school board during the times that the polls are open for the election of city officers and no longer. Separate boxes shall be provided at each voting place in which shall be deposited the ballots cast for members of the board of education or governing body of said independent school district at large. (Act Mar. 9, 1931, c. 52, §5.)

2807-17. Elections validated.—That any election of members of the board of education or governing body of any such school district held after the expiration of the term of any such board, shall coincide with the date of a general municipal election in any such city, when both of said elections occur on the same day, in such proportion and amount as said governing bodies shall agree upon, shall be held on same date as general election. (Act Mar. 27, 1933, c. 117, §2.)

2807-18. Law repealed.—Laws 1931, chapter 359, sections 8 to 14 is hereby repealed. (Act Mar. 27, 1933, c. 117, §4.)

Sec. 5 of Act Mar. 27, 1933, cited, provides that the act shall take effect immediately.

2807-18a. Organization of certain special school district.—In any school district in this state, created, organized and operating under a special law, and now or hereafter having a population of not less than 10,000 and not more than 20,000 inhabitants, and where any members of the governing board of education are elected by and from the district at large on the third Saturday in July of each year for a term of two years, the term of office of such members shall commence on the first Saturday in August after said election. The polls at all elections in such district shall be open between the hours of 9 A. M. and 8 P. M., unless the Board of Education by resolution shall fix other hours. (Act Apr. 21, 1937, c. 322, §1; Mar. 31, 1939, c. 197, §1.)

Laws 1939, c. 62, repealed all acts or parts of acts inconsistent therewith, but laws 1939, c. 107, relating to high school district and similar districts where inconsistent, because passed later. Op. Atty. Gen. (187a-6), April 18, 1939.
election of officers. If such organization shall not be completed at that time it may be completed at a future meeting. (Apr. 21, 1937, c. 322, §2.)

2807-18c. Same—board to audit bills before annual meeting. The governing board or board of education of such special district shall not meet on the Friday preceding the first Saturday in August of each year and close up as far as practicable all old or unfinished business of said board and audit all proper bills, and order the same paid, and do all such other business as may properly appertain to said board, but at no meeting no business shall be transacted, and no person shall be nominated, chosen or elected to fill any vacancy in the board. (Apr. 21, 1937, c. 322, §3; Mar. 31, 1933, c. 107, §2.)

2807-19. Independent school districts not to draw orders without funds.—That from and after January 1, 1934, no independent school district which in the year 1932 had a population exceeding 20,000 and an assessed valuation (exclusive of moneys and credits) of more than $2,750 per capita of population shall draw any order or warrant on any fund until there is sufficient money in such fund to pay the same, together with all orders previously issued against said fund. (Act Apr. 10, 1933, c. 210, §1.)

2807-20. Population to be determined by special census.—That in determining the application of this law to any school district, the population thereof shall be determined by any special census taken pursuant to the provisions of Laws 1931, Chapter 417, since the year 1930 and prior to the enactment of this statute; and if no such special census has been taken, the population shall be determined by the last Federal census; if the report of the Director of the Census does not show the population of such school district, its members shall be considered as being that amount used by the county auditor of the county in which such school district is located as a basis for determining the per capita limitations of the levies of such school district for the years 1931 and 1932. The valuation of such school district shall, for the purpose of this Act, be the valuation of the property therein, exclusive of moneys and credits, used by the county auditor of such county as a basis for spreading the 1931 tax on said district. (Act Apr. 10, 1933, c. 210, §2.)

2807-21. Not to create additional indebtedness.—Whenever from and after January 1, 1934, the expenses and obligations incurred, chargeable to any particular fund of such district in any calendar year, are such as to make the sum $5000 or more of the entire amount of the tax levy for such fund payable in that year, including such amount as may remain in the fund from the levy of the prior year or years, no officer or board of such school district shall have power, and no power shall exist, to create any additional indebtedness (save as the remaining 15% of said tax levy is collected) which shall be a charge against that particular fund or shall be in any manner a valid claim against such district; but such additional indebtedness attempted to be created shall be a personal claim against the officer of members of the board voting for or attempting to create the same. (Act Apr. 10, 1933, c. 210, §3.)

2807-22. May issue and sell tax levy certificates.—At any time after January 1, following the making of an annual tax levy the governing body of such school district may, for the purpose of meeting the obligations of the ensuing year, by resolution issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes so levied for any fund named in such tax levy for the purpose of raising money for such fund. No certificate shall be issued and outstanding for an amount exceeding 65% of the amount named in the tax levy for that fund as spread by the county auditor and in no event exceeding the uncollected portion of said levy. No certificate shall be issued to become due and payable later than December 31 of the year succeeding the year in which it was issued, except that such certificates shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than six per cent per annum. Each certificate shall state upon its face for which funds proceeds of the certificate shall be used, the total amount of the certificate so issued for each such fund, and the whole amount embraced in the tax levy for that particular purpose. They shall be numbered consecutively and be in denominations of $25 or multiple thereof and may have interest coupons attached, and shall be otherwise of such terms and form and be made payable at such place as will best aid in their negotiation. The proceeds of the tax assessed and collected as aforesaid on account of said fund, and the full faith and credit of such school district shall be irrevocably pledged for the redemption of the certificates so issued. Such certificates shall be paid from the moneys derived from the levy for the year against which such certificates were issued, or if there be not sufficient for such purpose, from other funds of the district. The money derived from the sale of the tax levy for that fund shall be credited to such fund or funds for the calendar year immediately succeeding the making of such levy and shall not be used or spent except during such succeeding year. No certificates for any year shall be issued until all certificates for prior years have been paid, nor shall any certificate be extended; provided that money derived from the sale of the certificates for any one year may, if necessary, be used to redeem unpaid certificates issued in a prior year. The certificate of indebtedness so issued shall be negotiable the same as any other commercial paper or bills of exchange. (Act Apr. 10, 1933, c. 210, §4.)

2807-23. Certificates may be held by school treasurer.—In the event the school board of any such district is unable to sell such certificates of indebtedness in the manner prescribed, it may issue such certificates of indebtedness to the district treasurer or his order, and deposit the same with him. Certificates so issued shall be held by the treasurer until they may be sold and shall bear interest at six per cent per annum. The district may thereafter, so long as such certificates are on deposit with the treasurer, issue warrants upon the funds against which such certificates were issued, the total principal amount of such warrants not to exceed the total principal amount of the certificates so held by the treasurer. Such warrants shall bear interest at six per cent per annum from and after the date they are presented to the treasurer and stamped "Not paid for want of funds, but protected by certificates of indebtedness now held by me." Such certificates may be sold by the school board and the proceeds of such sale shall be used to take up such warrants in the order presented for payment. Interest upon such warrants shall stop upon the date they are called by the treasurer for payment. Such certificates of indebtedness so held by the treasurer shall be paid at the same time and in the same manner as if they had been issued to a purchaser thereof. All warrants attempted to be issued and all obligations or indebtedness attempted to be incurred under authority of this section, in excess of the principal amount of the certificates of indebtedness so held by the district treasurer shall be void. (Act Apr. 10, 1933, c. 210, §6.)

2807-24. To be on cash basis after January 1, 1934. From and after January 1st, 1934, such district taxes shall be levied for all purposes to be on a cash basis and shall thereafter remain on a cash basis. All taxes levied in 1933 shall be considered as the tax revenues for the year 1934, and thereafter in any such school district taxes shall be levied as now provided by law.
but for the succeeding year. (Act Apr. 10, 1933, c. 210, §6.)

2807-25. May issue bonds to take up indebtedness.—If any such school district prior to January 1, 1933, has incurred by proper authority a valid indebtedness for bonds, in excess of its cash on hand not specifically set aside for the retirement of bonds and interest thereon, such school district may for the purpose only of paying and discharging such valid indebtedness and interest thereon, issue its bonds in the manner now provided by law, except: that such bonds may be issued on a vote of the school board thereof, without a vote of the electors; provided that if any moneys received from taxes levied in 1932 and payable in 1933 for any purposes other than payment of bonds and interest thereon, issue its bonds in the total amount of such payments for the purpose of reimbursing the funds from which such moneys were paid; provided further that the purchaser of such bonds shall not be charged with notice of invalidity of any indebtedness funded thereby, and bonds issued hereunder in the total amount of such indebtedness as determined by resolution of the school board of said district, in the hands of any purchaser, shall be valid obligations of the school district notwithstanding any claims of invalidity of any such indebtedness funded thereby; provided further that an expenditure prior to the date of this Act shall not affect the validity of the remaining provisions in said district are hereby legalized and validated as against any claim that such district had not the power to incur the obligation or had not proceeded in the proper manner to exercise such power, viz.: architects' commissions and salaries of building inspectors; salary paid to school attorney; hospital bills and bills for medical and dental services to students and employees injured in connection with school activities; meal, dental and optical supplies for school doctor, dentist or nurse; liability and property damage, insurance premiums on cars, busses and trucks owned by the school district; indemnity insurance premiums for school dentists and doctors; premiums on surety bonds for officers and employees of the district; athletic and physical training supplies; expenses of operating students' savings system; recreational activities and facilities. (Act Apr. 10, 1933, c. 210, §7.)

2807-26. Annual tax levy.—The school board of any school district issuing bonds pursuant to the authority of this Act shall, at the time of the issuance thereof, by resolution provided for a levy for such year until and as an annual tax in an amount sufficient to pay the principal and interest thereon when and as such principal and interest become due. Such tax levies shall be within the per capita limitations provided by law upon the tax levies of said district, and the county auditor at the time of spreading the annual tax levy of said district shall adjust the same so that the total levy, including any levy for said bonds, whether issued to the state or a private purchaser, shall be within the per capita limitations provided by law plus any levies which may be authorized in excess of such limitation by Laws 1921, Chapter 417, for bonded indebtedness and Interest thereon. (Act Apr. 10, 1933, c. 210, §8.)

2807-27. Disposition of bonds.—Such bonds may be issued and sold to the State of Minnesota pursuant to existing laws at the time of the issuance thereof (except as herein modified) or to private purchasers, or be exchanged for outstanding obligations at par with accrued interest. (Act Apr. 10, 1933, c. 210, §9.)

2807-28. School Board to prepare budget.—The school board of such district shall, each year prior to the making of the tax levy for the ensuing year, prepare a budget of the expenditures of such district during the year in which such taxes will be collected, itemizing the purposes for which such moneys will be expended, and the amount of obligations that will be incurred for each such purpose. If at any time during such year it appears that such district is incurring obligations at a rate or upon any provision of law which would make it probable, if such rate or scale be continued, after allowing for variations in seasonal requirements, that the total expenditures for said year would exceed the moneys to be received therein, after allowing any probable tax deficiencies, the county Court, in an action brought by any taxpayer, may require such district to limit its expenditures to a rate and scale which will assure that the total obligations incurred in such year will not exceed the moneys available therein. (Act Apr. 10, 1933, c. 210, §10.)

2807-29. Contracts in violation to be null and void.—Each contract attempted to be entered into, or indebtedness or pecuniary liability attempted to be incurred in violation of the provisions of this Act, shall be null and void in regard to any obligation thereby sought to be imposed upon the school district, and no这样的话 shall be payable by the school board of said district; nor shall the check of the school district or any other officer issue or execute, nor shall the district treasurer pay any warrant or certificate of indebtedness issued on account thereof. Each member of the school board and each other district officer participating in or authorizing any violation of the provisions of this Act shall be individually liable to the district or to any other person for any damage that is caused thereby. Every member of the school district present at a meeting thereof when any action is taken with reference to paying money or incurring indebtedness or entering into any contract in violation of the provisions of this Act shall be deemed to have participated in and authorized the action; and he shall have caused his dissent therefrom to be entered upon the minutes of the meeting. (Act Apr. 10, 1933, c. 210, §11.)

2807-30. Not to change on account of changing population.—When a school district has once come under the provisions of this Act, it shall continue under its provisions notwithstanding any subsequent change in assessed valuation or population. (Act Apr. 10, 1933, c. 210, §12.)

2807-31.—May be postponed for one year in certain cases.—The funding of the indebtedness of the school district is necessary to the functioning of this law and if such a school district shall find it impossible to sell the bonds herein provided for, prior to January 1, 1934, the operation of this Act shall be postponed for one year. In that event the indebtedness authorized to be funded hereunder shall be the valid indebtedness, excluding bonds, in excess of cash on hand not specifically set aside for the retirement of bonds and Interest thereon, incurred prior to January 1, 1934; and the provisions of Sections 1, 3, 4, 5, 6, 10 and 11 shall not take effect until and after January 1st, 1935. (Act Apr. 10, 1933, c. 210, §13.)

2807-32. Provisions separable.—If any provision hereof is found unenforceable, such determination shall not affect the validity of the remaining provisions not clearly dependent thereon. (Act Apr. 10, 1933, c. 210, §14.)

2807-33 to 2807-46. [Superseded.] These sections seem to be superseded by Act Apr. 24, 1934, c. 261, §2807-47 to 2807-81, post. Consist of Act Apr. 22, 1933, c. 413, §§11-14.

2807-47. School districts may not incur indebtedness.—From and after January 1, 1936, no independent school district having a population exceeding 7,500 and less than 11,000 and an assessed valuation of more than $2,000 per capita of population, exclusive of moneys and credits, shall draw any order on

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warrant on any fund until there is sufficient money in such fund to pay the same, together with all orders presented against such fund. (Act Apr. 24, 1935, c. 261, §1.)

2807-48. Special census to control. — In determining the application of this law of any such school district the population thereof shall be determined by any special census taken pursuant to the provisions of Laws 1921, Chapter 417 ([§2061 to 2066]), since the year 1930 and prior to the enactment of this statute. If no such special census has been taken the population shall be determined by the last federal or state census, provided that nothing in this section shall preclude any such school district from hereafter taking a special census for the purpose of determining the amount of taxes that may be levied thereon. (Act Apr. 24, 1935, c. 261, §2.)

2807-49. Not to create indebtedness. — Whenever, from and after January 1, 1936, the expenses and obligations incurred, chargeable to any particular fund of such district in any calendar year, are sufficient to absorb 95 per cent of the entire amount of the tax levy for said year, the treasurer may certify to that fact to the board of education and may in such terms and form and be made payable at any time after the first day of January in the year following the year in which the revenue was anticipated by issuance of certificates of indebtedness now held by such treasurer may proceed by one of the following methods: (a) selling its certificates of indebtedness in any denomination not within the limitations as to total amount herein contained, payable to the order of the creditor of such district, in payment of the debt, claim or account of such creditor after the same has been allowed by the school board; or (b) issuing certificates of indebtedness to the school board treasurer, or his order, and depositing the same with him. Certificates so issued shall be held by the treasurer until they may be sold and shall bear interest at not to exceed six per cent per annum. Such certificates may be sold by the school board and the proceeds of such sale shall be used to take up such warrants in the order in which they were presented to the treasurer, registered by him and stamped “Not paid.” Certificates so issued upon such warrants shall stop the day they are presented to the treasurer and stamped “Not paid.” Such certificates may be sold by the school board and the proceeds of such sale shall be used to take up such warrants in the order in which they were presented to the treasurer, registered by him and stamped “Not paid.” Certificates so issued shall be held by the treasurer until they may be sold and shall bear interest at not to exceed six per cent per annum. Such certificates may be sold by the school board and the proceeds of such sale shall be used to take up such warrants in the order in which they were presented to the treasurer, registered by him and stamped “Not paid.” Certificates so issued shall be held by the treasurer until they may be sold and shall bear interest at not to exceed six per cent per annum. Such certificates may be sold by the school board and the proceeds of such sale shall be used to take up such warrants in the order in which they were presented to the treasurer, registered by him and stamped “Not paid.”

2807-50. May issue certificates. — At any time after January first following the making of an annual tax levy the school board of any such district may, for the purpose of meeting the obligations of the current year, by resolution issue and sell as many certificates of indebtedness as may be issued during the period prior to July 1st and not more than thirty-five per cent of the total principal amount of such certificates shall be payable prior to January 1, 1937; provided that the total principal amount of such certificates shall not exceed the total principal amount of the tax levy payable in any such year, or if there be insufficient revenue to meet the obligations of such fund, from other funds of the district. The money derived from the sale of such certificates (except those issued to take up old certificates as hereinbefore authorized) shall be credited to such fund or funds for the calendar year in which issued, and shall not be used or spent except during such year. Except as hereinbefore authorized, no certificate for any year shall be issued until all certificates for prior years have been paid, nor shall any certificates be extended; provided that money derived from the sale of certificates for any one year, if necessary, may be used to redeem unpaid certificates issued during a prior year. (Act Apr. 24, 1935, c. 261, §6.)

2807-51. Limitation of certificates. — No such school district shall be permitted during any year to anticipate by issuance of certificates of indebtedness more than sixty per cent of its tax levy payable in said year for any of its funds during the period prior to July 1st, and not more than thirty-five per cent of said levy (plus any amount authorized but not issued during the period prior to July 1st) during the period subsequent to July 1st and prior to December 31st. It shall be unlawful for any school district to create the same. (Act Apr. 24, 1935, c. 261, §7.)

2807-52. May issue certificates to creditors. — If any such school district is unable to sell such certificates of indebtedness in the manner prescribed hereby it may proceed by one of the following methods: (a) issuing its certificates of indebtedness in any denominations not within the limitations as to total amount herein contained, payable to the order of the creditor of such district, in payment of the debt, claim or account of such creditor after the same has been allowed by the school board; or (b) issuing certificates of indebtedness to the school board treasurer, or his order, and depositing the same with him. Certificates so issued shall be held by the treasurer until they may be sold and shall bear interest at not to exceed six per cent per annum. Such certificates may be sold by the school board and the proceeds of such sale shall be used to take up such warrants in the order in which they were presented to the treasurer, registered by him and stamped “Not paid.”

2807-53. Tax levies to be set aside for payment of certificates. — The proceeds of the taxes assessed and collected as aforesaid on account of said fund and the faith and credit of the school district shall be irrevocably pledged for the redemption of the certificates of indebtedness so issued. Such certificates shall be paid out of the monies derived from the levy for the year against which such certificates were issued, or if there be not sufficient for that purpose, from other funds of the district. The money derived from the sale of such certificates (except those issued to take up old certificates as hereinbefore authorized) shall be credited to such fund or funds for the calendar year in which issued, and shall not be used or spent except during such year. Except as hereinbefore authorized, no certificate for any year shall be issued until all certificates for prior years have been paid, nor shall any certificates be extended; provided that money derived from the sale of certificates for any one year, if necessary, may be used to redeem unpaid certificates issued during a prior year. (Act Apr. 24, 1935, c. 261, §6.)

2807-54. To be on cash basis. — From and after January 1, 1936, any such district shall be deemed for all purposes to be on a cash basis and shall thereafter remain on a cash basis. All taxes levied in 1935 shall be considered as tax revenues for the year 1936, and thereafter in any such school district taxes shall be levied as now provided by law, but for the succeeding years. (Act Apr. 24, 1935, c. 261, §8.)

2807-55. May issue funding and refunding bonds. — If any such school district prior to January 1, 1936,
has incurred by proper authority a valid indebtedness of whatsoever character to it's cash on hand, such school district may, for the purpose of paying and discharging such valid indebtedness or changing the maturities of the funded portion thereof, issue its funding or refunding bonds in the manner now provided for, except that such bonds may be issued by a resolution of the school board thereof without vote of the electors; provided further that if any moneys properly applicable to the payment of current expenses in 1936 shall have been used prior to the issuance of bonds authorized by this act for the retirement of the indebtedness existing on January 1, 1936, or interest thereon, such bond issue may include the amount of such payments for the purpose of reimbursing the fund to which such moneys were paid and no holder of such bonds shall be charged with notice of the invalidity of any indebtedness funded by such bonds, and bonds issued hereunder in the total amount of such indebtedness, as determined by resolution of the school board of said district, in the hands of any purchaser, shall be valid obligations of the district, notwithstanding any claims of invalidity of any such indebtedness funded thereby. (Act Apr. 24, 1935, c. 261, §§ 5.)

2807-56. Tax levy to retire bonds.—The school board of any such district issuing bonds pursuant to the authority of this act, at the time of the issuance thereof, by resolution provide for the levy of an annual and irrevocable tax to be levied each year until the principal and interest of said bonds are fully discharged and an amount sufficient to discharge principal and interest thereon at maturity. Such tax levies shall be within the per capita limitations now provided for by law upon the tax levies of said districts, except that the assessor, and the county auditor, at the time of spreading the annual tax levy of any said district, shall adjust the same so that the total levy, including any levy for said bonds, whether issued to the state or a private purchaser, shall, except as herein provided, be within the per capita limitations provided by law. (Act Apr. 24, 1935, c. 261, § 16.)

2807-57. Taxes to be paid into special fund.—The proceeds of the tax levies for the payment of bonds issued hereunder shall be paid into a special fund and used solely for the retirement of said bonds and interest thereon, until all of such indebtedness funded thereby is paid. (Act Apr. 24, 1935, c. 261, §§ 7.)

2807-58. Leases in excess of per capita limitations.—If any school district subject to this act shall at the time of the enactment hereof have bonds outstanding issued for the purpose of defraying the cost of erecting and equipping school buildings therein, leases in a total amount not exceeding $300,000 for the principal, plus interest thereon to maturity, may be made in excess of existing per capita limitations for the retirement of such bonds, such leases when collected to be paid into the special fund herein provided. Such excess leases may be made in as nearly equal installments as the manner is taken wort to provide for the annual payments on bonds, such excess leases may nevertheless be made, and when collected shall be paid into such special fund and used for the retirement of other indebtedness of the district authorized to be funded or refunded hereunder. (Act Apr. 24, 1935, c. 261, § 12.)

2807-59. May be sold to the State of Minnesota.—Bonds authorized to be issued hereunder may be issued and sold to the State of Minnesota pursuant to existing laws at the time of the issuance thereof, except as herein modified, and to private purchasers, or to both. They may be issued bearing such rates of interest as may best lead to their negotiation or sale, notwithstanding the rate of interest fixed by statute therefor. (Act Apr. 24, 1935, c. 261, § 13.)

2807-60. Board to make budget.—The school board of each such district, prior to the making of the tax levy for the next ensuing year, shall prepare a budget of the expenditures of such district during the year in which such taxes will be collected, including the purposes for which such moneys will be expended, and the amount of obligations incurred for each such purpose, during each quarter of such year. The clerk of such school district shall prepare and present at the first meeting of the board in each month a statement showing all expenditures made and obligations incurred for the preceding month and for the preceding portion of the fiscal year; the amount allowed by the budget for such month and the preceding portion of the fiscal year; the amount allowed by the budget for the remainder of the fiscal year. (Act Apr. 24, 1935, c. 261, § 14.)

2807-61. Contracts to be null and void in certain cases.—Each contract attempted to be entered into, or indebtedness or pecuniary liability attempted to be incurred, in violation of the provisions of this act, shall be null and void. Persons thereby sought to be imposed upon the school district, and no claim therefor shall be allowed by the school board of said district; nor shall the clerk of such district or any other officer or employee issue or execute any warrant or certificate of indebtedness issued on account thereof. Each member of the school board and each other district officer or employee participating in or authorizing any violation of this act shall be individually liable to the district or to any other person for any damage that is caused thereby. Each member of the school board present at a meeting of the board when any action is taken whereby the acts or practices described in this act are occurring indebtedness or entering into any contract, shall be deemed to have participated in and authorized the same, unless he shall have caused his dissent therefrom to be entered upon the minutes of the meeting. (Act Apr. 24, 1935, c. 261, § 15.)

