

CHAPTER 123

SCHOOL DISTRICTS; TEN OR MORE TOWNSHIPS; COUNTY UNITS; UNORGANIZED TERRITORY

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123.01 School boards in districts with ten or more townships. In all common school districts in Minnesota embracing or containing ten or more townships, the trustees and members of the school board shall be elected as follows: In all such districts existing on April 14, 1909, the trustees and members of the school board shall continue to hold their respective offices as follows: the chairman until July 1 following the next biennial general state election; the treasurer until one year from such date, and the clerk until two years from such date. If these terms of office or either of them so existing on April 14, 1909, shall expire prior to July 1 following the next biennial general state election, and one year from that date, and two years from that date, as above stated, then and in that event the expiration of such terms shall constitute a vacancy, and such vacancy shall be filled as provided in sections 125.03 and 125.04. At the first meeting of each newly created or organized district hereafter created or organized, containing ten or more townships, the chairman shall be elected to hold office until July 1 following the next biennial general state election, the treasurer until one year from that date, and the clerk until two years from that date. At the first biennial general state election held after the passage of this section in common school districts embracing or containing ten or more townships and at the first biennial general state election held after the organization of each new district embracing or containing ten or more townships, and in each biennial general state election thereafter, there shall be elected two members of the board, such members being elected to fill the offices expiring respectively July 1 after such election and one year from July 1 after such election, the term of office of one to commence July 1 in the year following his election, and that of the other July 1 in the second year following his election. The office to which each is so elected and the time of the commencement of the term of each, with the length of term, shall be stated on the ballot. For the purpose of carrying into effect this section and so as to enable the electors in each of such districts embracing or contain-

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ing ten or more townships to elect officers at such biennial general state election, the general election laws of this state, including the primary election law, shall, so far as possible, be applicable hereto, and the candidates for these offices shall file for nomination and be chosen and nominated and their names placed upon the ballot under and pursuant to the provisions of the general election law and the primary election law in this state and such general election law and primary election law shall be made applicable hereto and carried out by the officers and persons having the performance and enforcement thereof, except that a separate ballot box shall be used and voters need not register. The votes shall be returned and canvassed and the persons elected notified in the same manner as in the election of county officers.

[*R. L. s. 1311; 1909 c. 187 s. 1; 1939 c. 62 