2807-62. Act remedial.—This act is remedial in its nature, intended to remedy the financial condition of school districts within the class stated, and is intended to secure a sound fiscal policy thereafter. If any district shall come within the provisions of this act, the act shall continue to govern the operations thereof, notwithstanding any subsequent change in population or valuation. (Act Apr. 24, 1935, c. 261, § 16.)
disposition of proceeds.—At any time after the annual date; price; interest; form; pledge of faith; payment; aforesaid was made. Said certificates shall not be sold
in the collection of taxes levied for any fund
district may by resolution with or without advertise-
tion of the charter of such city. (Apr. 22, 1937, c. 355, $1; July 14, 1937, Sp. Ses., c. 47, $1.)

2807-72. Same; issuance and sale; amount; due date; price; interest; form; pledge of faith; payment; disposition of proceeds.—At any time after the annual tax levy of any such school district has been certified to the County Auditor, the school board of such school district may by resolution with or without advertisement for bids issue and sell as many certificates of indebtedness as they may deem necessary in anticipation of the collection of taxes levied for any fund named in the tax levy for the purpose of raising money for any such fund. Certificates of indebtedness issued and outstanding for any of such separate funds shall not at any time exceed 75% of the amount of taxes levied for such fund remaining uncollected. No certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which the said tax levy certified to the County Auditor as such was made. Said certificates shall not be sold for less than par with accrued interest and shall not bear a greater rate of interest than six per cent (6%) per annum, which interest shall be payable as provided in such resolution. Each certificate shall state upon its face for which fund the proceeds of said certificates shall be used, the total amount of certificates against such fund issued and outstanding and the whole amount embraced in said tax levy for that particular purpose remaining uncollected.

They shall be numbered consecutively, be in denominations of $100 or any multiple thereof and shall be otherwise of such forms and terms and be made payable at such place as will best aid in their ne-
gation.

The proceeds of the tax levied and collected as aforesaid on account of said fund and the full faith and credit of such school district and the Board of Education thereof, if a body corporate, shall be irrevocably pledged for the redemption of the certificates so issued. Such certificates shall be issued in the numerical order of their issuance primarily from the monies derived from levies for the year against which such certificates were issued, and if the proceeds from such monies are insufficient, they shall be paid from other funds of the district.

The money derived from the sale of such certificates shall be credited to such fund or funds against which issued and which shall be issued for the payment of warrants, checks or orders issued against such fund in the order in which such claims are entitled to payment as provided by law. (Apr. 22, 1937, c. 355, §2; July 14, 1937, Sp. Ses., c. 47, §2.)

2807-73. Same; curative provision.—Any certificates of indebtedness heretofore issued pursuant to Laws 1929, c. 355, are hereby validated and made general obligations of the district with the same effect as if they had been issued under this amend-
ment. (July 14, 1937, Sp. Ses., c. 47, §3.)

2807-74. Signatures may be facsimiles in certain cases.—Where a resolution of the governing body of any school district within ter-
ritorial limits which coincide with the territorial lim-
its of any city of the first class in the State of Minnesota and the government of which independent school district is not provided for in the charter of said city, the chairman and clerk of such school district may execute by his facsimile signature checks or orders upon the treasurer of such school district for payment of claims allowed by such governing body and the treasurer of such school district may accept such orders so executed and disburse funds of the school district thereon. (Apr. Mar. 28, 1939, c. 96, §1.)

2807-75. Treasurer to use facsimile signatures.—When authorized so to do by resolution of the governing body of any such school district, the treasurer thereof may execute by his facsimile signature checks or orders on all orders, warrants and checks of the school district or it may limit the use of the same to the particular orders, warrants and checks described in such resolution. (Apr. Mar. 28, 1939, c. 96, §5.)

2808. Election of superintendent in special districts.

Independent special school districts coinciding with a city of first class may contract with its superintendent. Laws 1939, c. 1.

2810. Clerk in special districts.


If the board of education of South St. Paul must accept the city recorder as the secretary thereof, and may not select one of its own choice. Op. Atty. Gen., Aug. 29, 1931.

2811. Vacancies.

Vacancy in office of directors occasioned by absence of election in spring of 1939 may be filled by appoint-

Appointment to fill vacancy should be until next annual election at which time it will be filled for balance of unexpired term. Op. Atty. Gen. Mar. 1, 1933.

Where the leading two candidates for office of di-
rector of independent school district receive equal num-
ber of votes, result was a vacancy at expiration of term of present member. Op. Atty. Gen., July 24, 1933.

Where three candidates ran to fill vacancies on board and two tied for second place, tie vote had effect of creating a vacancy at noon of opening of office of in-

A case of a tie vote at a school election at which a second ballot cannot be taken and there is a vacancy. Op. Atty. Gen. (187a-1), July 31, 1924.

Resignation of a board member is effective and creates a vacancy without action by board, and three members of remaining five members then constitute a quorum to fill vacancy. Op. Atty. Gen. (164a-2), August 21, 1939.

Office of chairman and clerk failing to file official oath were vacant at next annual meeting and could be filled at that meeting, though incumbents were sitting as de facto officers, but it was proper to vote such officers compensation for their services to that time. Op. Atty. Gen. (768G), Sept. 18, 1939.

2812. Special election to fill vacancy.

Vacancy in office of members of school board oc-
casioned by lack of election in spring of 1939 may be filled under this section. Op. Atty. Gen., Nov. 27, 1939.

Where there is a tie vote in election for school officer and superintendent board to fill vacancy. Id. Where three candidates ran to fill vacancies on board and two tied for second place, tie vote had effect of creating a vacancy at noon of opening of office of incumbent. Op. Atty. Gen., Aug. 2, 1933.

Office of chairman and clerk failing to file official oath were vacant at next annual meeting and could be filled at that meeting, though incumbents were sitting as de facto officers, but it was proper to vote such officers compensation for their services to that time. Op. Atty. Gen. (768G), Sept. 18, 1939.

2818. Acceptance of office.

A director of an independent school district who has taken an oath of office need not take a second oath when chosen as treasurer by the members of the school board. Op. Atty. Gen., Oct. 12, 1933.

When a having knowledge of his election as clerk and demanding possession of records and books from incumbent who was not entitled to the office where he did not qualify as required by this section, with result that special election was not entitled to the office where he did not qualify as required by this section, with result that special election was called in which another person received highest number of votes. Op. Atty. Gen., Aug. 21, 1985.

Acceptance of office need not be under oath, but office may be held by one who has been duly acknowledged. Op. Atty. Gen. (768G), Sept. 15, 1939.

2814. Quorum of school board. A majority of the School Board shall constitute a quorum, but no contract shall be made or authorized except at a meeting of the Board of which all members have had legal notice; provided, however, that where a husband and wife, brother and sister, or two brothers, and/or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the School Board. (R. L. '05, §1315; G. S. '13, §2744; Apr. 12, 1933, c. 238.)


Where all members of common school district board were present at meeting and voting, but the teacher was valid though notice of meeting was irregular and insufficient. Op. Atty. Gen., Aug. 15, 1932. See Dun. Dig. 6875, 6886.

Where no legal notice where member of board was called on phone but was out of town and had no written or actual notice of meeting at which architect was employed. Op. Atty. Gen., May 19, 1932.

Special meeting of school board having 6 members cannot be held where only three members are present, although others were notified. Op. Atty. Gen., Feb. 4, 1933.


Where where board served on same board of a common school district, a teacher may be legally elected at a properly called meeting of the board attended by one of the members and a third member of the board. Op. Atty. Gen. (172c-2), June 8, 1934.

A director of an Independent school district who has taken an oath of office need not take a second oath when chosen as treasurer by the members of the school board. Op. Atty. Gen., Oct. 12, 1933.

When a having knowledge of his election as clerk and demanding possession of records and books from incumbent who was not entitled to the office where he did not qualify as required by this section, with result that special election was called in which another person received highest number of votes. Op. Atty. Gen., Aug. 21, 1985.

Acceptance of office need not be under oath, but office may be held by one who has been duly acknowledged. Op. Atty. Gen. (768G), Sept. 15, 1939.

2815. Powers and duties of school board. * * *

9. Defray the necessary expenses of the board, including two dollars for attending one meeting of the school boards of the county in each year, when called by the county superintendent, and five cents per mile in going to and returning from such meeting, and pay for such record books, stationery and other incidental matters as may be proper. (As amended Mar. 23, 1933, c. 105.)

Judgment against district, restraining performance of a contract, illegal for want of previous authorization by a higher body than that having power to authorize such transaction, may be obtained by one of the contracting parties to recover the reasonable value of the benefits received by the district. 172M101, 234NW490.

Member of school board joining with other members in the unauthorized and illegal act of obligating the district is personally liable to the school district, but if district receives and appropriates the money, member has right to a refund. Op. Atty. Gen., Aug. 15, 1932. See Dun. Dig. 6875, 6886.


Where board of education advertised for bids for school funds may not be used to pay premium on insurance on which the district is not the owner but which is owned by the district as a war memorial, the only consideration for the sale of the building, the district having paid the site. Op. Atty. Gen., Apr. 28, 1930.


Where board of education advertised for bids for school funds may not be used to pay premium on insurance on which the district is not the owner but which is owned by the district as a war memorial, the only consideration for the sale of the building, the district having paid the site. Op. Atty. Gen., Apr. 28, 1930.


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Illness of teacher rendering her unable to teach does not automatically cancel contract, in absence of specific provisions in contracts must be terminated by majority vote of full membership of school board. 1934.

School district may contract with village for water supply, contract to be made by each board, but to run for not more than one year. Op. Atty. Gen. (705b-10), Mar. 30, 1939.

School district may reimburse employee for loss sustained in course of employment, as where he was injured in defending action brought against him for injuries to a third person. Op. Atty. Gen. (U20b-6), Dec. 29, 1939.


In case school district is notified of negligence of agents or employees, Op. Atty. Gen. (844a-20), May 12, 1938.

Minneapolis Board of Education has no legal right to delegate its discretionarv power to an arbitration committee in a labor dispute, but may appoint a committee to confer with a labor union to make propositions of adjustment. Op. Atty. Gen. (270a-9), March 22, 1939.


School board has authority to lease vacant school building to private or civic organizations for recreational or community purposes, and other school or municipal property, for the benefit of repairs to be made by lessee, but a town board has no authority to enter into an agreement to make repairs on a vacant school building to be used as a community hall other than for township purposes. Op. Atty. Gen. (172c-2), Dec. 11, 1937.


Illness of teacher rendering her unable to teach does not automatically cancel contract, in absence of specific provisions in contracts must be terminated by majority vote of full membership of school board. 1934.

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Illness of teacher rendering her unable to teach does not automatically cancel contract, in absence of specific provisions in contracts must be terminated by majority vote of full membership of school board. 1934.

Where board purchases additional land within reasonable time after issuance of bonds, it is necessary that they hold a special election and do over again what has already been done, but both matters could be voted upon together. Op. Atty. Gen., (622-1), June 28, 1939.


Where board purchases additional land without vote of electors and sells same to insurance company for less than full amount of policy, it is necessary that they hold a special election and do over again what has already been done, but both matters could be voted upon together. Op. Atty. Gen. (622-1), June 23, 1938.


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§2816. Further powers and duties of school board.

1. Provided for the free transportation of pupils to and from school. Pupils in other districts shall be transported as provided for in the statutes relating to free transportation of pupils, and school districts not maintained in the district, including high school, at the expense of the district, provided funds for such purpose are available and if agreeable to district to which it is proposed to transport pupils for the whole or such part of the school year as they may deem expedient, and subject to such rules and regulations as they may adopt; and they shall require from every person employed for that purpose, a reasonable bond for the faithful discharge of his duties, as prescribed by the board. No school board shall enter into any agreement for the transportation of pupils unless the vehicle or vehicles used for such purpose shall have an emergency exit which exit shall be in the rear portion of the bus, but not on the side thereof and shall be usable at all times, provided, however, that this act shall not apply to vehicles with seating capacity of seven passengers or less. (As added Feb. 8, 1929, c. 12; Apr. 6, 1937, c. 13.)

Sec. 2 of Act Apr. 6, 1937, cited, provides that the Act shall take effect from Sept. 1, 1937.


School board has no authority to purchase of cooperative electric association if necessary, or may contract with the association for purchase of electricity. Op. Atty. Gen. (159a-13), June 14, 1933.

School district may not pay for medical services for injuries received in physical education classes, on playgrounds, or in science laboratory. Op. Atty. Gen. (1945a-3), March 27, 1939.


[...]

School board has no right to pay expense of athletic contest incident to training of high school teams. Op. Atty. Gen. (169a), Nov. 15, 1933.


Board of education of city of Duluth is not a department of city, and it is not part of official duties of city attorney to act for city, and board has power to retain an out of city lawyer to assist board in its work. Op. Atty. Gen. (159b-10), Apr. 20, 1934.

Independent school districts may within limitations purchase their own bonds at a discount before maturity and in amount that it will be able to issue additional war bonds. Op. Atty. Gen. (161b-10), Apr. 20, 1934.


School district has right to lease auditorium to an association of colleges and schools extending over the northern part of the United States. Op. Atty. Gen. (161a), Apr. 20, 1934.

School board has no authority to enter into an agreement to lease school buildings to private or civic organizations for recreational purposes. Op. Atty. Gen. (522d), May 28, 1936.


School district may purchase stock in cooperative electric association if necessary, or may contract with the association for purchase of electricity. Op. Atty. Gen. (159a-13), June 14, 1933.

School district may not pay for medical services for injuries received in physical education classes, on playgrounds, or in science laboratory. Op. Atty. Gen. (1945a-3), March 27, 1939.
Common school district discontinuing high school could use any money on hand to pay for transportation of pupils to adjoining city without calling a special meeting to vote it. Op. Atty. Gen., Aug. 16, 1933.


Common school district without high school has authority to expend moneys for transportation of pupils to adjoining city without a special meeting. Op. Atty. Gen. (159b-3), Sept. 5, 1934.

District superintendent of a bus may secure liability insurance at his own expense for his own protection, but this does not relieve liability on district. Op. Atty. Gen. (244-5), Apr. 16, 1937.

Where consolidated district discontinues high school, it must transport pupils to neighboring district, but this district which does not have a high school may, but need not, transport pupils. Op. Atty. Gen. (159a-16), Oct. 1, 1937.


Residents of Camp Ripley may vote at town and school elections, and children living thereon are entitled to tuition and transportation from school district maintaining high school. Op. Atty. Gen. (166a-3), Sept. 5, 1938.

District superintendent of a bus may secure liability insurance at his own expense for his own protection, but this does not relieve liability on district. Op. Atty. Gen. (244-5), Apr. 16, 1937.

Of the cost thereof, upon such terms and conditions as shall be agreed upon. (Act Apr. 9, 1931, c. 134, §2; Jan. 15, 1936, Ex. Sen., c. 31, §2.)

See note under §2816-4.

2816-5a. Certain school districts to employ public accountants.—The school board of any individual school district having a population of more than 2,000 and having an assessed valuation of taxable property, exclusive of moneys and credits, of more than $4,000,000, may employ public accountants on a monthly basis or on a yearly basis for the purpose of auditing examining and reporting upon the books and records of such school district. (Apr. 14, 1937, c. 216, §1.)

2816-6. Same—who are public accountants.—For the purpose of this act public accountants are herein defined as any individual or individuals, who for a period of five years prior to the date of such employment have been actively engaged exclusively in the practice of public accounting. (Apr. 14, 1937, c. 216, §2.)

2816-7. Same—limit of expenditures.—All expenditures for the purposes herein set forth shall be within the statutory limits upon levies in such school districts. (Apr. 14, 1937, c. 216, §3.)

2816-8. School boards may provide liability insurance.—The school board of any school district of this state, however organized, is hereby authorized and empowered to provide for the protection of school children in its respective district, being transported for all school purposes or activities in district owned, operated, leased or controlled motor vehicles, against injuries or damages arising out of the operation thereof. If said board deems it advisable, insurance may be procured, and paid for from any funds available.

Provided, however, any insurance contract covering such risk shall contain as a condition precedent, and having an assured value expressly waiving the defenses, by the insurer, that the school district is engaged in a governmental function. (Apr. 19, 1937, c. 301, §1.)

School funds may not be expended for insurance against damage or injury to pedestrians or persons not transported or against damage to property. Op. Atty. Gen. (159b-4), Sept. 24, 1937.


Provided, however, any insurance contract covering such risk shall contain as a condition precedent, and having an assured value expressly waiving the defenses, by the insurer, that the school district is engaged in a governmental function. (Apr. 19, 1937, c. 301, §1.)

Insurance may be obtained through a municipal insurer or school district insurer, provided the insurer is not an individual or individuals, unless such insurer, its directors and hazards the insurer operates and controls, and the certificates of the insurer are in full force and effect. (Act Apr. 19, 1937, c. 301, §2.)

Sec. 3 of Act Apr. 15, 1937, repeals inconsistent acts. Sec. 4 provides that the act shall take effect from its passage.

2816-10. School boards may contract with high- way department for removal of snow.—School districts, however organized are hereby authorized to enter into contracts with the state highway department or any county highway department for the removal of snow from the roads used for regular bus routes transporting school pupils to and from school either within or without the district. (Apr. 22, 1937, c. 375, §1.)

2817. Extension of powers of school boards.

This section does not authorize suit against the school district to recover damages for personal injury caused by the negligence of its officers or its agents in the performance of its governmental functions. 177M446.

classes in physical education, music, etc., during summer;
but if kept in a separate special fund, district cannot
hospitalize students receiving injuries in school

School board cannot assume jurisdiction over funds of
June 14, 1936.

1936-1. Certain independent school districts may ac-
quire athletic fields.—In any independent school dis-

trick of this state now or hereafter having an assessed
valuation in excess of Sixteen Million ($16,000,000.00) -
may acquire athletic equipment or the erection of
buildings for such purposes, or the purchase of existing
buildings suitable therefor, the board shall call such election in accordance with
General Statutes 1923, Section 2794. In the event
that such proposition is carried at such election by a majority vote of those voting on the question, the
school board shall proceed to acquire such site or
buildings or to acquire such site and erect such build-
ings thereon, and make the necessary tax levies there-
for within the limits now provided by law. In the event
that such proposition is not carried at such election by a
majority vote of those voting on the question, the
school board shall retain its organization and shall be entitled to

§ 2810. School board to purchase sites without vote of
people, etc.

Board may condemn land without vote of people where
site and grounds for public school building are
sufficiently broad to include land acquired for a recre-

2812. Discontinuance of schools in certain districts—
Transportation of pupils.—(1) The school board of
any district, when it deems it advisable, 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 district or of any grades or depart-
ments in said schools, and provide for the free trans-
portation of the pupils of its own district to the school
in an adjoining or nearby district.

(2) The transportation of pupils as required by this
section shall be governed by the rules and regulations of
the state board of education.

(3) The teachers shall keep the registers separa-

tely for the pupils from such district discontinuing
its schools, and shall return the registers and make
separate records to the clerk of such district and to
the state board. The number and names of pupils, with their attendance, and such district
shall retain its organization and shall be entitled to public money, including the special state aid granted
to such district, until the board shall, by a majority vote of
its members, dissolve, and such number and names of pupils may be fixed by the state board of education, except
that state apportionment for nonresident pupils en-
rolled in the high school department shall go to the
districts in which the high school is located. Such
funds shall be paid from the appropriation made for
common schools. (As amended Apr. 10, 1939, c. 134, § 1.)

A district which has closed its schools and made arrangements for instruction in an adjoining
district is not entitled to receive the special aid pro-
vided for in § 2803-3. Where a district has discontinued its school and sends its pupils to another independent district, the latter

A school board which makes arrangements for the education of pupils in an adjoining district after school house is destroyed may terminate such arrangement in its discretion. Op. Atty. Gen., Dec. 24, 1931.

A closed school district may transport pupils to inde-
dependent school district which has high school though
separated from such district by two common school dis-

Furnishing of transportation for pupils in discretionary

Consisted of Act Apr. 20, 1931, c. 247.

Where school board of an independent district

Where consolidated or discontinues high school,
ity transport pupils to neighboring district, but a
district which does not have a high school may, but need

A school board of an independent district which has high school though
end the State Board may grant to such school districts
able to carry the regular course of study. To this
Furnishing of transportation for pupils is discretionary with

Pupils have no right to be transported to

Where a school district in South St. Paul has authority
to expend public moneys for transportation of pupils.

A school district which has discontinued all schools in its
district and is paying tuition at school out of district
when pupils are attending school out of district for

School board may grant such aid to the district of residence
of the crippled child if the board shall be so advised;
and a child is transported to, or boarded at, a place
beyond the State of Minnesota, the State Board of Edu-
cation shall give its consent to such transportation,
and transport pupils residing outside of the district but attending
school within the district upon such pupils present-
ing themselves within the district on one of the

2818-2. Transportation of pupils to junior college.
(Repealed.)

Repealed Apr. 15, 1933, c. 281, § 7.

Consisted of Act Apr. 20, 1931, c. 247.

2822. Transportation and board of crippled
children.—The State Board of Education, at its dis-
ccretion and under such rules as it may adopt, may
assist school districts, or the County Board of Edu-
cation for unorganized territory in any county, in
providing for the transportation or board of such
crippled children of school age as are unable to walk
to school with the exercise of normal effort but are
able to carry the regular course of study. To this
end the State Board may grant to such school districts
an aid not to exceed $150.00 annually for each such pupil
transported or boarded: Provided, that the state
board may grant such aid to the district of residence
when a crippled child is transported to, or boarded at,
a special class, and provided that the total ex-
penditure under such act shall not exceed the sum of
$400.00 for any one year. (Act Apr. 21, 1921, c. 280, § 11; Apr. 29, 1935, c. 328.)

2822-4. Effective July 1, 1931.—This act shall take effect and be in force from and after July 1, 1931. (Act Apr. 21, c. 280, §2.)

2823. Admission of non-resident pupils to schools. —The child or children of any person in this state residing in any incorporated city or village of this state, and residing more than two miles by the nearest traveled road from the schoolhouse in the district in which such person resides, are hereby authorized to attend school as a resident or non-resident in an adjoining district, and such child or children may attend such school in such adjoining district as shall be just and reasonable, and thereupon such child or children may attend such school in such adjoining district upon compliance with the terms fixed by such Commissioner of Education as above stated, and upon such reasonable terms as shall be fixed by the school board of such adjoining district, upon application of the parents or guardian of such child or children. The school board of the child's resident district shall pay such tuition to the school board of the adjoining district in which the child is attending. In case the school board of the child's resident district is not satisfied with the terms of such adjoining district, and shall apply to the Commissioner of Education for that purpose, the Commissioner of Education shall give such notice of such application to the school board of such adjoining district as shall be determined by such Commissioner of Education and shall give such notice, to such application and fix such terms and conditions for the attendance of such child or children as in such adjoining district as shall be just and reasonable, and thereupon such child or children may attend such school in such adjoining district upon compliance with the terms fixed by such Commissioner of Education. Provided, that nothing herein contained shall be construed as repealing, amending or modifying the provisions of section 1321, Revised Laws of 1905, as amended by Chapter 445, of the General Laws of Minnesota, 1907. (§2823.)


"Nearest traveled road" is computed by beginning at the schoolhouse and proceeding along route normally taken in order to reach highway, thence along highway to school house. Op. Atty. Gen. (166a-10), June 23, 1939. Where schools of two adjoining districts are substantially the same distance from pupil's residence, pupil may select school he wishes to attend. Id. "Nearest traveled road" is computed by beginning at the schoolhouse, thence along route normally taken in order to reach highway, thence along highway to school house. Op. Atty. Gen. (166a-10), June 23, 1939.

2823-1. Instruction of pupils in other districts. —Where school district is without authority to furnish transportation and does not exercise authority to furnish transportation, the matter being regulated by §§1216 and 2823-5, Op. Atty. Gen. (166a-21), March 24, 1935.

2823-3. Tuition. —That any tuition charged by the district so attended shall be paid by the school district in which such person resides; provided, however, that such tuition shall not be more than such district charges non-resident pupils residing in such state if any such charge is made, and the same shall be paid for non-resident pupils of said state, then such tuition shall not exceed the sum of $10.00 per month. Provided further, that the person so attending high school for that purpose and clerk should give written notice to the county auditor of the county in which such district is situated. The funds so delivered to the county treasurer shall be paid by the treasurer to the owners of the real estate situated in such district in the proportion that the amount of the said tax collected from such real estate bears to the amount to be so distributed. It shall be the duty of the auditor of the county in which such district is situated to determine the proportionate share to be paid to each owner of real estate in such district in which such district is situated. The funds so delivered shall be placed in the Income Tax School Fund and disbursed in the same manner as other monies in said fund are disbursed. (Act 17, 1937, c. 265, §1.)


Where student activities are not under control of school board as provided for by §§2817 and 2818, high school athletic association in independent district may purchase and donate to that district. Op. Atty. Gen. (197d-12), May 5, 1937.


2826. Special duties of boards in independent districts.

School districts with more than 10 townships are not limited to 30 mils levy for school maintenance, but is limited to 8 mils for building and equipment. Op. Atty. Gen. (513m), Oct. 10, 1936.

Section 3105-6 does not apply to capital outlay, and district treasurer may make an additional tax on agricultural land and district for purpose of obtaining funds to pay capital outlay, and it may do so without first securing consent of voters in district. Op. Atty. Gen. (519m), Nov. 29, 1937.

2827. Duties of clerk.—The clerk shall keep in books provided for that purpose a record of all meetings of the district and the board. He shall, within three days after the meeting, notify all persons elected to office of their election, and, on or before July 10 in each year, make and transmit to the county superintendent a certified report, showing:
1. The description of school property.
2. The receipts and disbursements in detail, and such other financial matters as may be called for by the state commissioner of education.
3. The annual arrangement of terms of school, and the time of commencement thereof.
4. The names and postoffice addresses of all trustees and other officers.
5. Such other items of information as may be called for by the state commissioner of education.

The clerk shall keep in his record book copies of all his reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished him by the clerk pro tem., and shall keep an itemized account of all the expenses of a school, and in common with the board or districts he shall report to the county superintendent the time of commencement of each term at least two weeks in advance. He shall furnish to the county auditor or auditors of the proper county or counties, on or before October 1 of each year, and attached copies of all his reports, showing the amount of money voted by the district or the board for school purposes; shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers or for teachers' wages, to be countersigned by the chairman. Such orders shall state the consideration, payee, and fund, and the clerk shall take a receipt therefor. Teachers' wages shall have preferred claim over all other liens in which they become involved and no money applicable for teachers' wages from the current school fund shall be used for any other purpose, nor shall teachers' wages be paid from any fund excepted or appropriated for any other purpose. (As amended Mar. 17, 1939, c. 52, §7.)

Sec. 9 of Act Mar. 17, 1939, cited, repeals inconsistent sections.


It would not be legal to make out a warrant to a bank covering expenditures of a period of two weeks or a month, and deposit money in bank to credit of school board and disburse it by check for expenses, even though bills and expenditures to be paid have all been approved by the board. Op. Atty. Gen. (1586a-4, 1596c-4), Feb. 21, 1935.

Record entered by clerk of school district in record book as record of a meeting, and not notes taken by clerk during meeting, are official records of meeting. Op. Atty. Gen. (162f), Nov. 15, 1935.


Commissioner of education may fix June 30 as cut-off date for warrants provided for in this section. Op. Atty. Gen. (162f), April 12, 1937.

2828. Duties of treasurer of school districts.—The treasurer shall receive and be responsible for all moneys of the district, and shall disburse the same on orders countersigned by the chairman or other vouchers authorized by law. Each order shall state the fund on which it is drawn, the name of the payee, and the nature of the claim for which such order is issued. He shall keep an account of each fund, and all receipts and disbursements, and shall be responsible for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. A record of such presentment, non-payment, and indorsement, shall be made by the treasurer. Every such order shall bear interest at the rate of 6 per cent per annum from the date of such presentment, and shall be paid in the order in which it is so presented and registered out of the first money received by the treasurer applicable to its payment until the treasurer can receive a written notice upon the payee or his assigns, personally, or by mail, (that) when he is prepared to pay such order; such notice may be directed to the payee or his assigns at the address given in writing by such payee or assigns to such treasurer, at any time prior to the service of such notice; no order shall draw any interest if such address is not given when the same is unknown to the treasurer, and no order shall draw any interest after the service of such notice.

(R. L. '05, §1267; '07, c. 445, §2; G. S. '13, §2760; Apr. 17, 1931, c. 187.)

School districts coinciding with first class cities, may enter into a contract with any bank paying for payment of allowed claims. Laws 1925, c. 95.

177M479, 225NW414; note under §2824.

Where treasurer deposited school funds to his credit in a bank of which he was an officer, and orders were presented to him for payment, he became liable to the bank and to indorser. "Not paid for want of funds," and the bank sold them and the treasurer did not become liable. School district was not discharged when money was used by it in carrying on its business, the bond of the county auditor did not prejudice the right of the bank to receive the payee of the orders received their money. 171M376, 217NW355.

It is a breach of plain legal duty for a school district treasurer to make a payment on a warrant not presentable for such payment. The order to the bank to make a payment to a former holder of a warrant held not to be presentable for payment of the warrant, and indorsement may recover notwithstanding. 173M388, 217NW355.

Some contract, Art. 9, §12, is not self-executing and what are "suitable laws" is a legislative question. 174M286, 219NW182.

Where retiring school district treasurer gave his check on bank to new treasurer and they went to bank, and bank merely changed the name of the depositor and re-issued the check, the transaction was in substance the same as if the old treasurer had given cash to the new treasurer and the new one was liable for all that he received. 178M195, 226NW614.

Fact that two members of school board failed to requisition treasurer to present annual reports warrants claimed to have been paid as vouchers held not to chop district or prevent it from asserting their rights to set-off of a deposit in insolvent bank to such warrants. First Nat. Bank of Windom v. C., 184M635, 240 NW2d. See Dun. Dig. 2516.

School district warrants or orders become due when presented to the district treasurer for payment. First Nat. Bank of Windom v. C., 184M635, 240 NW2d. See Dun. Dig. 2516.

School district warrants or orders became due when presented to the district treasurer for payment. First Nat. Bank of Windom v. C., 184M635, 240 NW2d. See Dun. Dig. 2516.

School district warrants or orders become due when presented to the district treasurer for payment. First Nat. Bank of Windom v. C., 184M635, 240 NW2d. See Dun. Dig. 2516.

Where holder of a warrant is not entitled to have the same split into two or more warrants, since but one order should be issued for every single bill. Op. Atty. Gen. Apr. 31, 1930.

School treasurer must give notice to holders of warrants or orders "not paid for want of funds" when money becomes available. As soon as interest no longer out of interest, but if address of holder is not known, interest interest as soon as money becomes available. Op. Atty. Gen. Apr. 1, 1931.
2836. Depository of funds in common and independent school districts.—The governing board, by whatever name known, of a common and independent school districts in this state may in their discretion, select and designate as a depository or depositories for school district moneys, any national or state bank, or banks, for a period not exceeding three years, on the expiration of which time, or that another bank may be designated or depositories for school district moneys, and thereafter the school district treasurer shall deposit such school district moneys therein as shall be required from time to time by the school district governing board. (Code, Sec. 135, §1, 1899; §2, 1909; §13, 1913; §1, 1915; §1, 1919, c. 76.)

When the funds are deposited in a bank of which the treasurer, being a member of the school board, is also a stockholder or the bank, the rule is inoperative. 172M428, 217NW496.

A school treasurer is absolutely liable for funds coming into his hands, except where deposit is in a legally designated depository bank. 174M382, 217NW496. 8.

Surety on depository bond held not entitled to consider school treasurer as agent for school in making assurances as to liability of the sureties. 181M357, 233NW594. See Dun. Dig. 2397.

Sureties on depository bond held not entitled to consider school treasurer as agent for school in making assurances as to liability of the sureties. 181M357, 233NW594. See Dun. Dig. 2701. 8672.

Bondsmen were liable notwithstanding school district, without authority, made time deposits and took certificates of deposit. School Dist. No. 75 v. F.. 182M381, 234NW594. 8.

The evidence was inadmissible to vary terms of bank's depository bond. 181M357, 233NW594. See Dun. Dig. 2397.

Sureties on depository bond held not entitled to consider school treasurer as agent for school in making assurances as to liability of the sureties. 181M357, 233NW594. See Dun. Dig. 2701. 8672.

A school treasurer is absolutely liable for funds coming into his hands, except where deposit is in a legally designated depository bank. 173M482, 211NW496.

Surety had right to contract in reference to the exception to rule of absolute liability and to limited contract of indemnity in order not to be responsible for loss or failure of other acts of the depository. 172M428, 217NW496.

School treasurer was not entitled to demand, or the taking of the Liberty was a substitute or in lien of a bond executed with individual sureties, or that the taking of the Liberty bonds discharged such bond, or that another bank was designated as a depository: and the trial court was right in so directing the jury. School Dist. No. 75 v. F.. 182M381, 234NW594. 8.

Bondsmen of depository for school district, designated as depository of the plaintiff school district, were a substitute or in lieu of a bond executed with individual sureties, or that the taking of the Liberty bonds discharged such bond, or that another bank was designated as a depository: and the trial court was right in so directing the jury. School Dist. No. 75 v. F.. 182M381, 234NW594. 8.

The evidence was inadmissible to vary terms of bank's depository bond. 181M357, 233NW594. See Dun. Dig. 2397.

Sureties on depository bond held not entitled to consider school treasurer as agent for school in making assurances as to liability of the sureties. 181M357, 233NW594. See Dun. Dig. 2701. 8672.

Bondsmen were liable notwithstanding school district, without authority, made time deposits and took certificates of deposit. School Dist. No. 75 v. F.. 182M381, 234NW594. 8.

The evidence was not sufficient to sustain a finding that the depository bond held not entitled to consider school treasurer as agent for school in making assurances as to liability of the sureties. 181M357, 233NW594. See Dun. Dig. 2701. 8672.

Bondsmen were liable notwithstanding school district, without authority, made time deposits and took certificates of deposit. School Dist. No. 75 v. F.. 182M381, 234NW594. 8.
checks signed in treasurer’s name individually for purposes of school district disbursements, security of treasurer which paid school district amount of misappropriation can recover amount from bank. Watson, 411N158. See Dun. Dig. 144, p. 44.


Bank designated as a depository for an amount in excess of $3,000 must furnish a bond for the full amount for which it is designated as depository. Op. Atty. Gen., Nov. 7, 1929.


Collateral placed to secure deposits of school district in national bank is not security for an account entitled “Depository fund,” wherein position and other activities is deposited. Op. Atty. Gen., Apr. 12, 1933.


In absence of designation of depository, school board cannot control keeping of school funds. Id.

Amount allowed by statutes to be deposited by school treasurer who pays over any such funds, and the school board or other governing body of said district shall determine that said claim or judgment or some part thereof is not collectible in cash, then any such school board or governing body may by resolution determine that such claim or judgment is uncollectible and the district shall present to the governing board of such district, and the treasurer of any common or independent school district shall not be liable for the loss of any such funds through failure to pay funds lost in closed bank. Op. Atty. Gen., Feb. 19, 1934.

Designation of depository by school district in accord-ance with opinion of attorney general was lawful as no provision held to authorize depository selection lacking in authority. Opinion of attorney general that such a designation would not be legal. Op. Atty. Gen. (159a, 21). Apr. 3, 1934.

2838. Interest on deposits.


Where school district has certificates of deposit and bonds, has been held to have certain collateral, interest is regulated by certificates of deposit and not on bonds placed as collateral. Id.

2839-1. School treasurers may be reimbursed in certain cases.—That school district be reimbursed for any damaged funds or shall hereafter reimburse the district for loss of funds of the district on deposit in any bank which has or may become insolvent, such district may reimburse said treasurer for moneys so paid when a majority of the board of education of the district shall present to the governing board of such district, and the treasurer of any common or independent school district shall not be liable for the loss of any such funds through failure to pay funds lost in closed bank. Op. Atty. Gen., Aug. 2, 1932.

2839-2. Treasurer of school districts not to be responsible for losses in certain cases.—That if the treasurer of any common or independent school district shall present to the governing board of such district or in session a written request for the designation of a depositary for the funds of the district, and such board shall refuse or shall fail to designate one or more depositaries within 30 days after the presentation of such request, such treasurer may deposit in a bank or banks of his own selection in an amount not exceeding $5,000.00 in any one bank. If a common school district, or not exceeding $3,000.00 in any one bank, if an independent school district. Such treasurer shall not thereupon be liable for the loss of any such funds through the insolvency or default of any such bank in the absence of negligence on his part in the selection of said bank or banks. (Act Mar. 27, 1931, c. 90.)

Salary of treasurer may be determined at annual meeting without notice specifying that such action will be taken. Op. Atty. Gen. Aug. 2, 1932.

2840. Duties of chairman—Compensation.
Salary of chairman may be determined at annual meeting without notice specifying that such action will be taken. Op. Atty. Gen. July 31, 1933.

Salary of treasurer may be determined at annual meeting without notice specifying that such action will be taken. Op. Atty. Gen. July 31, 1933.

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Salary of treasurer may be determined at annual meeting without notice specifying that such action will be taken. Op. Atty. Gen. July 31, 1933.
It is not legal to purchase school supplies, janitor or teacher supplies in one order from a single vendor at a cost of $500 without calling for bids. Id.

If a school district chooses to purchase the same copyrighted text or library books in one order from one dealer in excess of $500 without calling for bids. Id.

It is not legal to give a contractor a contract for building a school on school grounds, such as sidewalks, improving athletic field, etc., costing in excess of $500 without calling for bids. Id.

Where outside concerns can underbid local dealers, it is not legal to place orders through local dealers if preferable. Id.

School district cannot pay its share of registration under combined registration system under §393-19 without calling for bids. Id.

It is legal to have a school building repaired at a cost exceeding $500 without calling for bids. Id.

School building has been injured and public interest would suffer from delay. Id.

School district cannot pay its share of registration under combined registration system under §393-19 without calling for bids. Id.

It is legal to have a school building repaired at a cost exceeding $500 without calling for bids. Id.

School building has been injured and public interest would suffer from delay. Id.

School district cannot pay its share of registration under combined registration system under §393-19 without calling for bids. Id.

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It is legal to have a school building repaired at a cost exceeding $500 without calling for bids. Id.

School building has been injured and public interest would suffer from delay. Id.

School district cannot pay its share of registration under combined registration system under §393-19 without calling for bids. Id.


It is unnecessary to advertise for bids on a wood contract involving $150, or upon a bus contract. Op. Atty. Gen. (166a-2(d)), August 21, 1939.

2847. How let, etc.


Aside from its effect as practical construction where a statute is involved and whatever protection it may afford its original meaning, it is necessary to construe a statute so as to avoid conflict with the Constitution of the United States, if possible. (Op. Atty. Gen., Sept. 16, 1938.)

It is mandatory that contract for purchase of school buses be let to "lowest responsible bidder" but school board may take into consideration consumption of oil and record of repairs as between two different makes. Op. Atty. Gen. (707a-12), June 19, 1939.

Evidence of acceptance highest bids on letting of bus contract is not sufficient to show that the board had fixed the amount. Op. Atty. Gen. (166a-2(d)), August 21, 1939.

Bus driver's failure to give a surety bond as required by law would be grounds for setting the contract aside, although he might be permitted to make good by filing bond any time before trial of an action to set aside the contract. Op. Atty. Gen. (5311), June 9, 1934.

2848. Opinion of attorney general.


Aside from its effect as practical construction where a statute is involved and whatever protection it may afford its original meaning, it is necessary to construe a statute so as to avoid conflict with the Constitution of the United States, if possible. (Op. Atty. Gen., Sept. 16, 1938.)

It is mandatory that contract for purchase of school buses be let to "lowest responsible bidder" but school board may take into consideration consumption of oil and record of repairs as between two different makes. Op. Atty. Gen. (707a-12), June 19, 1939.

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2849. Hours for opening and closing polls.

See 1401-1.

2849-1. School districts may build residences for use of teachers. — That common school districts, when authorized by a two-thirds majority of all the electors voting at said election, are hereby empowered to erect, purchase, or acquire a dwelling house for use of its teacher or teachers; provided, however, that the proposition shall be submitted only at a meeting or election the notice of which stated that such proposition should be considered and submitted thereon (Act Apr. 1, 1931, c. 109.)


2849-2. Claims to be itemized and verified. — No account, claim or demand against any school district for any property or services shall be audited or allowed by the board or officer authorized by law to audit and allow the same until it is reduced to writing, in items, and verified by the person claiming the same, or his agent, to the effect that such account, claim, or demand is just and true; that the money therein charged was actually paid for the purposes therein stated; that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and either that the same were of the value therein charged, or, if official, for which fees are prescribed by law, then that the fees charged therefor are such as are allowed by law; and in all cases that no part of the same has been paid. But the provisions of this section shall not apply to any claim or demand for salaries of school teachers or employees or payments due bus drivers on contracts. (Act Apr. 24, 1925, c. 263, § 1.)

2849-3. Verification. — The verification required by section 2849-2 may be made by any officer authorized by law to administer oaths, or before any member of the board to which the account, claim, or demand shall be presented for audit, who may administer the proper oath in such cases. In case any such account, claim, or demand shall be made or presented by an attorney or other officer, the board may, in conjunction with the estate of a deceased person, he not shall not be required to verify the same, but may prove it otherwise to the satisfaction of the board. (Act Apr. 24, 1925, c. 263, § 2.)

2850. County board of education for unorganized territory created.


2852. Officers.—Clerical help.


2853. Compensation of officers of school boards.

Act Apr. 10, 1932, c. 166, §§1, 10, provide that in counties having 76 to 89 congressional townships and assessed valuation of $3,000,000 to $5,000,000, the treasurer of unorganized school district shall receive $100 per annum, and clerk of such district $50 per annum and not over $600 per annum for clerk hire, all fees and remuneration to be paid into the county treasury. "Schools" means schools where instruction is given, and not buildings kept for possible future use. County Board of Education v. F., 186M664, 244NW56.

Not unconstitutional as special legislation. County Board of Education v. F., 186M664, 244NW56.


It is not legal to pay clerk and treasurer at end of their term, since there can be no accurate basis for determining compensation after closing of school year. Op. Atty. Gen. (184G), April 6, 1939.

Where there is a change of officers during school year, each officer is entitled to compensation for services rendered during his incumbency, with proper allowances if total amount exceeds maximum. Id.

Personal representatives of a deceased officer are entitled to receive compensation due. Id.

Since laws 1929, c. 126, raising salaries of county superintendents of certain schools, fails to provide for any clerk hire, county superintendent may not proceed with a petition under laws 1929, c. 319, for additional clerk hire. Op. Atty. Gen. (530c), June 14, 1935.

County superintendents of school boards may collect back salary as clerk of unorganized territory in amount of one per cent of all moneys expended by county board of education of such territory, and only limitations would be general statute of limitations on civil claims, which would bar recovery on any claim over six years old. Op. Atty. Gen. (162H), June 30, 1928.

2855. Duties of clerk.

Unorganized territory in each county is school district is required to print financial statement by §2855, but is not controlled by any provision as to independent school districts, and can be limited to such provision for legal notices under §16330-1, which would be 90 cents per folio. Op. Atty. Gen. (227E), August 17, 1929.

2858. Powers and duties.


A board has power to purchase but cannot maintain action against members of the board to recover the excess of compensation paid to themselves and if the board refuses to sue action may be maintained by a taxpayer. Op. Atty. Gen. Apr. 5, 1936.


2864. When a district is dissolved, it becomes unorganized territory, and need not be consolidated with an existing district, for the purpose of providing school sites and school buildings, in such amounts and at such periods as the board may decide; said bonds or floating indebtedness, in such amounts and rendered against them or for refunding outstanding property, man and the treasurer of said board and countersigns the clerk thereof; provided that the total bonded indebtedness of such unorganized territory shall not at any time exceed seven and one-half per cent (7 1/2%) of its assessed valuation. Any bonds issued hereunder shall be sold conformable to the provisions of Section 1856, General Statutes 1913. Provided that in any county of this state now or hereafter having unorganized territory with an assessed valuation of all taxable real and personal property, including money held in trust, of more than $2,250,000, and having at any time an area of more than 3,500 square miles, and in any county in this state having a population according to the 1930 federal census of not more than 18,000 nor less than 15,000, and having not more than 77 nor less than 75 full and fractional congressional townships, and having not more than 2,105 nor less than 2,103 square miles in land area, the board of education of such unorganized territory shall have authority, and is hereby empowered, by the unanimous vote of such board, to issue bonds of such unorganized territory as above provided, for the purpose of providing school sites and school buildings, funding or refunding any floating indebtedness or bonds now or hereafter existing as authorized by the provisions of this section, not exceeding fifteen per cent (15%) of the assessed valuation of said unorganized territory, and not exceeding $350,000 in the aggregate of such bonds, the sale of said bonds to be conformable to the provisions of Section 1942, Minnesota Statutes 1927, and the provisions of the act of Congress with the United States Government for the purchase of said bonds without calling for bids therefor. Provided that no bonds shall be authorized or sold under the provisions of this Act, unless notice shall have first been given to the electors of such unorganized school district setting forth the proposal to issue such bonds, the amount thereof, the rate of interest, the maturity of credits, and an area of over 5,000 square miles, the county board of education by unanimous vote, with the written opinion of the county attorney, that such claim is a legal outstanding obligation of the territory formerly included in any dissolved school district, may audit, allow and pay any such incurred outstanding obligations of any dissolved school district within its territory except outstanding indebtedness of such dissolved school district out of the funds of said county board of education, in the same manner as though said indebtedness had been outstanding and attached to unorganized territory, governing board for which has taken over assets, leaving liquidation of debts to be taken care of by county auditor from future taxes levied and collected, any tax levied for payment of bonds must be applied to that payment, but if money was derived from tax for general purposes, it should be applied toward payment of oldest outstanding obligations. Op. Atty. Gen. (5311), May 2, 1934; note under §2854-57.

2865. Wherein an independent school district has been dissolved and attached to unorganized territory, governing board for which has taken over assets, leaving liquidation of debts to be taken care of by county auditor from future taxes levied and collected, any tax levied for payment of bonds must be applied to that payment, but if money was derived from tax for general purposes, it should be applied toward payment of oldest outstanding obligations. Op. Atty. Gen. (531c-9), Nov. 12, 1934.

2865-1/2. Application.—This act shall not apply to or authorize the payment of any claim or claims that may be involved in any action now pending in any court of this state. (Act Feb. 15, 1933, c. 29, §2.) Sec. 2 provides that the act shall take effect on its passage.

2867. Unorganized territory may issue bonds—purposes—terms—interest—sale—notice—hearing. The board of education of any unorganized territory in the state is hereby authorized and fully empowered to issue an unorganized vote of such board to issue and sell bonds of such unorganized territory for the purpose of providing school sites and school buildings, and teacherages, for paying any judgment lawfully rendered against them or for refunding outstanding bond 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 secured and the treasurer of said board and countersigned by the clerk thereof; provided that the total bonded indebtedness of such unorganized territory shall not at any time exceed seven and one-half per cent (7 1/2%) of its assessed valuation. Any bonds issued hereunder shall be sold conformable to the provisions of Section 1856, General Statutes 1913. Provided that in any county of this state now or hereafter having unorganized territory with an assessed valuation of all taxable real and personal property, including money held in trust, of more than $2,250,000, and having at any time an area of more than 3,500 square miles, and in any county in this state having a population according to the 1930 federal census of not more than 18,000 nor less than 15,000, and having not more than 77 nor less than 75 full and fractional congressional townships, and having not more than 2,105 nor less than 2,103 square miles in land area, the board of education of such unorganized territory shall have authority, and is hereby empowered, by the unanimous vote of such board, to issue bonds of such unorganized territory as above provided, for the purpose of providing school sites and school buildings, funding or refunding any floating indebtedness or bonds now or hereafter existing as authorized by the provisions of this section, not exceeding fifteen per cent (15%) of the assessed valuation of said unorganized territory, and not exceeding $350,000 in the aggregate of such bonds, the sale of said bonds to be conformable to the provisions of Section 1942, Minnesota Statutes 1927, and the provisions of the act of Congress with the United States Government for the purchase of said bonds without calling for bids therefor. Provided that no bonds shall be authorized or sold under the provisions of this Act, unless notice shall have first been given to the electors of such unorganized school district setting forth the proposal to issue such bonds, the amount thereof, the rate of interest, the maturity of credits, and the purpose for which the proceeds of such bonds will be used; and also a description of the project or projects to be undertaken and completed, the estimated cost of each and the estimated total cost, which notice shall be in writing, signed by the members of the County Board of Education, and addressed to the electors of such district, and shall specify the date, time, and place of meeting of the County Board of Education when such election is to be held, and shall also provide for the issue of three legal newspapers of general circulation in said district. Said notice shall require any electors having objections, to appear and show cause, if any, why such bonds should not be authorized and sold. The County Board of Education at the time and place mentioned in said notice shall hear all objections and thereafter shall decide whether such bonds shall be authorized and sold. (21, c. 329, §18; 25, c. 297, §1; Feb. 15, 1933, c. 29, §1.)

2867-1. Repeal—popular vote—federal aid projects.—All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed in so far, and only in so far, as necessary to give effect to the provisions of this Act; provided, however, that this Act shall be construed to permit the issuance and sale of bonds for any purpose whatsoever without a prior
vote of the electors except upon the projects for which application has been made in writing to the Public Works Administration or to the agency of the United States Government, and which application shall have been filed with such agency on or before January 1, 1934. (Act Apr. 21, 1933, c. 431, §2; June 5, 1934, Ex. Sess., c. 45, §2.)

County Board v. E., 195M325, 259NW27; note under
§2867.

This section is constitutional. Op. Atty. Gen. (86a-8), June 16, 1933.

2870-2. County Board of Education may issue re- funding bonds in certain cases.—That the county board of education for unorganized territory, by unanimous vote of the members thereof, may issue bonds for the purpose of refunding any bonds issued by an organized school district which has been dis- solved and its territory reverted to unorganized ter- ritory, which said refunding bonds shall be charge- able against the territory that was chargeable with the payment of the bonds so refunded. The power to issue such bonds shall remain in said unorgan- ized education notwithstanding said dissolved territory or a part thereof shall have again become organized territory. Such refunding bonds shall not run for a period shorter than five years nor longer than twenty years. Such refunding bond shall be due in not more than six years from the date of its issuance and shall be for not less than one-fifteenth of the total bond issue in question nor more than one-fifth thereof, and each subsequent bond shall be for a like amount and shall be payable one year from the maturity date of the bond to be paid the preceding year. The county auditor shall extend a tax against all the taxable property within the territory chargeable in the first instance with the payment of the bonds so refunded sufficient to pay the interest on refunding bonds and any installment of principal that may be due in the following year. Such tax for the first year shall be fifty per cent in excess of the amount to be due the succeeding year, and thereafter each yearly levy shall be in such amount in excess, not exceeding fifty per cent, of the amount to be due the succeeding year, as the auditor may deem necessary. The county treas- urer, upon the collection of such tax, shall apply the proceeds thereof to the payment to theholders of such refunding bonds and any installment of principal, and shall file with the county auditor receipts therefor, together with the cancelled bonds so taken up. The state board of in- vestment may invest the funds under its control in any of the following ways, to wit, (a) pay into a depository bank or banks of the county for the use of the board, (b) deposit in such manner as may be necessary to establish and manage depository banks and formulate such rules and regu- lations as may be necessary to establish and manage depository banks and formulate such rules and regulations as may be necessary to establish and manage or loans and credits of more than $50,000,000.-

$2870-3. System of savings for pupils.—The county board of education may authorize and direct any board of a school district to establish a system of school savings, and accept deposits from the pupils of the school district and for such purposes may make such arrangements with its employees and teachers and with the depository banks and formulate such rules and regulations as may be necessary to establish and manage such system of school savings. Money so deposited by pupils in such school savings bank shall be de- posited by the Treasurer of such Board in the De- pository bank or banks of such district within 48 hours after the receipt of the same and the Depository bank or banks shall give bond to the school district conditioned to repay any sums deposited therein upon proper demand therefor or may deposit collateral in lieu of bond covering such deposits in like manner, and in such amounts as bonds or collateral in lieu of bonds are required by school depositaries. Such funds so deposited by the pupils of the district in such School Bank may be invested by the School Treasurer under the direction of the Board or in the cer-
Certificates of indebtedness of such school district itself. The treasurer of such school district shall be required to give bond to the school district conditioned to repay all sums deposited in such school bank, said bond to be in such amount as the Board of Education may require, and the Board is authorized to pay the premium of such bond. (Apr. 5, 1927, c. 179, §3.)

2885-10. Same—act effective regardless of change in population or valuation.—This act shall be in force and effect from and after the date of its passage and when once a district comes within the terms of such act it shall continue to be under the terms thereof regardless of any change in population or valuation. (Apr. 8, 1937, c. 179, §3.)

TEACHERS—EXAMINATIONS AND CERTIFICATES


Since "substitute" teachers must be "qualified," they may be required to submit to skin tests. McSherry v. C., 262 Minn. 102, 277 N.W. 541. See Dun. Dig. 8656.

2900-1. Definitions.—"Teachers," within the meaning of this act, shall mean and include any and all persons employed in a public school to give instruction or superintendence of teaching. (Act Apr. 26, 1929, c. 388, §1.)

2900-2. Qualifications of a teacher.—A qualified teacher is one holding a certificate from the State Board of Education, as hereinafter provided, to perform the particular service for which he is employed in a public school. Contracts for teaching or supervision of teaching can be made only with qualified teachers. (Act Apr. 26, 1929, c. 388, §2.)


Unqualified teacher does not deprive school of its public nature, but does deprive school of right to apportionment aid while such teacher is employed. Op. Atty. Gen. (8b), Oct. 6, 1937.

2900-3. Only State Board of Education to issue certificates.—The authority to certificate teachers shall be vested solely in the State Board of Education, and such certificates shall be issued to such persons as may be found to be physically competent and morally fit to teach and to have the qualifications and training herein prescribed. (Act Apr. 26, 1929, c. 388, §3.)


2900-4. Classification of teacher's certificates.—There shall be three classes of teacher certificates:

1. Elementary School Certificate.
2. High School Certificate.

The Junior College Certificate shall qualify any holder thereof to teach in junior college such subjects or in such subject fields as are therein specified. It shall be based on such training and experience as may be required by the State Board of Education. (Act Apr. 26, 1929, c. 388, §4; Apr. 17, 1937, c. 348, §1.)

2900-5. Elementary School Certificate.—The Elementary School Certificate shall indicate the division or grades of the elementary field for which the holder has been trained. For the purpose of this act, "elementary field" shall include the first eight grades. There shall be four kinds of Elementary School Certificates:

Elementary School Advanced Certificate
Elementary School Standard Certificate
Elementary School Limited Certificate
Elementary School Special Certificate

(a) The Elementary School Advanced Certificate shall qualify any holder thereof to teach in any elementary school, or, when designated on the certificate, in any junior high school, and shall be issued to any person who holds a diploma of a Minnesota State Teachers College, or the College of Education of the University of Minnesota, showing that such holder has completed the four year course in Elementary Education of such college.

(b) The Elementary School Standard Certificate shall qualify any holder thereof to teach in any elementary school, and shall be issued to any person who holds a diploma of a Minnesota State Teachers College, showing that such holder has completed the two year course in Elementary Education of such college.

(c) The Elementary School Limited Certificate shall qualify any holder thereof to teach in ungraded elementary schools only, and may be issued to any person who has completed a one year course of professional training approved by and in an institution designated by the State Board of Education to give such training.

(d) The Elementary School Special Certificate shall qualify any holder thereof to teach Kindergarten-Primary, Music, Fine Arts, Industrial Arts or Physical Education, or such other subject or subjects as the needs of the school may, from time to time, require in any elementary school, and shall be issued to any person who holds a diploma of a Minnesota State Teachers College, or the College of Education of the University of Minnesota, showing that such holder has completed its standard course in the special subject or subjects to which he applies for a certificate to teach, and may also be issued to any person who has completed such other qualifications as the State Board of Education may, from time to time, prescribe. (Act Apr. 26, 1929, c. 388, §5; Jan. 15, 1936, Ex. Sess., c. 26, §1.)

The commissioner of education is not authorized to issue a certificate to teach in Minnesota to any person trained in another state unless that person is the holder of a diploma or a degree equivalent to a state's certificate. Laws 1935-36, Ex. Sess. c. 26, §1.

2900-5a. Validation of certificates.—Any such Elementary School Special Certificate heretofore issued by the State Board of Education qualifying the holder thereof to teach Kindergarten-Primary is hereby validated in the same manner as if issued by said Board subsequent to the passage of this amendment. (Jan. 15, 1936, Ex. Sess., c. 26, §2.)

2900-6. High School Certificate.—There shall be two kinds of High School Certificates: High School General Certificate and High School Special Certificate, and as to each kind there shall be the Standard Certificate and the Advanced Certificate.

(a) The High School Standard General Certificate shall indicate the academic field or fields and the class or classes of high schools (junior or senior) for which the holder has been especially trained.

The High School Standard General Certificate shall be issued to any person holding the degree of the College of Education of the University of Minnesota, or of a Minnesota State Teachers College, or the College of Education of the University of Minnesota, or of a Minnesota State Teachers College, showing that such holder has completed the four year course in the seventh and eighth grades of an eight year elementary school. Such certificate shall be issued to any person holding the degree of the College of Education of the University of Minnesota, or of a Minnesota State Teachers College, or the College of Education of the University of Minnesota, showing that such holder has completed the four year course in Elementary Education of such college.
§2900-6

CH. 14—EDUCATION

The High School Standard General Certificate may be issued to any person holding the degree of an accredited liberal arts college or university in Minnesota, together with such professional training as shall be required by the State Board of Education.

(b) The High School Standard Special Certificate shall qualify any person to teach in the special fields of the College of Fine Arts, Industrial Arts, Commercial Subjects, Physical Education, Music or Fine Arts, or such other special field as the needs of the schools may, from time to time, require, and to act as school librarian. It shall show in which one or more of the above fields the holder is qualified to teach and shall qualify him to teach in such special fields in any high school or elementary school. Such certificate may also indicate other high school subjects in which the holder has had training equivalent to that required in the academic field and shall qualify him to teach the same. Such certificates shall be issued to any person holding the degree of the College of Education of the University of Minnesota or of a Minnesota State Teachers College, granted by virtue of the completion of its course in the special field as to which he applies for a certificate to teach.

The High School Standard Special Certificate may be issued to any person holding the degree of a liberal arts college of this state, accredited and approved by the State Board of Education, granted by virtue of the completion of its course in the special field as to which he applies for a certificate to teach, provided that the course leading to such degree shall meet the requirements of the State Board of Education in such field.

The High School Standard Special Certificate may be issued to any person holding a diploma or degree of a technical training institution of this state, granted by virtue of the completion of a course therein which said board shall find to be substantially equivalent, with respect to such special subject or subjects, to the course of said College of Education for training of teachers therein, provided that such institution shall be accredited and approved by said board.

Provided that the State Board of Education shall have authority to issue special certificates to vocational teachers who present such qualifications of training and experience as meet the requirements of the Board of Vocational Education or the special needs of the several vocational fields. (As amended Apr. 26, 1929, c. 388, §7.)

(c) Any person who has the preparation and training herein prescribed entitling him to receive a High School Standard General Certificate or a High School Standard Special Certificate, and who in addition, has completed one year of graduate work of a kind and character accepted by the State Board of Education may be given a High School Advanced Certificate, either general or special, as may be appropriate to his training. Such High School Advanced Certificate shall qualify the holder thereof to teach the same subjects and in the same institutions which and in which the holder of a corresponding standard certificate is authorized to teach and in Junior Colleges. (Act Apr. 26, 1929, c. 388, §6.)

A degree of a professional college such as college of law, college of medicine, college of engineering, or college of education may not be accepted for high school standard general certificate. Op. Atty. Gen., May 26, 1933.

G. S. 1913, §2872, did not give state board of education any right to limit rights of a teacher under his or her certificate, and it would be unfair to make a requirement for classification as a recognized high school on basis of type of certificate held by teachers. Op. Atty. Gen., Apr. 26, 1939.

G. S. 1913, §2872, did not give state board of education any right to limit rights of a teacher under his or her certificate, and it would be unfair to make a requirement for classification as a recognized high school on basis of type of certificate held by teachers. Op. Atty. Gen., Apr. 26, 1939.

State board has right to issue special teacher's certificates to graduates of College of Education, University of Minnesota, whether majoring or minoring in such course. Op. Atty. Gen. (172B), June 21, 1933.

State board may prescribe reasonable qualifications for reclassification directors of schools, and may require that they hold a teacher's certificate and such additional qualifications as board may prescribe. Id.

2900-7. Administration and Supervision.—A person shall be qualified to be a principal, supervisor or superintendent, as aforesaid, to the satisfaction of the board, such board may certify him as being qualified to be such principal, supervisor or superintendent, as the case may be. Contracts with principals, supervisors or superintendents shall not be valid unless made by a person who has been so certified, as herein provided. (Act Apr. 26, 1929, c. 388, §7.)

2900-8. Applicants trained in other states.—Wherever in this Act a certificate to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota State Teachers College, or of the College of Education of the University of Minnesota, or of a liberal arts college, or a technical training institution, such certificate may also, in the discretion of the State Board of Education, be issued to any holder of a diploma or a degree of a teacher training institution of equivalent rank and standing of any other state, granted by virtue of the completion of a course in teacher training essentially equivalent in content to that required by such Minnesota State Teachers College or the College of Education of the University of Minnesota or a liberal arts college in Minnesota or a technical training institution, as preliminary to the granting of a diploma or a degree of the same rank and class. (Act Apr. 25, 1929, c. 388, §8.)

2900-9. Duration and Renewal of Certificates.—All certificates, except as herein provided, shall bear the date of issue and shall expire two years from July 1 of the nearest such date, and may be renewed for periods of not more than five years upon satisfactory evidence produced to the board of successful teaching in the public schools of the state for at least twelve months during the period covered by the certificate.

If the holder of a five year certificate shall present to the board satisfactory evidence that he has actually and successfully taught in the public schools of the state for not less than five years, the board may issue to him a permanent certificate of the same class and kind as his five year certificate, which shall be valid unless and until suspended or revoked; provided, however, that the permanent certificate may be issued only to a teacher actually employed in the public schools of the state, or who has been so employed at any time during the two year period immediately preceding the date of application, and provided further that no permanent certificate shall be issued to a teacher who holds only an Elementary School Limited Certificate. Any person who applies for the issuance or renewal of a teacher's certificate is required to furnish evidence of appropriate training in the public school teaching service, may be required to furnish evidence of appropriate training in an accredi-
ed teacher training institution within such period, but
not in excess of twelve weeks work.
An Elementary School Limited Certificate shall
bear the date of issue and shall expire two years from
July first nearest such date, and may be renewed for
periods of not more than five years, under provisions
prescribed by the State Board of Education. (Act Apr.
26, 1929, c. 388, §9.)

2900-10. Fees for Teachers' Certificates.—For the
issuance, renewal or extension of a certificate to teach,
each applicant for such certificate shall pay a fee.
For each Elementary School Limited Certificate or re-
newal thereof the fee shall be fifty cents. For each
permanent certificate the fee shall be five dollars.
For each Elementary School Limited Certificate the
fee shall be one dollar for each certificate or renewal thereof. Such fees shall be paid to the State Commissioner of Education, who shall deposit them with the State Treasurer, as provided by law, and report each month to the State Auditor the amount of fees collected for each kind of certifi-
cate. The State Auditor shall credit all such fees to the Teachers Institute, Training School and Examination Fund, and the same may be disbursed and used for the purposes for which such fund is provided.

Fees for the renewal or extension of certificates in force at the date of approval of this act shall be as provided in Sec. 2932, General Statutes of Minne-
2900-11. Suspension or Revocation of Certificates.
—The State Board of Education may, on the written
complaint of the school board employing a teacher, or
the superintendent of the county where such
2900-12. Outstanding Certificates Not Impaired.—
No provision of this act shall affect, modify or repeal
the General Statutes of Minnesota, 1923, Section 2920-14. This act shall take effect and be in force
from and after its passage and approval, except that
Sections 2907, 2908, 2909, 2910, 2911, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2933, 2934, 2935, and 3056 of the General
Statutes of the State of Minnesota, 1923, and all acts and parts of acts inconsistent here-
with, are repealed, but nothing herein contained shall be deemed to affect, modify or repeal Chapter 36, General Laws of 1927 [§§2935-1 to 2935-14], or any part thereof. (Act Apr. 26, 1929, c. 388, §14.)

2900-15. This act shall take effect and be in force
from and after its passage and approval, except that
Section 2907, 2908, 2909, 2910, 2911, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922 and 2923
aforesaid shall continue in force until September 1,
1923. (Act Apr. 26, 1929, c. 388, §15.)

2903. Hiring of teachers—contracts—termination
"teacher" defined.—School boards shall hire teach-
eries at meetings called for that purpose. No teacher
shall be employed by a school board unless the qual-
fications required by law to a trustee shall be em-
ployed, except by a unanimous vote of the full
board. The employment shall be by written contract, signed by the teachers in common districts, by at
least two of the trustees; in special and independent
districts, by the chairman and clerk. Each contract
shall specify the wages per year, and shall remain in
full force and effect except as modified by mutual con-
eration of the teacher and the school board, or by the
written resignation of the teacher before April 1st. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner provided, further, that such contract may be terminated at any time by mutual consent of the school board and the teacher, and provided further that this act

2900-12. Suspension or Revocation of Certificates.
—The State Board of Education may, on the written
complaint of the school board employing a teacher, or
the superintendent of the county where such

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2900-11. Suspension or Revocation of Certificates.
—The State Board of Education may, on the written
complaint of the school board employing a teacher, or
the superintendent of the county where such

shall not affect the powers of a school board to discharge a teacher for cause under and pursuant to Minnesota Statutes, 1913, Section 1407.

Also that nothing herein shall be construed as preventing a teacher from recovering the value of his or her services from any school district, where such services were heretofore rendered by such teacher pursuant to oral agreement with the governing board of such school district. A superintendent, principal, supervisor, and classroom teacher and any other professional employee required to hold a certificate from the State Department of Education shall be deemed to be a "teacher" within the meaning of this act.

As amended Apr. 5, 1937, c. 161, §1.

(5) Sec. 3 of Act Apr. 5, 1937, cited, provides "all acts or parts of acts inconsistent herewith are hereby repealed."

Teacher's contract, held entire for period covered, and where she was unable to commence her services at the beginning of the school year and for over five weeks thereafter the school district was relieved from the contract of employment. Op. Atty. Gen., May 16, 1932.

The yearly salaries of permanent teachers in public schools of city of St. Paul for calendar year may not be fixed in such amounts as to exceed budget item appropriation. Hlavka v. C., 192M169, 255NW820.


Mandatory provision requiring written contract does not apply to teacher entitled to benefit of Tenure Act. Mason's Stats. §2903-1 to 2935-14. 177M422, 227NW253.

Teacher's contract, held entire for period covered, and where she was unable to commence her services at the beginning of the school year and for over five weeks thereafter the school district was relieved from the contract of employment. Op. Atty. Gen., May 16, 1932.

Where chairman of board of special or independent school district refuses to sign teachers' contracts, members of common school district board where she was unable to commence her services at the beginning of the school year and for over five weeks thereafter the school district was relieved from the contract of employment. Op. Atty. Gen., May 16, 1932.

Where chairman of board of special or independent school district refuses to sign teachers' contracts, members of common school district board where she was unable to commence her services at the beginning of the school year and for over five weeks thereafter the school district was relieved from the contract of employment. Op. Atty. Gen., May 16, 1932.

The yearly salaries of permanent teachers in public schools of city of St. Paul for calendar year may not be fixed in such amounts as to exceed budget item appropriation. Hlavka v. C., 192M169, 255NW820.

Appointment of one as school teacher by superintendent and classroom teacher and any other professional employee required to hold a certificate from the State Department of Education shall be deemed to be a "teacher" within the meaning of this act.

Teacher's contract, held entire for period covered, and where she was unable to commence her services at the beginning of the school year and for over five weeks thereafter the school district was relieved from the contract of employment. Op. Atty. Gen., May 16, 1932.


Where qualifications of high school principal were questioned and board before April 1, terminated contract for cause and same service was continued, constitutional rights of teacher are not invaded by action of district. Op. Atty. Gen. (172c), July 10, 1938.

Where qualifications of high school principal were questioned and board before April 1, terminated contract for cause and same service was continued, constitutional rights of teacher are not invaded by action of district. Op. Atty. Gen. (172c), July 10, 1938.


Board need not give cause if contract is terminated by majority vote before April 1, and though a majority of full membership is necessary, entire membership need not be present. Op. Atty. Gen. (766-1), April 20, 1939.

Teacher discharged for cause is entitled to hearing. Id.

Teacher whose contract has been terminated on or after April 1, annually renewed for one year. Id. Such contract may be terminated by board prior to April 1 by showing any cause within terms of §2903 so that their contracts are not automatically renewed for one year unless board takes action prior to April 1. Id.

Although §2907 provides that board may elect a superintendent for one year, board is subject only to limitation that expenditures for salaries shall not exceed anticipated tax collection. Op. Atty. Gen. (174), June 5, 1939.

One related by marriage to a trustee and chosen as junior high school principal by unanimous vote of the board, could not be advanced to high school principal without unanimous vote. Op. Atty. Gen. (172a), June 6, 1939.

Letter to teacher “No contract for any teacher in the district shall be renewed until after present Legislature develops the appropriation to provide for state aid and has been construed as notice that teacher was not rehired for coming year, but a formal ballot has not been taken to ascertain sentiment of school board as to re-electing a superintendent, can be made a formal ballot by a subsequent motion.” Op. Atty. Gen. (763-1), March 2, 1939.

The board of a consolidated district may employ a superintendent, is not effective as a resignation and does not terminate contract. Op. Atty. Gen. (76Sk-l), August 20, 1934.


2935.1. Teacher defined. This act, constituting §§2935-1 to 2935-14, saved from repeal by Act Apr. 26, 1929, c. 388, §14, ante, §2909-14, as to remaining sections. See ante, §§2909-14.

Annotations under §2935.

Teachers' tenure laws as vesting contractual status. 1938 Wis. Law Rev. 495.

TEACHERS—EMPLOYMENT IN FIRST CLASS CITIES

2935-1. Teacher defined.

This act, constituting §§2935-1 to 2935-14, saved from repeal by Act Apr. 26, 1929, c. 388, §14, ante, §2909-14, as to remaining sections. See ante, §§2909-14.

Annotations under §2935.

Teachers' tenure laws as vesting contractual status. 1938 Wis. Law Rev. 495.
§2935-6

CH. 14—EDUCATION

This act takes precedence over St. Paul City Charter. §1889. Teacher cannot be removed because she was not a resident of city at time of employment. Op. Atty. Gen. (172), Sept. 14, 1933.


TEACHERS' RETIREMENT FUND


Annotations under 2045.

1. The word “teacher” shall include any person who has rendered, is rendering, or shall hereafter render service as a teacher, supervisor, principal, superintendent, or librarian in the public schools of the state, located outside of the corporate limits of the cities of the first class, in the state teachers' colleges, or in any charitable institution supported in whole or in part by public funds, or who has been engaged, is engaged, or shall hereafter be engaged in educational work in connection with the state public school system, including the state teachers' colleges but excluding the state university, whether the position be a public office or an employment, not including: hospital members of county boards of health, the general governing officers of the managing board or body connected with such system, or the officers of common, independent, special, or county school districts.

2. The word “teaching” shall mean and include the service performed by any person coming within the definition “teacher” as hereinbefore set forth.

3. The term “fund” shall mean the Teachers' Retirement Fund, hereinafter referred to.

4. The term “member of fund” shall mean every teacher who shall join and contribute to the Teachers' Retirement Fund as hereinafter provided.

5. The term “board” shall mean and refer to the Board of Trustees of the Teachers' Retirement Fund.

6. The feminine gender shall mean, and include the masculine gender, and vice versa.

Wherever the plural of any of the above words or terms is used in this act, the plural shall have the same meaning as the singular as herebefore defined. (Act Apr. 25, 1931, c. 406, §1.)

A teacher who had qualified herself for annuity before Aug. 1, 1931, under old act, has a vested right to retirement under old law and should be granted retirement under new law. Op. Atty. Gen., May 16, 1933.

Persons entering employment of state department of education since July 1, 1929, must become members of either the Teachers' Retirement Fund or the State Employees' Retirement Association, and such employees as would come within the terms of both bodies must become members of both. Op. Atty. Gen. (175p), Oct. 8, 1933.


Superintendent of State School and Colony for Feeble-Minded at Fairbank is not eligible for membership to the teacher's retirement fund. Said fund shall be derived from the following sources:

First: From payments made by teachers who become members of said fund, as herein provided, which payments and the accumulated interest thereon shall be designated as teachers' savings.

Second: From donations, gifts, legacies, devices and bequests made to or for the benefit of said fund.

Third: From all interest derived from the investment or earnings of the moneys belonging to said fund.

Fourth: From the transfer to it of the assets of the present Teachers' Insurance and Retirement Fund as hereinafter provided.

Fifth: From moneys contributed by the state as hereinafter provided. (Act Apr. 25, 1931, c. 406, §2.)

2935-3. Teachers' retirement fund.—For the purpose of improving educational service, better compensating teachers, making the occupation of teaching in this state more attractive to qualified persons encouraging savings and rewarding faithful and continued service, there is hereby established and created a fund to be known as the Teachers' Retirement Fund. Said fund shall be derived from the following sources:

First: From payments made by teachers who become members of said fund, as herein provided, which payments and the accumulated interest thereon shall be designated as teachers' savings.

Second: From donations, gifts, legacies, devices and bequests made to or for the benefit of said fund.

Third: From all interest derived from the investment or earnings of the moneys belonging to said fund.

Fourth: From the transfer to it of the assets of the present Teachers' Insurance and Retirement Fund as hereinafter provided.

Fifth: From moneys contributed by the state as hereinafter provided. (Act Apr. 25, 1931, c. 406, §2.)

2935-4. Board of trustees created.—The management of the fund shall be vested in a board of five trustees, to be known as the board of trustees of the Teachers' Retirement Fund. Said board shall be comprised of the following persons. The commissioners of education, the state auditor, the commissioner of insurance, and two members of the fund who shall be elected by the members of the fund at the time and place of their annual meeting, hereinafter provided for. At the first election of said members shall be elected by the members of the fund one trustee shall be elected to serve for one year and one for two years. Thereafter the terms of said elective members shall begin on the first Monday in January next succeeding their election. Vacancies in the case of said elective members shall be filled by appointment by the remainder of the board, the appointees to serve until the members of the fund have elected a trustee to serve for the unexpired term caused by such vacancy. No person shall be appointed by the board or elected by the members of the fund as a trustee who is not a member of the fund in good standing at the time of such appointment or election.
Said board shall annually elect one of its members as president, shall elect a secretary and fix his salary, who shall serve during the pleasure of the board and be the executive officer of said board with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer said fund. One half of the cost and expense of administering the provisions of this act shall be paid by the fund and the balance thereof by the state.

The state treasurer shall be ex-officio treasurer of said fund and his general bond to the state shall cover any liabilities for his acts as treasurer of said fund. He shall receive all moneys payable to said fund and pay out the same only on warrants issued by the state auditor, upon vouchers signed by the president and secretary of the board. Said treasurer shall give receipts for all moneys received by him for said fund, shall keep a full, correct and separate account of the financial transactions connected therewith, and shall make an annual report to the board at its annual meeting of the receipts and disbursements and other financial transactions connected with said fund.

All members of said board shall serve without compensation, but shall receive necessary expenses while attending all meetings of said board, to be paid out of said fund.

The board hereby created shall meet on the first Monday in January, 1932, or as soon thereafter as practicable, at a time and place to be fixed by the commissioner of education, for the purpose of organizing, electing a secretary and adopting by-laws, rules and regulations as hereinafter provided. Thereafter the board shall meet regularly at its office at such times as it shall determine. Special meetings may be held at any time at the call of the president of the board or of any three members thereof.

The first fiscal year of the fund hereby created shall begin on January 1st, 1932, and end on June 30, 1932. Thereafter the fiscal year of the fund shall begin on the first day of July of each year and end on the last day of the following year. A suitable office, with suitable furniture and office supplies, shall be provided by the state, through the proper officer for the use of said board and its secretary.

Whereboard failed to provide for payment of furniture and equipment, board could pay therefore from contingency reserve fund. Op. Atty. Gen. (175), Nov. 2, 1937. 2950-4. Powers of board.—Said board shall have and is hereby granted power to frame by-laws for its own government and for the management of said fund, not inconsistent with the laws of the state, and to modify them at pleasure; to adopt, alter and enforce reasonable rules and regulations, not inconsistent with the laws of the state, for the administration and management of said fund, for the payment and collection of payments from members and for the payment of withdrawals and benefits; to pass upon and allow or disallow all applications for membership in the fund, and for credit for teaching service; to pass upon and allow or disallow all claims for withdrawals, pensions or benefits payable from said fund; to provide for the payment out of said fund of all necessary expenses for the administration thereof and of all claims for withdrawals, pensions or benefits allowed.

In passing upon all applications and claims said board may summon, swear, hear and examine witnesses, and in the case of claims for disability benefits, may require the claimant to submit to a medical examination by a physician of the board's choice, at the expense of the claimant, and if the claimant fails to pass said examination, the board may deny the claim. In the case of all applications and claims, may conduct investigations necessary to determine the validity and merit of the same.

The board may sue or be sued in the name of the board of trustees of the Teachers' Retirement Fund, and in all actions brought by or against it said board shall be represented by the attorney general.

It shall be the duty of said board from time to time to certify to the State Board of Investment for investment as much of the funds in its hands as shall not be needed for current purposes. The State Board of Investment shall thereupon invest the sum so certified in such securities as are now or may hereafter be duly authorized legal investments for savings banks and trust companies, and all such securities so purchased shall be deposited with the state treasurer; but in case of necessity such securities shall be sold by said State Board of Investment upon request of said board in order to raise money for current purposes. All interest from said investment shall be credited to the fund and shall be used for current purposes, except as hereinafter provided.

The board shall keep a record of the receipts and disbursements of said fund and a separate account with each member of said fund. It shall determine annually the net annual interest earnings of said fund by deducting from the excess of the expenditures for the current year over said fund. Five per cent. of the net annual interest earnings shall annually be set aside as a contingency reserve until said contingency reserve equals five per cent. of the assets of the fund. The contingency reserve thus created shall be consumed only by specific direction of the board. The remaining portion of the net annual interest earnings shall be apportioned and credited to the separate accounts of the members of the fund in proportion to the total amount of their credit therein.

The board shall present annually to the members of the fund at its annual meeting a report of the condition of said fund for the last preceding fiscal year, which shall include a statement of the receipts and disbursements of said fund, a list of the securities in which said fund is invested, and such other information as may be necessary or desirable.

One copy of said report shall be filed in the office of the commissioner of education, one with the governor, and other copies filed or distributed as the board may determine. Said report shall also be published in the biennial report of the commissioner of education.

2950-5. Members of fund—Members of the fund shall include all teachers who render any teaching service, as herein defined, after August 1, 1931, in any of the schools or institutions to which this act applies, except:

1. Those who at the time of rendering such service have not attained the age of twenty-five years, but any such teacher who renders any teaching service after September first after attaining such age shall automatically become a member, and, providing further, that any such teacher who has not attained such age shall be admitted as a member upon written application to the board.

Any member of the fund, who rendered teaching service before attaining the age of twenty-five years and who has not received credit therefor, may upon written application receive credit for such service and may pay into the fund five per cent. of the annual salary received during such service, with interest at four per cent per annum from the time of rendering such service.

2. Those who have rendered teaching service prior to August 1, 1931, in any of the schools or institutions to which this act applies, but any such teacher shall be admitted as a member upon written application to the board made within two years after re-
ndering the first teaching service subsequent to August 1, 1931. (Act Apr. 25, 1931, c. 466, §5.)

2950-6. Payments by members.—Each member of the board of education or managing body required by law to draw the warrant or order for payment of salaries to teachers to deduct and withhold from each month's salary due to every teacher who is a member of the Teachers' Retirement Fund and who has been required to pay into said fund, as herein provided, and at the time of such deduction a statement showing the amount thereof shall be furnished to such teacher.

Such officer, board of education or other managing body of each school district or institution shall, between the first and fifteenth of each month, transmit to the treasurer of said county, the state treasurer, and all other managing bodies, including a statement of the amount so received and transmitted, and the reports and remittances shall be sent to the treasurer of the county in which such school or institution is situated, a statement, verified by the secretary or clerk thereof, showing the amount so retained from each teacher, in accordance with the provisions of this act, and with said statement shall transmit the entire amount so retained to the treasurer of said county; and in case any school district is situated in more than one county, the reports and remittances shall be sent to the senior county. Such board of education or other managing body shall also, on or before the thirty-first day of June of each year, transmit to the county superintendent of schools a statement showing the number of months of teaching service, the number of months of teaching service taught by her during the year for which the statement is made, the number of months which constitutes a school year in said district or institution, and such other information as the board may require. If no teacher in such public school or other institution comes under the provisions of this act, said report shall state such fact. Each of the foregoing reports shall be verified by the person making the same. Provided, however, that if the drawing of the warrant or order for payment of any teacher's salary devolves upon any state officer or board, such officer or board shall make the reports herein required directly to the board of trustees and shall remit the money so deducted to the state treasurer.

The superintendent shall on or before the first day of September of each year report under oath to the board, giving an itemized summary of the statements received by him from the school boards and other managing bodies, including a statement of the total amount withheld from the salaries of teachers as shown by said reports.

Between the fifteenth and twenty-eighth days of February and between the fifteenth and thirtieth days of July of each year, the county treasurer of each county shall transmit to the state treasurer all moneys received from the board of education and other managing bodies of schools or institutions to which this act applies, pursuant to the provisions of this act, and shall certify under oath to the correctness of the amount so received and transmitted, and shall furnish such other information as the board shall require. The state treasurer shall certify all moneys received with the salary, no payment for the school year shall be made from state funds, as a part of such teacher's savings. Provided, that in the case of any teacher who has rendered more than fifteen years of service, the annual payments which the teacher has paid into the Teachers' Retirement Fund, hereby created, and shall receive in full satisfaction of all rights under Chapter 199 on the basis of pro-rating by the board on the 31st day of December, 1931.

Teachers who are members of the Teachers' Insurance and Retirement Fund, hereby created, shall each be paid in cash an amount equal to the sums of money which they have theretofore paid into said Teachers' Insurance and Retirement Fund.

Teachers whose accounts are so transferred to the new fund shall have the right to pay into such fund and receive similar credit therefor at the time paid any additional sum, either in cash or in installments, which payment or payments so made together with the amount which the teacher has previously paid shall not be in excess of five per cent of the teacher's average yearly salary for the five years of service immediately preceding multiplied by the number of years of previous service for which the teacher has been given credit. Provided, that in the case of any teacher who has rendered more than fifteen years of service, the amount, which payment or payments so made together with the amount which the teacher has paid into the Teachers' Retirement Fund, hereby created, and shall receive in full satisfaction of all rights under Chapter 199, who do not become members of the Teachers' Retirement Fund, hereby created, shall be paid in cash an amount equal to the sums of money which they have theretofore paid into said Teachers' Insurance and Retirement Fund.

Teachers who are members of the Teachers' Insurance and Retirement Fund, hereby created, shall each be paid in cash an amount equal to the sums of money which they have theretofore paid into said Teachers' Insurance and Retirement Fund.

Teachers who in January 1, 1932, are then drawing annuities shall be members of the Teachers' Retirement Fund, hereby created, and shall receive in full satisfaction of all rights under Chapter 199, Laws 1915, an annuity equal to the annuity being paid to her or to which she would be entitled under said Chapter 199 on the basis of pro-rating by the board in effect on the 31st day of December, 1931.

Teachers who are members of the Teachers' Retirement Fund, hereby created, shall each be paid in cash an amount equal to the sums of money, which they have theretofore paid into said Teachers' Insurance and Retirement Fund. After provision has been made for all obligations against said Teachers' Insurance and
Retirement Fund, as may be determined by the board in accordance with the terms of this act, the balance remaining in such fund shall be apportioned to the accounts of the teachers' retirement fund for refund must be made on or before Jan. 1, 1934. Op. Atty. Gen. (175), May 25, 1935.

2550-9. May withdraw fund when.—When any teacher who is a member of this fund shall cease to render teaching service, as herein defined, in any school or institution to which this act applies, all moneys to the credit of such teacher as teacher's savings, shall, upon written application to the board, be paid to such teacher in cash. In case of the death of a member, any additional sum or sums as such teacher may elect to pay, the aggregate of which assessments, interest and additional sums shall be paid, together with five per cent of such teacher's average yearly salary for the five years of service immediately preceding the school year 1931-1932 or the first thereof but not more than $100.00 per year multiplied by the number of years of such prior service. Members of the Teachers' Retirement Fund as created by Chapter 406, Laws 1931 [§§2950-1 to 2950-16] shall also have the right to pay assessments, interest and additional sums as provided for in this section for service rendered prior to August 1, 1931, in schools or institutions in Minnesota to which Chapter 406 applies. Provided, that in the case of any teacher who has rendered more than five years of such prior service the amount that such teacher has a right to pay as hereinafter provided, not, however, exceeding the amount paid by such teacher under such right, and in no event more than 50 per cent of the total additional amount which may be paid. The amount so assigned from state funds shall reduce to the extent thereof the total amount which the teacher may pay under the right as aforesaid. Any money so contributed by the state shall be used only to purchase an annuity as hereinafter provided, and may not be withdrawn in cash as a part of such teacher's savings. (Added Mar. 25, 1937, c. 112, §1.)

Sec. 2 of Act Mar. 25, 1937, cited, provides that the Act shall take effect from its passage.


The amount so assigned from state funds should be credited as of January 1, 1932, and become a part of the balance due as "teachers' savings" even though the amount could not be definitely determined until liquidation of the old fund after January 1, 1934. Op. Atty. Gen. (175), May 25, 1935.

A teacher who rendered service prior to August 1, 1931, and makes application within two years after rendering part time teaching service after that date, is permitted to become a member of the new fund, and their accounts in the old fund may be transferred to the new. Op. Atty. Gen. (178m), Mar. 9, 1938.
2. To purchase from the fund an annuity for a term of fifteen, twenty or twenty-five years, in such an amount as the teacher’s age, the amount to her credit as teachers’ savings and the mortality and interest tables in use by said fund will permit. If such teacher shall elect to purchase a life or term annuity, as hereinbefore provided, the state shall at the time of the payment of such annuity pay to said teacher an amount equivalent to such annuity, to be paid from the funds hereinafter provided; provided, however, that in case of a term annuity such payments by the state shall not continue after the death of such teacher. Provided further that the amount of the annuities so paid by the state shall not exceed in amount the term or life annuities which such annuitant could purchase with the moneys to her credit as teachers’ savings for the first thirty-five years of teaching service, if she has a teaching service in excess of thirty-five years.

Annui ties to be paid under the provisions hereof shall be payable quarterly on the first days of January, April, July, and October.

If, during the fifteenth or any subsequent year of teaching service, any member of the fund shall become totally disabled and the board shall determine that such member is permanently disqualified to render teaching service, as hereinbefore provided, such member shall, on written application to the board, be paid the amount to her credit as teachers’ savings, or may use said amount to purchase from the fund a life or term annuity as hereinbefore provided; such teacher shall elect to purchase a life or term annuity, as hereinbefore provided, the state shall at the time of the payment of such annuity pay to said teacher an amount equivalent to such annuity, to be paid from the state funds hereinafter provided; provided, however, that in case of a term annuity such payments by the state shall not continue after the death of such teacher.

Every teacher retired under said total disability provision shall, if required by the board, submit to an annual physical examination by a physician designated by the board, who shall report his findings to the board, and the board’s decision as to the teacher’s continued total disability and right to further benefits under said total disability provision shall be final.

If such teacher elects to receive total disability benefits as hereinbefore provided, she shall have the amount of said benefits, exclusive of the payments made from state funds, charged against the amount credit to her account as teachers’ savings. (Act Apr. 25, 1931, c. 406, §9.)

Members who have withdrawn funds under Laws 1915, c. 199, cannot refund moneys drawn with interest under Laws 1917, c. 112; members may pay interest on arrears to passage of Laws 1937, c. 112; payments from 1931 to date cannot be credited on arrears previous to 1931. Op. Atty. Gen. (175a), June 7, 1937.

Teacher who has ceased to teach and is drawing annuities while rendering such respective teaching service is a personal right only and shall not be assignable. Op. Atty. Gen. (175d), March 16, 1939.

2950-10. Rights not assignable.—The right of a teacher to a ball himself the benefits of this act is not a right only and shall not be assignable. All moneys to the credit of a teacher’s account in the fund, or any moneys payable to her from the fund shall belong to the State of Minnesota until actually paid to the teacher, or her beneficiary, pursuant to the provisions of this act. Any assignment or attempted assignment of a teacher’s interest in said fund or of a beneficiary’s interest therein by a teacher, or her beneficiary, shall be null and void and the same shall have no effect and shall not be chargeable against the taxable property of the state, and shall not be transferred to any other person or institution.

2950-11. Board to certify to state auditor.—The board shall from time to time determine the amount of money necessary and presently needed to meet the obligations of this act and therefor shall certify to the state auditor the amount so determined to the state auditor. In so certifying, the board shall certify separately the amount required to pay annuities to annuitants whose accredited teaching service was rendered for and in behalf of the state and at large, the amount necessary to meet any operating cost for which the state is liable, and the amount required to pay annuities to annuitants whose accredited teaching service was rendered for and in behalf of the schools and institutions located outside of the cities of the first class. In case any annuitant has rendered accredited teaching service in part for the state at large and in part for the schools and institutions located outside of said cities of the first class, the amount certified for the payment of her annuity shall be pro-rated on the basis of the respective amounts contributed by such annuitant to her teachers’ savings while rendering such respective teaching service. The state auditor is hereby directed to include in each annual state tax levy the amount or amounts so certified and not included in a previous levy, which amount or amounts are hereby annually levied against the taxable property of the state as herein further provided; provided, however, that the levy against the taxable property outside of cities of the first class shall not in any year exceed the sum of $250,000. In certifying the rate to the several county auditors, the state auditor shall certify, subject to the maximum levy hereinbefore prescribed, the amount required for annuities for teaching service rendered for the state at large, together with the amount required for the state’s share of operating costs, against all the taxable property of the state, and shall certify the amount required for annuities for teaching services rendered for the schools and institutions outside of cities of the first class against all of the taxable property located outside of said cities. The process of assessing and certifying the amount hereby appropriated for the payment of the certificates provided for in the following section. (Act Apr. 25, 1931, c. 406, §12; Apr. 27, 1935, c. 301.)

2950-12. Auditor may sell tax anticipation certificates.—The auditor, upon receiving from the board any certificate or certificates as in the preceding section provided is hereby authorized and directed, in anticipation of the taxes levied or to be levied as in the preceding section provided, to issue and sell cer-
certificates of indebtedness of the state in the aggregate amount of $500,000, and may assume its duty, however, exceeding the amount which will be produced by the maximum levy hereinbefore authorized, such certificates of indebtedness to be numbered serially and to be of such denominations and to bear such rate of interest, not exceeding five per cent per annum, as the auditor shall determine, and to mature at such date as the auditor shall fix, not later, however, than the thirty-first day of December of the year following the next annual tax levy made after the date of issue. The interest on such certificates of indebtedness shall be payable with the principal thereof, but the principal and interest due and payable exclusively from the proceeds of tax levies made as provided in the preceding section. Said certificates shall be in such form and upon such terms and conditions, not inconsistent with the terms of this act, as the state auditor shall determine, shall be signed by the governor and attested by the state auditor, and shall be sold for not less than par. Such certificates may be purchased by the state board of investment and, to 21 percent of the land fund, internal improvement fund, or any other trust fund of the State of Minnesota, and shall be deemed "authorized securities" within the provisions of section 7714, General Statutes 1923, and laws amendatory thereof and supplemental thereto. The proceeds of the sale of certificates of indebtedness are hereby appropriated for the payment of the state's obligations under this act, provided, that if said proceeds in any year shall be insufficient to pay said obligations in full the amount available for the payment of annuities shall be prorated thereto. (Act Apr. 25, 1931, c. 406, §13.)

2950-14. Application.—This act shall not apply to any city of the first class of this state, except as provided in Section 1 [§2960-1] hereof. (Act Apr. 25, 1931, c. 406, §14.)

2950-15. Law repealed.—Chapter 199, Laws of 1915, as amended by Laws 1925, Chapter 404, Section 1 [Mason’s Minn. Statts., 1927, §§2936 to 2950], is hereby repealed, except as hereinafter provided; provided, that the present board of trustees of the Teachers’ Insurance and Retirement Fund shall continue to serve and function as now provided by law until the board of trustees of the Teachers’ Retirement Fund hereby created, as herein provided. (Act Apr. 25, 1931, c. 406, §15.)

2950-16. Effective August 1, 1931.—This act shall take effect and be in force from and after August 1st, 1931, except as hereinafter provided. (Act Apr. 25, 1931, c. 406, §16.)

2953-1. County superintendents eligible to membership in retirement fund.—That all county superintendents of schools now in office or who shall hereafter be elected or appointed thereto, and all former county superintendents of schools who have heretofore contributed to the Teachers’ Insurance and Retirement Fund, as created by Chapter 199, Laws of 1915 [§§2936 to 2950-16], if otherwise eligible, are hereby made eligible to membership in said fund and shall be admitted to membership therein upon written application to the board of trustees of the Teachers’ Insurance and Retirement Fund or to its secretary, shall thereafter be subject to all the provisions of said act and of all acts amendatory thereof. (Act Apr. 13, 1931, c. 145, §1.)

2953-2. To receive credits for payments.—All such superintendents or former superintendents of schools who have heretofore contributed to said Teachers’ Insurance and Retirement Fund and who members thereof as hereinafter provided shall receive the same credit for payments made and for service rendered as if they had been members of said fund during the time of such payments. Any superintendents or former superintendents who have heretofore received or would be entitled to receive the same credit for payments made and for service rendered as if they had been members of said fund as he would have been entitled to had he been a member during all the time he contributed. (Act Apr. 13, 1931, c. 146, §2.)

2953-3. Board of trustees may refund payment.—The board of trustees of said Teachers’ Insurance and Retirement Fund shall refund to each county superintendent and each former superintendent of schools who has contributed to said fund and who does not become a member thereof as herein provided the amount of money so contributed, upon application for refund by such superintendent provided that such application shall be made on or before January 1, 1933. (Act Apr. 13, 1931, c. 146, §3.)

2953-4. Payment into fund may be deducted from salaries.—It is hereby made the duty of the county officials required by law to draw the warrants for the payment of the salary of each school superintendent and former superintendents of schools to deduct and withhold from each month’s salary due to such each superintendent the amount which such superintendent is required to pay into said Teachers’ Insurance and Retirement Fund as herein provided, and the county treasurer shall remit the amount so withheld to said fund at the time and in the manner of remitting moneys belonging to said fund received from boards of education or other managing bodies of school districts or other educational institutions, and shall report to the board of trustees of said fund the name of each county superintendent from whose salary such deductions were made and the amount of such deductions. (Act Apr. 13, 1931, c. 146, §4.)

STATE BOARD OF EDUCATION

2958. State board of education. Explanatory note.—The Attorney General has ruled that G. S. 1915, §2873, as amended by Laws 1925, §2958 to 2972, was not superseded by this act (§§2958 to 2972).

G. S. §2873, as reads follows:

"The superintendent of education shall prepare a uniform system of records for public schools; require reports from county and other superintendents and principals of the schools, teachers, school officers, and other administrative officers of public and other educational institutions, to include such facts as he may deem of public value. He shall establish and carry into effect a uniform system of accounting by public school officers, and he shall have authority to inspect and examine books of account and other records of all public schools. (13, c. 550, §5.)"

Minneapolis home rule charter, c. 13, §4, held not to apply to a school building and hence the building of the building to the planning commission for approval. 13 C. 76, 233NW834. See Dun. Dig. 6532, 6533.

City charter provisions must be in harmony with legislative policy of state. State v. Erickson, 190M218, 251 NW515. See Dun. Dig. 6532.


2992. State commissioner of education Minneapolis home rule charter, c. 13, §4, held not to apply to a school building and hence the board of education is not required to submit the location and design of the building to the planning commission for approval. 16 C. 16, 231M678. See Dun. Dig. 6524, 6768, 6864.

Where office of commissioner of education becomes vacant, an appointment to fill the vacancy for the unexpired portion of the term should be made and a new commissioner should not serve for six years. Op. Atty. Gen. (355A-20), July 28, 1924.

Division of rehabilitation and reeducation is not part of department of education but is under control of board of education acting, not as board of education, but as state board for vocational education, and commissioner of education has no powers over the division of rehabilitation and reeducation. Op. Atty. Gen. (397J), Jan. 3, 1935.


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The superintendent of education and other persons appointed by him shall receive their necessary expenses for traveling and other incidental expenses incurred in connection with the duties of their respective offices, to be paid from the contingent fund or from other appropriations made for such purposes. (13, c. 550, §3.)

Editorial note.—Laws 1913, c. 550, was omitted from G. S. 1923 and Mason's Minn. St. 1927, on the assumption that it was superseded by Laws 1916, c. 224. In view of this law, post, and in view of the amendment of §6 of the obsoleteness in 1929, whatever powers were conferred on the commissioner of education by the 1913 act are still in effect. Whatever express powers conferred by the act are still in effect. What seems to be these surviving powers are inserted as §§2962-2 to 2962-5. Section 7 of the act provides that the office of superintendent of public instruction is abolished and his powers are transferred to the superintendent of education created by that act. Section 8 repeals §§1373 to 1377 of the Revised Laws of 1905 and all inconsistent acts.


4. The number, kind, and name of public schools of each city or other governing body is hereby authorized to enter into a term contract with its superintendent of schools for such time as it is deemed expedient, not to exceed a term of three years; provided, however, that this act shall not apply in any city of the first class where the city charter of such city provides for a definite term for such superintendent of schools. (Act Mar. 17, 1939, c. 61.)

VOCATIONAL EDUCATION

2988. State board of vocational education.


State department of education has authority to lend money for living expenses to selected individual person eligible for reeducation and to charge interest thereon. Op. Atty. Gen., July 7, 1931.

2984. Appointment and salaries of employees.

The division of rehabilitation and reeducation is not part of department of education but is under control of board of education acting, not as board of education, but as state board for vocational education, and commissioner of education has no powers over the division of rehabilitation and reeducation. Op. Atty. Gen., (397), May 8, 1937.

HIGH SCHOOLS

2991-2. High school areas for transportation of pupils.

To facilitate and control the transportation of non-resident high school pupils the state board of education may divide the state into high school areas, each such area containing at least one classified public high school and such school districts and parts of districts as may conveniently be served by such
high schools; provided, however, that a school district shall, upon a vote of its governing board in favor thereof, be assigned to the area of any adjoining or nearby district containing a classified public high school. If the latter, by vote of its governing board, is willing to have such district assigned to its area; provided, however, that the voters of a district set in a high school area by the governing board of their district, may, if they so desire, call a special election to decide which high school area they desire to join, and provided, further, that if such pupils are not transported to the nearest high school, the aid shall be limited to the amount which would be paid if they were maintained in a high school. A board of education shall formulate such rules and regulations as may be necessary for establishing such high school areas and for transporting non-resident pupils. The state board of education may appoint local advisory committees to assist in establishing such high school areas and in carrying out the rules and regulations pertaining to such areas and the transportation of non-resident pupils; but such rules or regulations shall not prevent or deny to any parent the right to transport, or to provide for the transportation of his children, at his own expense, to the high school of any district willing to receive them. Any school district dissatisfied with the areas recommended by the advisory committee to the State Board of Education shall have the right of a hearing before the advisory committee and the State Board of Education. (Act Apr. 22, 1939, c. 437, §3.)

JUNIOR COLLEGES

1929-2.1. Creation of junior college—Election—Cooperation of several districts.—(a) The school board of any independent or special school district may make application to the state board of education to establish in any school district a department of junior college work, to consist of not more than two years’ work beyond the twelfth year of the public school curriculum. Such application shall contain such data as the state board of education may require.

(b) Upon receipt of such application the state board of education shall make a careful survey of the need, ability and facilities of such school district to establish and maintain a junior college.

(c) If the state board of education approves such application, the school board of such district shall submit the question of the establishment of such junior college to the voters at a general or special election, preceded by notice stating that such proposition shall not be acted upon if it is not approved by a two-thirds vote of the electors voting thereon.

(d) If the establishment of a junior college is authorized by a two-thirds vote of the electors voting thereon the school board of such school district shall take the necessary steps to establish and maintain such junior college.

(e) Two or more school districts may cooperate in the establishment and maintenance of a junior college under the procedure as indicated for the establishment and maintenance of a junior college in a single district; provided, however, that the application submitted in the establishment and maintenance of such junior college shall include a statement of the procedure adopted by the school boards of the districts concerned for the establishment and maintenance of such junior college and, further, that such proposition shall be approved by the state board of education, be authorized by a two-thirds vote of the electors in each district voting thereon.

(f) Two or more school districts may cooperate in the maintenance of a junior college already established, or established pursuant to this act, under the procedure as indicated in the preceding section: provided, however, that the proposition may be approved by the school board of the district in which such junior college is located and need not be referred to the electorate of such district. (As amended Apr. 15, 1939, c. 281, §1.)

1929-2.2. A school board may not legally employ instructors to give instruction in college subjects in district where school board has established a junior college or cooperating with one or more school boards on any such junior college.

1929-2.3. May furnish transportation or room and board.—Any school board in a district maintaining a junior college or cooperating with one or more school boards of other school districts in the maintenance of a junior college shall have authority to make use of any existing buildings, or equipment, or may provide any necessary building or buildings, or equipment, for the establishment and maintenance of any such junior college. (As amended Apr. 16, 1939, c. 281, §4.)

1929-2.4. To use existing buildings and equipment.—Any school board in a district maintaining a junior college or cooperating with one or more school boards of other school districts in the maintenance of a junior college shall have authority to use any existing buildings, or equipment, for the maintenance of a junior college or cooperating with one or more school boards of other school districts in the maintenance of a junior college. (As amended Apr. 16, 1939, c. 281, §5.)

1929-2.5. To fix rate of tuition.—The school or school boards having control of any such junior college, or by the school districts in which such junior college, or by the school districts in which such junior college shall have authority to make use of any existing buildings, or equipment, or may provide any necessary building or buildings, or equipment, for the establishment and maintenance of any such junior college.

1929-2.6. May furnish transportation or room and board.—The school board of any school district may provide transportation for students residing in such district who are attending a junior college, when it is not feasible to transport students to a junior college the school board in any school district may pay for or board and quarter students attending a junior college. (As amended Apr. 15, 1939, c. 281, §6.)

Act relating to transportation of pupils to a junior college of a nearby district.—As amended Apr. 24, 1939, c. 281, §4.

1929-2.7. A school board may not legally employ instructors to give instruction in college subjects in district where school board has established a junior college or cooperating with one or more school boards on any such junior college. (As amended Apr. 16, 1939, c. 281, §4.)

1929-2.8. To use existing buildings and equipment.—Any school board in a district maintaining a junior college or cooperating with one or more school boards of other school districts in the maintenance of a junior college shall have authority to use any existing buildings, or equipment, for the maintenance of a junior college or cooperating with one or more school boards of other school districts in the maintenance of a junior college. (As amended Apr. 16, 1939, c. 281, §5.)

1929-2.9. To fix rate of tuition.—The school or school boards having control of any such junior college, or by the school districts in which such junior college, or by the school districts in which such junior college shall have authority to make use of any existing buildings, or equipment, or may provide any necessary building or buildings, or equipment, for the establishment and maintenance of any such junior college.

1929-2.10. May furnish transportation or room and board.—The school board of any school district may provide transportation for students residing in such district who are attending a junior college, when it is not feasible to transport students to a junior college the school board in any school district may pay for or board and quarter students attending a junior college. (As amended Apr. 15, 1939, c. 281, §6.)

1929-2.11. Act relating to transportation of pupils to a junior college of a nearby district.—As amended Apr. 24, 1939, c. 281, §4.

1929-2.12. A school board may not legally employ instructors to give instruction in college subjects in district where school board has established a junior college or cooperating with one or more school boards on any such junior college. (As amended Apr. 16, 1939, c. 281, §4.)

1929-2.13. To use existing buildings and equipment.—Any school board in a district maintaining a junior college or cooperating with one or more school boards of other school districts in the maintenance of a junior college shall have authority to use any existing buildings, or equipment, for the maintenance of a junior college or cooperating with one or more school boards of other school districts in the maintenance of a junior college. (As amended Apr. 16, 1939, c. 281, §5.)

1929-2.14. To fix rate of tuition.—The school or school boards having control of any such junior college, or by the school districts in which such junior college, or by the school districts in which such junior college shall have authority to make use of any existing buildings, or equipment, or may provide any necessary building or buildings, or equipment, for the establishment and maintenance of any such junior college.

1929-2.15. May furnish transportation or room and board.—The school board of any school district may provide transportation for students residing in such district who are attending a junior college, when it is not feasible to transport students to a junior college the school board in any school district may pay for or board and quarter students attending a junior college. (As amended Apr. 15, 1939, c. 281, §6.)

Editorial note.—Sec. 7 of Act Apr. 15, 1939, cited, revises §2992-2 and a law not in force.

Editorial note.—Section 1 of this section, as it appears in Mason’s Ind. Stat. of 1937, dealt with Laws 1927, c. 268, and substitutes for it the above provision relating to tuition. The board may determine the rate of tuition, or may decide to charge no tuition, but same rate must be charged residents and non-residents. Op. Att’y Gen., June 22, 1932.

Editorial note.—This section, as it appears in Mason’s Ind. Stat. of 1937, deals with Laws 1927, c. 268, and substitutes for it the above provision relating to tuition. The board may determine the rate of tuition, or may decide to charge no tuition, but same rate must be charged residents and non-residents. Op. Att’y Gen., June 22, 1932.

Editorial note.—This section, as it appears in Mason’s Ind. Stat. of 1937, deals with Laws 1927, c. 268, and substitutes for it the above provision relating to tuition. The board may determine the rate of tuition, or may decide to charge no tuition, but same rate must be charged residents and non-residents. Op. Att’y Gen., June 22, 1932.
SCHOOL FUNDS

3003. Apportionment of public school funds.—The State Board of Education to apportion current school fund. The State Board of Education shall apportion the available current school and endowment funds among the counties on the first Monday of March and of October in each year, in proportion to the number of students of school age entitled to apportionment therein. But no district shall be entitled to any part of the amount that has not had at least eight months of school term, within the year, conducted pursuant to the provisions of this chapter. (R. L. '05, §1397; G. S. '13, §2895; '21, c. 467, §16; Apr. 24, 1931, c. 290, §1.)

Amounts so apportioned in high school teacher training schools are to be counted as scholars in the apportionment of the current school fund. Op. Atty. Gen., July 25, 1931.


An outline of municipal bond procedure in Minnesota. 20MinnLawRev583.

3004. Payment of school apportionment.—Upon receiving a copy of such apportionment, the state auditor shall draw from the state treasury payable to the several counties, for the amount due each county. There is hereby annually appropriated from the current school fund the amount of such apportionments. (R. L. '05, 1398; G. S. '13, §2896; '19, c. 412, Apr. 24, 1931, c. 312, §1.)

3005. County auditor to make apportionment.—The county auditor, upon receiving the warrant from the state, shall forthwith apportion the amount thereof to the various school districts entitled thereto, and shall at the time of making the March and November tax settlements of each year apportion to the several school districts the amount received from liquor licenses, fines, estrays, and other sources belonging to the general school fund, upon the same basis provided for the state apportionment, and such money shall be used only for the payment of teachers’ wages; but no district shall receive any part of the money received from liquor licenses unless all sums paid for such licenses in such district are apportioned to the county school fund, and no district shall receive in any year from the apportioned fund, exclusive of special state aid, a greater amount than that appropriated by such district from its special and local one mill tax for that year, unless such district has levied for such year the maximum amount allowed by law for school purposes. The auditor shall include in such apportionments all money received from the general state aid to schools—not theretofore apportioned. (R. L. '05, §1399; G. S. '13, §2897; '19, c. 412, §2; Apr. 24, 1931, c. 312, §2.)

An outline of municipal bond procedure in Minnesota. 20MinnLawRev583.

3014. Tax levies for various funds in school districts over 50,000.

This section applies to special school districts of Duluth but has been superseded by Laws 1921, c. 332. Board of Education v. E., 192M367, 256NW894. See Dun. Dig. 8669.

A school district may set up a sinking fund in anticipation of building expenses to be incurred at some future date, either by transferring money from general fund, which is not necessary to pay warrants, or by levy of special tax. Op. Atty. Gen. (535m) Jan. 8, 1935.

Common school district with more than 10 townships is not limited to 30 mills levy for school maintenance, but is limited to 8 mills rate for building and equipment. Op. Atty. Gen. (510m), Oct. 10, 1935.

Effect of amendment by Laws 1921, c. 332 and 367. Duluth School District having levied less than 30 mills for school operating purposes, was entitled to participate in apportionment of proceeds of special school tax levied under Laws 1921, c. 357, §15, though such school district levied special taxes for such other purposes as building fund, further interest and retiring bonds, fund of teachers’ retirement fund association, etc. amounting in all to 35 mills. Op. Atty. Gen. (535m) Jan. 8, 1935.

Common school districts over 50,000, in which the same number of pupils are enrolled as in Duluth, may levy 30 mills for school maintenance. Op. Atty. Gen. (535m) Nov. 15, 1934.

3007-1. School district warrants where school funds deposited in closed banks.


3007-2. Funds from national forest to be used for school purposes in some cases. The board of county commissioners of any county may, in its discretion, place the moneys, or any part thereof, received by such county from the federal government for and on account of any national forest lands situated therein, in a fund to be distributed to any school district now or hereafter maintaining and operating any school wholly or partly within an area now or hereafter constituting a part of any auxiliary or annexed district, such action to be taken by resolution duly adopted by it, which resolution shall specify the terms and conditions under which said money shall be so paid over and disbursed to any school district or districts. (Act Apr. 25, 1931, c. 385.)

SCHOOL TAXES

3013. Limitation of tax levy in certain school districts.—In common school districts the tax rate shall not exceed ten mills for the purchase of school sites and the erection and equipment of school houses; but in such districts in which such ten mill tax will not produce $600.00, a greater amount than that appropriated by the legislature for the purpose of school building, no district shall receive any part of the money received in amounts of eight mills on the dollar, nor $600.00 in amount. In independent districts no tax in excess of eight mills on the dollar shall be levied for the purposes of school sites and the erection of school houses and special districts, such amounts may be levied as may be allowed by special law at the same time when the revised laws take effect. (As amended Apr. 15, 1939, c. 223.)

Rate of taxation of agricultural lands for school maintenance in independent districts. Laws 1933, c. 356.

Levy made by a school district within county was duly made, even though record thereof made by school board lacked formality. State v. Keyes, 189M79, 246NW47. See Dun. Dig. 8556b.

This section is not a limitation upon a district tax of independent districts to which §3014-6 is applicable. Op. Atty. Gen. (510m), Oct. 10, 1935.

Under Laws 1921, c. 332 and 367, Duluth School District having levied less than 30 mills for school operating purposes, was entitled to participate in apportionment of proceeds of special school tax levied under Laws 1921, c. 357, §15, though such school district levied special taxes for such other purposes as building fund, further interest and retiring bonds, fund of teachers’ retirement fund association, etc. amounting in all to 35 mills. Op. Atty. Gen. (535m) Jan. 8, 1935.

Common school district with more than 10 townships is not limited to 30 mills levy for school maintenance, but is limited to 8 mills rate for building and equipment. Op. Atty. Gen. (535m), Oct. 10, 1935.

Effect of amendment by Laws 1921, c. 229, is that there is no limitation on levy for maintenance in common school districts, legislature intending to place common school districts on equal terms with independent districts in this respect. Op. Atty. Gen. (510m), July 14, 1933.

An outline of municipal bond procedure in Minnesota. 20MinnLawRev583.

3014-6. Limitation of tax rate in school districts.—The rate of taxation of agricultural lands for school maintenance in any school district of the state maintaining a graded elementary or high school, and also in unorganized territory shall not exceed by more than 10% the average rate for school maintenance on similar lands in common school districts of the same county provided such county has 20 or more common school districts nor shall such rate exceed the average rate for non-agricultural lands in the school district or unorganized territory in counties having less than 20 common school districts; Provided, that if the special state aids are not paid in full during any given year, an additional levy equal to the deficiency in such special state aids payable to such school district or unorganized territory may be levied, and such levy
shall be uniform on all property subject to taxation in such school district or unorganized territory; and present that part of this act which gives a board of school commissioners to another school district receiving aid under the provisions of Chapter 143, Laws of 1933-34 [§§3036-17 to 3036-19].

(Act Apr. 21, 1933, c. 356, §1; Dec. 31, 1933, Ex. Sess., c. 37; Jan. 9, 1934, Ex. Sess., c. 66; Apr. 24, 1934, c. 114)

The title and enacting part of Act Jan. 9, 1934, purports to amend “Laws of 1933, chapter 356, section 1, as amended by Laws 1933, c. 145, chapter 28.” School districts granted rights and privileges of consolidated school districts are exempted from operation of the act.

Average rate for school maintenance on similar lands in unorganized territory in the county is not set for such lands for the same year for which agriculture lands of an independent district are taxed. Op. Atty. Gen., July 17, 1933.

This act is constitutional. Id.

“Agricultural lands” means lands used for agricultural purposes and which, before passage of act, were assessed at 35 1/3% of their true and full value. Id. Act is not applicable to 1932 taxes. Op. Atty. Gen., Apr. 24, 1933.

Where half of tract in school district is within limits of incorporated city, that which lies within city is taxed at one rate and the tract on the outskirts is not to be charged average rate for school maintenance on similar lands in consolidated school districts in same county. Op. Atty. Gen., Oct. 4, 1933.

Manitowoc school district is a special school district and not a consolidated school district. Id. Act applies only to special school districts. Id. Apr. 21, 1933.


“Agricultural lands” which are used for agricultural purposes and which, before passage of act, were assessed at 35 1/3% of true and full value pursuant to §3014-6. Op. Atty. Gen., Nov. 21, 1933.

Consolidated district valuations or rates are not included with common schools. Op. Atty. Gen., Apr. 21, 1933.

This determines average mill levy for maintenance in common school districts, total levy in dollars should be divided by total assessed valuation, common school districts to be considered as single unit as long as they constitute a single district. Op. Atty. Gen., Nov. 28, 1933.

School rates for towns or villages in independent districts containing agricultural lands should be determined by determining amount of tax money to be paid by agricultural lands under average for county on such lands. Subtract this amount from total to be raised in district and remainder would be amount to be raised from village. Id. Atty. Gen. (25), Apr. 11, 1933.


School rates for towns or villages in independent districts containing agricultural lands should be determined by determining amount of tax money to be paid by agricultural lands under average for county on such lands. Subtract this amount from total to be raised in district and remainder would be amount to be raised from village. Id. Atty. Gen. (25), Apr. 11, 1933.

Wells school district, if meeting the requirements of Laws 1915, c. 238, §2, at the time it went into effect, is not considered as agricultural lands. Op. Atty. Gen. (519m), Nov. 9, 1935.


This determines average mill levy for school maintenance within meaning of §3036 of any independent school district to which Laws 1933, c. 356, is applicable, commission of school district would divide total school maintenance purposes in school district by total assessed valuation of district and if levy thus arrived at exceeds 20 mills, then such additional state aid should be allowed to school district. Op. Atty. Gen., Feb. 2, 1934.

Special Session, Laws 1933-34, c. 66, is not applicable to 1933 taxes. Amendments at 1933 Special Session are not applicable to 1933 taxes. Op. Atty. Gen., Feb. 8, 1934.

School board may not reduce amount of levy after taxes have been levied and extended nor can county board and tax commission grant a blanket reduction on assessed valuation of land located in a village. Op. Atty. Gen., May 2, 1934.

Levy on non-agricultural lands established by school board to be reviewed by state department of education should be used as a basis for determining whether additional state aid should be allowed. Id. Atty. Gen., May 22, 1934.


The term “school tax of independent districts to which this section is applicable” means school tax of independent districts to which this section is applicable. Op. Atty. Gen., Mar. 13, 1934.


1921, 1922 and 1923 for the purpose of paying and 
discharging existing indebtedness arising from the 
maintenance and operation of the schools in such 
district.

(4) An amount equal to one-fourth of one mill 
on each dollar of the taxable property of the district 
for educational work among Immigrants, candidates 
for naturalization and removal of illiteracy.

Provided that the total annual levy of taxes for 
school purposes in any such district, exclusive of the 
state and county school taxes therein, and exclusive 
of all levies authorized for the purposes mentioned in 
paragraphs 1, 2, 3, and 4 hereof, and exclusive of the 
levies authorized for interest and sinking fund pur-
poses and for Teachers Retirement Fund Association 
purposes, and for the purposes mentioned in Chapter 
166 of the General Laws for 1917, shall not exceed 
twenty mills on each dollar of the taxable property 
of the district, except that when the amount of a 
twenty mill levy upon each dollar of the taxable prop-
erty take effect from its passage.

This act is constitutional. Board of Education v. B., 192 
M3G7, 25GNWS94. See Dun. Dig. § 8669.

Sec. 2 of Act Mar. 23, 1937, cited, provides that the Act 
shall take effect from its passage.

3017. Tax levy for library purposes.—In cities and 
villages of less than two thousand people, not levying 
a tax for public library purposes, the school board 
may maintain a public library for the use of the in-
habitants of the district, and provide ample and suitable 
rooms for its use in the school buildings and in any 
independent school district embracing any such vil-
lage, where a library building has been erected with 
funds donated for library purposes the school district 
may levy an annual tax of not more than one in one 
 hun- 
dred. The proceeds of which tax shall be used for the sup-
port and maintenance of said library and shall be 
known as the library fund.

Upon a library being so established in any such 
school district whose library building has been erect-
ed with funds acquired by gift or donation, the school 
board is empowered to appoint a library board of 
nine members of which each member of the school 
board shall be a member ex officio.

In any such school district by gift or donation, 
the school board is empowered to appoint a library 
board of nine members of which each member of the 
school board shall be a member ex officio. The 
remaining members of such library board shall be ap-
pointed by the school board, one of which shall be 
the principal, one for one year, one for two years and 
one for three years, from the first Satur-
day of September following their appointment, the 
term of office of each being specified in such appoint-
ment; annually thereafter such school board shall ap-
point a member hereafter to fill the place of any mem-
er so appointed for misconduct or neglect. Vacancies 
in such board shall be filled by appointment for the unexpired 
term. Members of such boards shall receive no com-
pensation for their services as such.

Immediately after appointment such board shall 
organize by election of one of its members as president 
and one as secretary and from time to time it may 
appoint such other officers and employees as it deems 
necessary. The secretary before entering upon his 
duties shall give bond to the school district in an 
amount fixed by the library board conditioned for the 
faithful discharge of his official duties. The library 
board shall adopt such by-laws and regulations for 
the government of the library and reading room and 
for the conduct of its business as may be expedient 
and conformable to law. It shall have exclusive con-
trol of the expenditures of all money collected for 
or devoted to the creation of the fund and of the 
rooms and buildings provided for library pur-
poses. All moneys received for such library fund 
shall be kept in the treasury of the school district 
credited to the library fund and be paid out upon 
itemized vouchers approved by the library board. 
The library board may fix the compensation of em-
ployees and remove any of them at pleasure.

All books or other property given, granted, con-
veyed, donated, devised or bestowed to or pur-
 chased by such library shall vest in and be held in 
the name of such school district. Every library and 
room established hereunder shall be free to the use 
of the inhabitants of the school district, sub-
ject to such reasonable regulations as the directors 
may adopt.

When so established, no such library shall be aban-
donned without a 2/3 majority vote of the electors 
cast at any annual or special school meeting called 
for the purpose.

When so established, in cases where the building 
have been erected with funds so donated, no such li-
brary shall be abandoned without a 2/3 majority 
vote of the electors cast at any annual or special 
school meeting called for the purpose.

3015. Schools may provide libraries.

City charter provisions must be in harmony with legis-
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3020. School and village libraries may combine. Member of school board cannot be employed jointly by district and municipality as librarian, but may be employed by the municipality after service has been completed. (As amended Aug. 9, 1939.)


STATE AID

3021-11. Annual appropriation in aid of common schools. — There is hereby annually appropriated from the revenue fund of this state thirty thousand ($30,000) dollars in aid of the common schools of this state, available, the first annual appropriation, on or before May first, 1911, and each succeeding annual appropriation, on or before April first, of each succeeding year. (11, c. 341, §1.)

This section and sections 3021-12, 3021-13 and 3021-14 were omitted from the Compiled Laws 1923, presumably on account of the laws repealing §48, 49 Mason's Laws Minn. St. 1257. But §3021-12 was amended by the legislative auditor, and since this section is not in aid of the common schools of this state, is to be considered as subsisting law.

3021-12. Same—how distributed.—The amount so appropriated shall be annually divided among and distributed to the several counties of this state for the use and benefit of and in aid of the common schools thereof, and the county treasurer of each county receiving such aid, shall divide and redistribute the same to and among the common schools of his county in proportion to the acreage of lands owned by this state in each respective school district. Provided, however, that in calculating the acreage of unsold state lands in any county, lands which have heretofore been or hereafter may be leased by the state for mineral purposes, shall not be included in the calculation; and provided, further, that the amount received by any school district in any year shall not exceed the equivalent of five cents per acre for each and every acre of state owned lands situated within such school district after excluding such leased lands. Provided, that in calculating the acreage of unsold state lands in any county, lands which have heretofore been or hereafter may be leased by the state for mineral purposes, shall not be included in the calculation; and provided, further, that the amount received by any school district in any year shall not exceed the equivalent of five cents per acre for each and every acre of state owned lands situated within such school district after excluding such leased lands.

3021-13. Same—not to be used for sites or building purposes.—The money so appropriated shall not be used for sites or building purposes. Provided, however, that the amount received by any school district in any year shall not exceed the equivalent of five cents per acre for each and every acre of state owned lands situated within such school district after excluding such leased lands.

3021-14. Same—duty of state auditor.—Plots of unsold state lands.—It shall be the duty of the state auditor to supply to the several county auditors of this state, plate with checkings thereon indicating the location and the description of all unsold lands situated within the organized townships of his county. (11, c. 341, §3.)

3022. State aid to schools. Omitted as temporary.


A new high school in a new high school area must be classified as a consolidated high school pursuant to rules and regulations of state board of education, or students in district dealing with such high school would lose their state aid for tuition and transportation. Op. Atty. Gen. (170-c), Aug. 31, 1939.

3023. Districts must have school eight months to be entitled to apportionment. — The endowment fund shall be distributed semi-annually by the State Board of Education to school districts whose schools have in session at least eight months, in proportion to the number of scholars of school age who shall have been in average daily attendance during the preceding year, such number to be determined by dividing the aggregate daily attendance in a school district by the total number of days in the school year of that district. (21, c. 457, §2; 24, c. 322, §1; Apr. 24, 1935, c. 290, §2.)

State board of education has authority only days that schools are actually in session in a given school district in determining average daily attendance and need not count school days on which classes are not given because of school holidays, teachers' conventions, epidemics, or very stormy weather. Op. Atty. Gen. (168a), July 22, 1935.

School districts having terms of eight months during school years 1934-1935 are entitled to share in apportionment of endowment fund in October, 1935, and March, 1936, if they vote an eight months' school term.

3026. Classification and definitions. — For the purpose of this act all school districts shall be classified under the following heads:

Classification, (1) Graded Elementary Schools, (2) Ungraded Elementary Schools, (3) Four-Year High Schools, (4) High School Departments, (5) Junior High Schools, (6) Senior High Schools, (7) Consolidated Schools and (8) Six-Year High Schools. (21, c. 467, §5; 25, c. 282; Apr. 18, 1935, c. 214.)

Definitions. (1) A graded elementary school shall be a school giving instruction in the first six years of the public school course and employing at least three teachers devoting their entire time to elementary school work, or a school giving instruction in the first eight years of the public school course, and employing at least four teachers devoting their entire time to elementary school work. In such school one teacher may be designated as principal. (As amended Apr. 18, 1935, c. 214.)

An ungraded elementary school shall be a school giving instruction in the elementary course and employing one or more teachers, but not having the rank of a graded elementary school.

A four-year high school shall be a school giving one or more four-year courses beyond the eight-year elementary course, and which shall employ a superintendent, a high school principal and one or more high school teachers. (As amended Apr. 15, 1929, c. 190, §1.)

A high school department shall be a school giving instruction in high school subjects beyond the eight-year elementary course. Such high school department shall employ two or more qualified high school teachers to give instruction in such high school subjects, one of whom may be the superintendent of such high school department, and the other or others to be associated therewith. (As amended Apr. 15, 1929, c. 190, §2.)

A junior high school shall be a school having a separate organization and employing a principal and two or more teachers giving instruction in the seventh, eighth and ninth years of the twelve-year public school course. (As amended Apr. 15, 1929, c. 190, §3.)

A senior high school shall be a school having a separate organization and employing a principal and two or more high school teachers giving instruction in the tenth, eleventh and twelfth years of the
twelve-year public school course. It shall be located in a school district which maintains a junior high school and employs a superintendent for the entire system of public schools in such school district. (As amended Apr. 15, 1929, c. 190, § 4.)

(7) A consolidated school shall be any school located in a school district organized by law as a consolidated school district. Such consolidated schools shall be classified under one of the six preceding headings of this section.

(8) A six-year high school shall be a school employing a superintendent, a high school principal, and two or more high school teachers giving instruction in one or more of the required subjects of the public school course. (Added by Act-Apr. 18, 1935, c. 214, § 214.)


(2) Hiring of unqualified teacher does not deprive school of its public nature, but does deprive school of right to apportionment aid while such teacher is employed. Op. Atty. Gen. (50), Oct. 6, 1927.

3027. Purposes of special state aid.


3028. State aid for equalizing educational opportunities. — (1) For transportation or board of resident pupils in consolidated school districts, the state shall reimburse such districts at rates to be determined by the State Board of Education, provided that no consolidated school district shall receive annually more than an average of thirty-six dollars ($36) per pupil transported or boarded.

(2) All the provisions of this act relating to state aid to consolidated school districts shall be equally applicable to the unorganized territory of any county, to county school districts, and also to all school districts of ten or more townships.

(3) School districts may use their transportation equipment for the transportation of nonresident pupils in ungraded elementary schools, the state shall reimburse such school districts at rates to be determined by the State Board of Education, provided that no ungraded elementary school shall receive annually more than an average of twenty-five dollars ($25) per pupil transported or boarded.

(4) For the tuition of non-resident high school pupils attending high school in a school district other than that to which its area is assigned by the State Board of Education, the state shall reimburse such districts at rates to be determined by the State Board of Education, provided that such classification aid, when added to the funds received by a school district as apportionment aid, shall not exceed one-half the amount expended or fifty cents ($0.50) per pupil in average daily attendance during the preceding year for five hundred (500) pupils, or one hundred dollars ($100) for each first grade teacher employed; for each ungraded elementary school with a school year of at least nine months, the state shall pay a school district one hundred twenty-five dollars ($125) for each first grade teacher employed; provided that the total of such aid for an ungraded elementary school with a school year of eight months shall in no case exceed one hundred twenty dollars ($120) and for each school year of nine months two hundred fifty dollars ($250); and provided further that such classification aid, when added to the funds received by a school district as apportionment aid, and the other public monies received by such school district, shall not exceed the total maintenance cost of the schools in such district.

(5) For each high school department with a school year of at least nine months, the state shall...
pay a school district three hundred dollars ($300) annually.

(6) For each junior high school with a school year of at least nine months, the state shall pay a school district three hundred dollars ($300) annually.

(7) For each senior high school with a school year of at least nine months, the state shall pay a school district three hundred dollars ($300) annually.

(8) For each six-year high school with a school year of at least nine months, the state shall pay a school district six hundred dollars ($600) annually.

§2) (a) School districts which receive aid under the provisions of this section shall take effect from its passage.

(b) The act shall take effect Sept. 1, 1935.

Sec. 4 of Act Apr. 24, 1935, cited, provides that the act shall take effect from its passage.


3030. Additional state aid to certain schools.—School districts which receive aid under the provisions of this section shall be limited to those whose tax levy for maintenance is less than thirty (30) mills.

(a) The state shall pay a school district three hundred dollars ($300) annually. (b) The state shall pay a school district three hundred dollars ($300) annually.

(c) The state shall pay a school district three hundred dollars ($300) annually.

(d) The state shall pay a school district three hundred dollars ($300) annually.

(e) The state shall pay a school district three hundred dollars ($300) annually.

(f) The state shall pay a school district three hundred dollars ($300) annually.

§3030. Additional state aid to certain schools.—School districts which receive aid under the provisions of this section shall take effect from its passage.

(1) The act shall take effect from its passage.

Sec. 4 of Act Apr. 24, 1935, cited, provides that the act shall take effect from its passage.


3030. Additional state aid to certain schools.—School districts which receive aid under the provisions of this section shall take effect from its passage.

§3031. State aid for special classes in public schools. —(1) For established undertakings, state aid shall be granted to school districts on the basis of the number of special teachers employed, enrollment in classes and type of work done, and all other similar rules as may be established by the State Board of Education. In school districts maintaining junior and senior high schools, such state aid shall be granted for either a junior or a senior high school, but not for both.

(a) For agriculture state aid to any school district for each school within the district maintaining such work shall not exceed five hundred dollars ($500).

(b) For general industrial training state aid to any school district for each school within the district maintaining such work shall not exceed four hundred dollars ($400).

(c) For home training state aid to any school district for each school within the district maintaining such work shall not exceed four hundred dollars ($400).

(d) For commercial training state aid to any school district for each school within the district maintaining such work shall not exceed four hundred dollars ($400).

(e) For special classes for undergraduates. Under such rules as the State Board of Education may establish, the state shall pay annually to any school district for the education of defective children the following amounts:

(a) For deaf children, two hundred fifty dollars ($250) for each such child, who is enrolled in a day school and who is a resident of a district maintaining such school, and four hundred dollars ($400) for each such child, who is a non-resident of the district maintaining such school and whose resident district does not maintain such school, the additional one hundred and fifty dollars ($150) to be paid for board and room of such non-resident child.

(b) For blind children, three hundred dollars ($300) for each such child.

(c) For subnormal children one hundred dollars ($100) for each such child.

(d) For children with defective speech, not to exceed fifteen hundred dollars ($1500) for each teacher engaged exclusively in this work.

(e) For crippled children, two hundred fifty dollars ($250) for each such child.

(f) For educational work not yet generally established.

(a) For stimulating progress and achievement in ungraded elementary schools, the State Board of Education shall adopt standards for a superior ungraded elementary school, the State Board of Education shall fix standards for superior ungraded elementary schools, the State Board of Education shall establish, the state shall pay annually to any school district for the education of defective children the following amounts:

(a) For deaf children, two hundred fifty dollars ($250) for each such child, who is enrolled in a day school and who is a resident of a district maintaining such school, and four hundred dollars ($400) for each such child, who is a non-resident of the district maintaining such school and whose resident district does not maintain such school, the additional one hundred and fifty dollars ($150) to be paid for board and room of such non-resident child.

(b) For blind children, three hundred dollars ($300) for each such child.

(c) For subnormal children one hundred dollars ($100) for each such child.

(d) For children with defective speech, not to exceed fifteen hundred dollars ($1500) for each teacher engaged exclusively in this work.

(e) For crippled children, two hundred fifty dollars ($250) for each such child.

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as herein provided in full, the same shall be equally prorated among the school districts entitled to receive such aids, and the pro rata amounts so received shall be used as payments in full of all obligations of the state to pay said aids for such year; provided, however, that this shall not apply to aids listed in Section 7 hereof [§3038]. (27, c. 396, §4; Act Apr. 24, 1935, c. 288, §8.)

Sec. 10 of Act Apr. 24, 1935, cited, provides that the act shall take effect Sept. 1, 1935.


Distribution of aid to schools is subject to Laws 1933, c. 320, §1, permitting commissioner of administration to withhold funds when collections are insufficient, subject to certain priorities by specific statutes. Op. Atty. Gen. (240a), August 9, 1929.

3036-10. Special school aid in certain school districts—Whenever in any school district the state since January 1, 1924, has acquired or may hereafter acquire title to real property by foreclosure of rural credit mortgages or in entire or partial discharge of any such mortgage, such school district shall be entitled to receive from the state, in addition to all other state aid, such an amount annually as would be produced by a tax at the rate for local school purposes for the last preceding year upon the valuation of the property in said district so held by the state as fixed by the last assessment thereof. (Act Apr. 20, 1929, c. 265, §1.)

Unconstitutional because of attempt to divert interest received from rural credit loans to the aid of school districts. 182M565, 225NW350. See Dun. Dig. 8848.

County cannot make an appropriation to pay the expenses of an agency in maintaining an agency which terminates the validity of this act. Op. Atty. Gen., Jan. 4, 1930.

3036-11. County Auditor to certify.—The county auditor of any county or counties in which any school district entitled to aid hereunder is situated shall, on or before June 1, 1929, and on or before May 1, of each year thereafter, certify to the state board of education a statement of the facts entitling such school district to aid hereunder. Such certificate in addition to any other information required by such board shall contain a statement of the following facts:

(a) A list of the lands in such district to which the state has acquired title as herebefore set forth with the date title was so acquired.

(b) The valuation of each tract of such land assessed for local school purposes in said district. (Act Apr. 20, 1929, c. 265, §2.)

3036-12. Department of Rural Credits to check information.—Upon the request of the state board of education the information called for in such certificate shall be checked and certified by the department of rural credits. (Act Apr. 20, 1929, c. 265, §3.)

3036-13. State Board of Education to determine aid.—On or before July 15, 1929, and on or before July 1 of each year thereafter, the state board of education shall determine whether or not such school district is entitled to aid under the provisions of this act and the amount thereof and shall certify to the department of rural credit such determination. Said department shall thereupon as soon as practicable cause said amount to be paid to the school district out of the Rural Credit Expense Fund in the same manner as other expenses of said department are paid, and so much of said fund as may be necessary is hereby appropriated for the purposes of this act, not exceeding $40,000 annually. In the event that the total amount due to any school districts hereunder in any fiscal year as certified by the state board of education shall exceed the amount available therefor, such amount available shall be pro-rated among such school districts. (Act Apr. 20, 1929, c. 265, §4.)

3036-14. Payments to begin July 1, 1929.—The first payments of aid hereunder shall be made during the fiscal year beginning July 1, 1929. All lands, title to which was acquired by the state in the manner hereinbefore provided prior to January 7, 1929, and upon which the 1928 taxes shall not have been paid shall be included in calculating the amount of aid to which such district is entitled hereunder for the fiscal year beginning July 1, 1929, and no land upon which the local school taxes for any such mortgage, such school district shall be entitled hereunder. (Act Apr. 20, 1929, c. 265, §5.)

3036-15. When title is acquired.—For the purposes of this act in the event of foreclosure of mortgages by the state title is acquired upon the expiration of the period allowed by law for redemption by the mortgagor or any lien claimant who has served notice of intention to redeem as provided by law. (Act Apr. 20, 1929, c. 265, §6.)

3036-16. Payment to discharge taxes against lands.—Payment of aid hereunder shall discharge to that extent any taxes which may have been levied against such land for local school purposes for such district for the year ending on December 31 preceding the beginning of the fiscal year for which such aid is paid, and no land upon which the local school taxes for such year have been paid shall be included in calculating the aid to which any such school district shall be entitled hereunder. (Act Apr. 20, 1929, c. 265, §7.)

Laws 1931, c. 38, validates payments of state aid to independent school districts of ten or more townships, or such district exempt from local taxation, to such payment if it had been a common school district.

3036-17. Certain school districts to receive state aid.—Any county school district organized under Laws 1929, chapter 8, in which the full value of all property which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax laws exceeds the taxable value of all other non-exempt real and personal property, exclusive of moneys and credits, the state shall be entitled to receive from the state treasury in addition to all other state aid or relief, such an amount annually as would be produced by computing a tax of one-fourth of the current tax rate for county school purposes upon the full value of such property which is exempt from local taxation because of the provisions of the gross earnings tax laws. Provided, that no county school district receiving relief hereunder shall be entitled to receive any aid under Laws 1921, chapter 271 [§§3036-1 to 3036-5]. Provided further, that the amount which any county school district shall receive under this act shall not exceed $15.00 per pupil enrolled therein. (Act Apr. 13, 1931, c. 145, §1.)

Where an appropriation is insufficient to pay in full all the aid authorized by §3036-1 and this section the same rate pro-rating should be made of the amounts due under both acts. Op. Atty. Gen., Aug. 28, 1931.

3036-18. Must apply to department of education.—Any such county school district desiring to take advantage of this act shall apply in writing therefor to the Department of Education, and such application shall contain the following facts:

(a) The valuation of the property in said county school district not subject to local taxation because the same is subject to taxation under the gross earnings tax law. Railroad valuation shall cover all real property located in said county school district except rolling stock, main tracks, and fences or bridges supporting the same.

(b) The value of all real and personal property, exclusive of moneys and credits, within any such county school district, subject to local taxation.
The rate of taxation in mills for county school district purposes for the present and for the next preceding year.

The total amount spent for all school purposes by any such county school district for the last preceding year, and an estimate of the expenses for the county school district purposes for the current year.

The information called for in paragraph (a) shall be certificated and certified, upon the request of any such county school district, by the railroad and warehouse commission; and the information called for in paragraphs (b) and (c) shall be certified by the county auditor to the county in which such school district is situated; and the information called for in paragraph (d) shall be certified by the clerk of the county school district. (Act Apr. 13, 1931, c. 143, §2.)

3036-19. Department of education to fix amount.—

The Department of Education shall immediately consider said matter and determine whether or not any such school district is entitled to aid under the provisions of this act, and if it finds that any such school district is entitled to such aid, it shall determine the amount to which such school district is entitled within the limits of the act, and shall certify said amount to the Auditor, who shall draw a warrant upon the State Treasurer in favor of the county school district. (Act Apr. 13, 1931, c. 143, §3.)

The Department of Education shall immediately formulate such rules and regulations as may be necessary to administer the federal act and sections 3037 to 3047, inclusive, Mason's Minnesota Statutes of 1927, and acts amendatory thereto, to fix the rate of taxation in mills for county school district purposes by any such county school district for the last preceding year. (Act Apr. 22, 1933, c. 406, makes an appropriation for aid to school districts to cover deficiencies in revenue for the years 1932 and 1933 arising from exemption of property from taxation. It is omitted as temporary.)


STATE ACCEPTANCE FEDERAL AID

3037. Appropriation.—There shall be appropriated biennially a sum not less than the amount to which the state of Minnesota is entitled under sections 3 and 4 of an act of congress of the United States, approved February 25, 1917, and acts amendatory thereto, relating to the promotion of vocational education and for appropriations to the states for instruction in agriculture, trade and industrial education, home economics and distributive education, and for the training of teachers of vocational subjects. (As amended Apr. 5, 1939, c. 145, §1.)

Sec. 11 of Act Apr. 5, 1939, provides that the act shall take effect from its passage.

3038. Reimbursement of school districts and other agencies; state aid.—Whenever any school district shall have established a vocational school, department, or classes in accordance with the rules and regulations established by the state board for vocational education and the plan for vocational education adopted by that board and approved by the federal board for vocational education or other federal agency to which its functions are assigned, the state board for vocational education shall reimburse such school district for its expenditures for salaries of vocational teachers and federal funds and any supplemental federal funds with such state aid as it may deem desirable under such rules as it may adopt, provided, however, that the total reimbursement from federal and state funds combined shall in no case exceed three fourths of the salaries and necessary travel expenses of such vocational teachers, and provided further that in the event of such funds not being sufficient to make such reimbursement in full, the state board for vocational education shall prorate the respective amounts available to the various districts entitled to reimbursement, in like manner as the federal board for vocational education shall have power to reimburse other governmental agencies for expenditures for salaries and necessary travel expenses of vocational teachers from federal funds available to an amount not to exceed one half of such salaries and travel expenses, provided that such reinbursement of necessary travel expenses provided such governmental agencies conduct such classes under public supervision or control in accordance with plans approved by said board. (As amended Apr. 5, 1939, c. 145, §2.)

3039. Reimbursement of teachers' training schools

—Limitation on use of federal funds.—The state board for vocational education shall reimburse instructors in vocational education, etc., by Congress accepted. —The provisions of the act of congress of the United States entitled "An Act to provide for the promotion of vocational education; to provide co-operation with the states in the promotion of such education in agriculture and in the trades and industries; to provide federal aid to States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," and approved February 23, 1917, and acts amendatory thereto, to fix the salaries of such persons appointed, and to make expenditures from the state funds appropriated for the salaries and necessary expenses of such officials and assistants, or to use a portion of such funds in matching federal funds available for the same purpose. (As amended Apr. 6, 1939, c. 145, §4.)

3041. Certain provisions of an act for promoting vocational education, etc., by Congress accepted.—The provisions of the act of congress of the United States entitled "An Act to provide for the promotion of vocational education; to provide co-operation with the states in the promotion of such education in agriculture and in the trades and industries; to provide federal aid to States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," and approved February 23, 1917, and acts amendatory thereto, to fix the salaries of such persons appointed, and to make expenditures from the state funds appropriated for the salaries and necessary expenses of such officials and assistants, or to use a portion of such funds in matching federal funds available for the same purpose. (As amended Apr. 5, 1939, c. 145, §5.)

Division of rehabilitation and reeducation is not part of department of education but is under control of board of education, but as state board for vocational education, and commissioner of education has no powers over the division of rehabilitation and reeducation. Op. Atty. Gen. (105b-15), Mar. 1, 1938.

3042. State board of education designated as state board called for in congressional act.—The state board of education as established by chapter 334, laws of 1919 and acts amendatory thereto, is hereby designated the state board for vocational education as provided in such acts, and is charged with the duty and responsibility of cooperating with the federal board for vocational education or other federal agency in the administration of such acts and is given all power necessary to such cooperation. The state board for vocational education is authorized to make such expenditures as it may deem necessary to carry out the provisions hereof from moneys available for the purposes of this act. (As amended Apr. 5, 1939, c. 145, §6.)
3043. State treasurer appointed custodian of funds.—The state treasurer is appointed custodian of all funds for vocational education, as provided in such acts, and is charged with the duty and responsibility of receiving and providing for the proper custody and proper disbursement of moneys paid to the state from the appropriations made under the provisions of such acts. (As amended Apr. 5, 1939, c. 145, §7.)

3044. What districts and teachers’ training schools entitled to federal moneys.—Any school district or any other governmental agency designated by the state board for vocational education which maintains a vocational school, department, or class shall be entitled to Federal moneys under such acts for the salaries of those teachers necessary to provide instruction in agriculture, trade and industrial education, home economics, and distributive education by meeting the requirements fixed by the state board for vocational education and approved by the federal board for vocational education or other federal agency to which its functions are assigned. Teacher training schools and departments shall be entitled to federal moneys for the preparation of teachers of agriculture, trade and industrial education, home economics and distributive education, by meeting the requirements fixed by the state board for vocational education and approved by the federal board for vocational education or other federal agency to which its functions are assigned, for the preparation of such teachers. (As amended Apr. 5, 1939, c. 145, §8.)

3045. How disbursements shall be made.—All disbursements of federal moneys for the benefit of such teachers training schools or departments shall be made on the requisition of the state board for vocational education by the state treasurer to the legally constituted authorities having custody of the moneys of such training schools or departments. All disbursements of federal and state moneys for the benefit of such vocational schools, departments, or classes shall be made on the requisition of the state board for vocational education by the state treasurer to the legally constituted authorities having custody of the moneys of such training schools or departments. All disbursements of federal and state moneys for the benefit of such vocational schools, departments, or classes shall be made on the requisition of the state board for vocational education by the state treasurer to the legally constituted authorities having custody of the moneys of such training schools or departments. All disbursements of federal and state moneys for the benefit of such vocational schools, departments, or classes shall be made on the requisition of the state board for vocational education by the state treasurer to the legally constituted authorities having custody of the moneys of such training schools or departments. (As amended Apr. 5, 1939, c. 145, §9.)

3046. State treasurer to make report of receipts and disbursements.—The state treasurer as custodian for vocational education funds shall make to the legislature at each biennial session a report of the receipts and disbursements of moneys received by him under the provisions of such acts and the state board for vocational education shall make to the legislature at each biennial session a report of its administration of such acts and the expenditure of money allotted to the state under the provisions of such acts. (As amended Apr. 5, 1939, c. 145, §10.)

3047-1. Education of Indians.—The State Board of Education is hereby authorized to enter into contracts with the United States Department of the Interior for the education of Indians in Minnesota, to receive grants of money from the Federal Government, and to disburse the same in accordance with the terms of the contract and such rules and standards as the said State Board of Education may establish. (Apr. 5, 1937, c. 129, §1.)

Sec. 2 of Act Apr. 5, 1937, cited, provides that the Act shall take effect from its passage.

3047-2. Governor may accept federal aid.—In the event the Congress of the United States enact legislation providing for educational assistance to the states for the purpose of (a) general improvement of public elementary and secondary schools, (b) improvement of school library service, (c) improvement of health, welfare, and recreational service in the public schools, (d) improvement of teacher training schools and kindergartens, (e) improvement of services for handicapped pupils, (f) improvement of educational and vocational guidance activities, (g) improvement of vocational education, (h) improvement of rehabilitation and placement services, (i) improvement of technical and vocational institutes of secondary grade, (j) stimulation and improvement of part-time, civic, vocational, and general adult education and recreational activities conducted by school systems, (k) purchase of books and instructional materials, (l) transportation of pupils, (m) provision of scholarships, (n) improvement of teacher preparation, (o) construction of school buildings, (p) facilitating administration in state departments of education, (q) stimulating and facilitating adequate rural library service, (r) making provision for educational research, planning and demonstrations, or for one or any combination of the above purposes, at a time when the legislature is not in session, the governor shall have power to accept the provisions of such act or acts of the Congress of the United States, or to accept such parts or provisions as may be separately acceptable, by executive order, upon recommendation of the state board of education and pending further action by the legislature. (Act Apr. 12, 1939, c. 206, §1.)

3047-3. State Board of Education to make plans.—Pursuant to such acceptance, the state board of education shall have authority to make and secure approval for plans to carry out the provisions of the acceptance. (Act Apr. 12, 1933, c. 206, §2.)

3047-4. State Treasurer to be custodian of funds.—The state treasurer shall be the custodian for all funds received from the United States government on account of such acceptance, and he shall disburse such funds on requisition of the state board of education for purposes consistent with the acts of the Congress and in accordance with the provisions of this act and of the order of acceptance. (Act Apr. 12, 1939, c. 206, §3.)

3047-5. Effective date.—This act shall take effect and be in force from and after the legislative day preceding adjournment of the present session of the legislature. (Act Apr. 12, 1939, c. 206, §4.)

TRAILING OF TEACHERS

3058. [Repealed].

3064. State Teachers Colleges. Act appropriating money for erecting, equipping and maintaining certain buildings at State Teachers' College at Moorhead. Laws 1931, c. 3.

3069. Tuition in State Teachers Colleges. — There shall be a charge for tuition to students, in State Teachers' Colleges. The Board shall fix rates of tuition for pupils in the model schools and the Board shall fix rates of tuition for students in State Teachers' Colleges within the minimums and maximums, following, to wit:

Not less than $5.00 nor more than $15.00 during each of the first six quarters.
Not less than $10.00 nor more than $20.00 for each quarter thereafter.

A session in the summer school is to be regarded as a quarter within the meaning of this Act.

Non-resident students at the time of matriculating shall pay an additional tuition fee of $5.00 per quarter. (R. L. '05, §1438; G. S. '13, §2969; Apr. 17, 1933, c. 294, §1.)


3069-1. Same effective date. — This act shall take effect on September 1, 1933. (Act Apr. 17, 1933, c. 294, §2.)
3070. Normal school board.

3071. Annual meeting and officers.

3072. Duties of board.
Administrative authorities may permit students to make course selections which are not directly related to teaching, employment, instruction or credit the two years' work if they transfer to other colleges or the university. Op. Atty. Gen. (160F), Jan. 21, 1939.

3073. Physical education in public schools.—There shall be established and provided in all the public schools of this state, physical and health education, training and instruction of pupils of both sexes and every pupil attending any such school, in so far as he or she is physically fit and able to do so, shall take the course or courses therein as provided by this act. Suitability of courses shall be observed for students physically or mentally unable or unfit to take the course or courses prescribed for normal pupils. Provided that nothing in this act shall be held or construed to require any pupil to undergo a physical or medical examination or treatment if the parent or guardian of such pupil that he objects to such writing notify the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment; provided that high school students in the junior and senior years need not take said course unless required by the local school authorities. (23, c. 323, §1; 1931, c. 225, §1.)

COMPULSORY EDUCATION

3080. Children must attend school.—When excused.
School board need not regard a certificate of illness signed either by a medical doctor, a chiropractor, or an osteopath, as sufficient evidence to excuse a child from school, but may require the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment; provided that high school students in the junior and senior years need not take said course unless required by the local school authorities. (23, c. 323, §1; 1931, c. 225, §1.)

3081. Subdivision 2 pertains to a different class of religious instruction than subdivision 4, the length of time may be devoted to religious training under subdivision 4 depending entirely upon facts of the case, while subdivision 2 relates to instruction not necessary under church law, but merely instruction that is generally not necessary for the church, in the church, and in either case the school board may refuse to excuse child for any period. Op. Atty. Gen. (1600c), Dec. 19, 1934.


3083. School district in maintaining school building exercises exclusive right and privilege of investigating, exploring, excavating or surveying. (Act Apr. 12, 1939, c. 207, 177M5446, 225NW533; 177M4446, 225NW295; 177M454, 225NW449.)

STATE ART SOCIETY

3109-1. Right of exploration, etc., reserved to state.
The state of Minnesota preserves to itself the exclusive right and privilege of investigating, exploring, excavating or surveying, by and through the person or persons it may license for that purpose as herein provided, all aboriginal mounds and earthworks, ancient burial grounds, prehistoric ruins, fossil bone deposits, and all other archaeological and vertebrate paleontological fossils within the limits of Minnesota, subject to the rights of the owners of any privately owned lands upon which the same may be situated, to use such lands for agricultural, domestic or industrial purposes; and the ownership of the state is hereby expressly declared in any and all articles, antiques, fossils remains, implements or material found or discovered by virtue of such investigating, exploring, excavating or surveying. (Act Apr. 12, 1939, c. 207, §1.)

3109-2. Licenses for exploration.—Any person or persons desiring to obtain a license for the purposes set forth in section 1 of this act shall present an application therefor to the archaeologist, who shall be appointed by the department of anthropology and archaeology of the University of Minnesota from among the program's staff and be attached to the department of the commissioner of conservation, describing the location where the investigation, exploring, excavating or surveying is to be done, and such other information as the archaeologist shall require, accompanied by an annual license fee of $25.00 except said archaeologist or his duly authorized representative, who may receive a license without fee with the consent and approval of the commissioner of conservation. On receipt of the application the archaeologist shall investigate the loca-
cution of such proposed work and if satisfied as to the location and as to the scientific fitness of the applicant, impounded, archeological, paleontological investigations, explorations or excavations, may issue a license to the applicant for that purpose. Each license shall expire at the end of the calendar year in which issued, but may be renewed for any calendar year in the discretion of the commissioner upon payment of said fee of $25.00 per year. Any license may be revoked by the commissioner at any time upon being convinced that the exploration or excavations authorized by the permit or license is being conducted unethically or improperly. (Act Apr. 12, 1939, c. 207, §2.)

3109-3. Fifty per cent to go to licensee.—50 per cent of all articles, antiques, fossils remains, implements and material found or discovered by such investigations, explorations or excavations shall be and become the property of the licensee and the remaining 50 per cent shall remain the property of the State of Minnesota to be kept in or at such state buildings or institutions as the commissioner may prescribe. The division thereof shall be made by the commissioner in the case of disputes, the commissioner's decision shall govern and control such division. (Act Apr. 12, 1939, c. 207, §3.)

3109-4. Who shall enforce act.—It shall be the duty of the employees of the division of game and fish, the division of forestry and the division of lands and minerals of the department of conservation to assist the commissioner of conservation in carrying out and enforcing the provisions of this act. (Act Apr. 12, 1939, c. 207, §4.)

3109-5. License fees paid into state treasury.—All license fees collected under the provisions of this act shall be paid into the state treasury and credited to the department of conservation contingent fund and any expenses in connection with the administration and enforcement thereof shall be paid from the same fund upon the approval of the commissioner and auditor's warrant, but the expenses so paid shall in no case exceed the fees so collected. (Act Apr. 12, 1939, c. 207, §5.)

3109-6. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 12, 1939, c. 207, §6.)

UNIVERSITY

3110. Board of regents of university. University of Minnesota approp. Laws 1925, c. 433. The management of the University is constitutionally independent of all other executive officers. Laws 1925, c. 433, is unconstitutional insofar as it attempts to subject the control of University finances to the commissioner of administration and finance, in view of Laws 1851, c. 3. 175M269, 220NW951. Board of Regents of the University may appropriate net earnings of the dormitory and pledge rentals and earnings to the payment of money advanced for dormitory construction and undertake that they shall be so applied, and may evidence its pledge by bonds. Fanning v. U., 183M222, 236NW217. See Dun. Dig. 8694.

The board may construct a dormitory without legislative authority. Fanning v. U., 183M222, 236NW217. The Constitution vests the government of the University of Minnesota in the Board of Regents following State Const. 1933, art. 14, §20, and in the governor the exercise of its granted powers of government, so long as it keeps within the limits of its grant, it is not subject to legislative or executive interference or judicial control at the suit of a taxpayer. Fanning v. U., 183M222, 236NW217. See Dun. Dig. 8694.

In the construction of a dormitory, the Board of Regents of the University may appropriate net earnings of the dormitory and pledge rentals and earnings to the payment of money advanced for dormitory construction and undertake that they shall be so applied, and may evidence its pledge by bonds. Fanning v. U., 183M222, 236NW217. See Dun. Dig. 8694.

Rentals from buildings on University campus belonging to the University may be used for purposes other than the construction of a dormitory, unless specifically appropriated by the Legislature, and are subject to use in the construction of a dormitory if not used for that purpose. Fanning v. U., 183M222, 236NW217. See Dun. Dig. 8694.

In the exercise of its power of government the Board of Regents may construct a dormitory on the University campus without legislative authority. Fanning v. U., 183M222, 236NW217. See Dun. Dig. 8694.

Laws 1925, c. 425, §1 (Mason's Minn. St., 1927, §3110), attempting to make three state officers ex officio regents, and vest in governor power to appoint others, is unconstitutional. State v. Quinilvan, 193M255, 268NW938. See Dun. Dig. 8694.


Governor has authority to fill vacancies in board of regents which have not been filled by the legislature prior to close of legislative session. Op. Atty. Gen. Mar. 30, 1933.

The university has authority to lease for as many years as it desires the experimental station at Albert Lea established by Laws 1911, c. 280, §10, and placed under the supervision of the commissioner of agriculture and conservation, Laws 1938, c. 238, and sought to be retransferred to grantor by Laws 1938, c. 292, pending a legislative act naming a grantee for which each may receive a deed. Op. Atty. Gen. (618c-3), July 1, 1935.

Members of board of regents are to be appointed by the governor and not the legislature. Op. Atty. Gen. (2197), July 8, 1935.

State university is exempt from payment of processing tax on hogs slaughtered by it in experiments and turned over to university hospital, federal relief students, university dormitories and dining halls and constructed on main and farm campuses. Op. Atty. Gen. (414-6), July 1, 1935.

Legislature does not have power to require board of regents of university to allocate moneys derived from the legsale of university class of students. Op. Atty. Gen. (618a-5), Nov. 13, 1933.

Legal title to University permanent trust fund land is vested in state subject to the use and benefit of University to be appropriated and applied for University purposes and support of the University, and in absence of legislative act the department of conservation is without authority to transfer the land. State v. Chase, 175M259, 220NW951; and in the exercise of its power of government the Board of Regents may appropriate net earnings to the payment of money advanced for dormitory construction and undertake that they shall be so applied, and may evidence its pledge by bonds. Fanning v. U., 183M223, 236NW217. See Dun. Dig. 8694.

3112. Officers.—Meetings.—Bonds.

The attempt to create the elective office of president of Board of Regents was unauthorized and without effect. Op. Atty. Gen. Dec. 8, 1930.

3128. Bulletins.


3129. Farmers' institutes.


3132. Department of agriculture.


3182-2. University may receive agricultural aid.—Whereas the Congress of the United States has passed an act approved by the President, May 25, 1928, entitled "An act to provide for the further development of agricultural extension work between the agricultural extension work between the colleges in the several state receiving the benefits of the act, entitled an act donating public lands to the several states and territories which provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto and the U. S. Department of Agriculture, and all amendments thereto.

Whereas it is provided in Section 1 of the Act aforesaid that the grants of moneys authorized by this Act shall be paid annually "to each state which shall by action of its Legislature assent to the provisions of this Act." Thereof to

But it is resolved by the House of Representatives, the Senate concurring, of the Legislature of the State of Minnesota that assent be and is hereby given to the provisions and requirements of said Act, and that the University of Minnesota be and it is hereby
authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension service or other agricultural enterprise which may be carried on in connection with the College of Agriculture of the University of Minnesota in accordance with the terms and conditions expressed in the Act of Congress aforesaid. (Act Apr. 5, 1925, c. 140.)

3136. Department of pedagogy.

Editorial note.—Amendment by Laws 1929, c. 102, was a special act, and was not section 3136 in the 1935 supplement. The legislature evidently intended to amend §3161, which was later amended.

3136-1. [Repealed.]

Repealed by Act Mar. 30, 1933, c. 128, §1.

3136-2. University building fund transferred to general revenue fund.—All moneys now in the University building fund and all moneys that may be coming into said fund by virtue of levies hereof hereafter made by virtue of levies hereof hereafter made are hereby appropriated from said fund and credited to the general revenue fund, except as to outstanding certificates of indebtedness that may have been issued pursuant to the terms and conditions expressed in the Act of Congress aforesaid. (Act Apr. 5, 1925, c. 140.)

3136-3. University of Minnesota may bond employees.—The Regents of the University of Minnesota shall have authority to indemnify the officers or employees of said University of Minnesota against liability arising out of the operation of motor vehicles or other equipment by them, while engaged in the performance of their duties as such public officials or employees, and to pay out of the public funds the premiums on the indemnity insurance policies insuring such governmental agency against such liability. The Regents of the University of Minnesota may defend any such officer or employee in any suit brought against him to enforce a claim, whether groundless or otherwise, arising out of the operation of a motor vehicle or other equipment by him while in the performance of his official duties, and may compromise and settle such claim or suit and may pay out of public funds, the amount of such settlement or compromise, or the amount of any judgment against such officer or employee based on any such claim, without first requiring such officer or employee to settle or pay any such claim. (Act Apr. 16, 1935, c. 173, §4.)

3136-4. Regents may pay premiums.—The Regents of the University of Minnesota may, in their discretion, pay the premiums on said indemnity insurance policies referred to in Section 1 hereof, insuring such officers or employees against liability for or injury to persons or property, within the limits of Section 1 hereof, and such payment of insurance premiums out of public funds shall in no way impair the authority of the University of Minnesota to defend such officer or employee in any such suit brought against him to enforce a claim, whether groundless or otherwise, arising out of the operation of a motor vehicle or other equipment by him while in the performance of his official duties, and may compromise and settle such claim or suit and may pay out of public funds, the amount of such settlement or compromise, or the amount of any judgment against such officer or employee based on any such claim, without first requiring such officer or employee to settle or pay any such claim. (Act Apr. 15, 1935, c. 173, §2.)

3136-5. Payments heretofore made validated.—The payment of any insurance premiums heretofore made by the Regents of the University of Minnesota for such indemnity insurance mentioned herein is hereby approved and validated. (Act Apr. 15, 1935, c. 173, §3.)

Sec. 4 of Act Apr. 15, 1935, cited, provides that the act shall take effect from its passage.

3136-6. Power of eminent domain.—The Board of Regents of the University of Minnesota may use any money not specifically appropriated for other purposes for acquiring land by purchase or condemnation. In case it is desired to use the fund for the acquisition of land, the power of eminent domain may be exercised either in accordance with General Statutes 1934, Sections 4585 to 4591, inclusive, or Repealed Laws 1905, Chapter 41. (July 22, 1927, Sp. Ses., c. 81, §2.)

3139-7. School for instruction in law enforcement.—The University of Minnesota may establish and conduct a school for the instruction of persons in law enforcement, and the governing body of any political subdivision of this state may authorize the attendance upon such school of any law enforcement officer in its jurisdiction and may provide for the payment of the expenses of such person while in attendance at such school from the general funds of such political subdivision. To each person satisfactorily completing the prescribed course of instruction in the school so established shall be issued a certificate of graduation or diploma stating that the holder has graduated therefrom. (July 22, 1937, Sp. Ses., c. 81, §2.)

MANAGEMENT OF STATE UNIVERSITY AND NORMAL SCHOOLS

3146. Authority of board of control.—New building for the University of Minnesota may be undertaken by the Board of Control. Laws 1925, c. 173, §3.

Laws 1921, c. 322, Amended Mar. 22, 1927, c. 85.

Laws 1921, c. 322, §1, amends §1 of c. 21, §2, to apply to counties with assessed value exceeding $200,000,000, and area of over 5,000 square miles.

Laws 1912, c. 445, providing that the voters of the district at their annual town meeting may fix the salaries of their school officers in ten-town school districts having less than thirty schools and a high school, is unconstitutional. 175M316, 221NW231.

Laws 1914, c. 434, providing that the voters of the district at their annual town meeting may fix the salaries of their school officers in ten-town school districts having less than thirty schools and a high school, is unconstitutional. 175M316, 221NW231.

Laws 1918, c. 465, providing that the voters of the district at their annual town meeting may fix the salaries of their school officers in ten-town school districts having less than thirty schools and a high school, is unconstitutional. 175M316, 221NW231.

Laws 1931, c. 352, amends §21 of c. 21, to apply to counties with assessed value exceeding $200,000,000, and area of over 5,000 square miles.

Laws 1919, c. 445, providing that the voters of the district at their annual town meeting may fix the salaries of their school officers in ten-town school districts having less than thirty schools and a high school, is unconstitutional. 175M316, 221NW231.

Laws 1918, c. 465, providing that the voters of the district at their annual town meeting may fix the salaries of their school officers in ten-town school districts having less than thirty schools and a high school, is unconstitutional. 175M316, 221NW231.

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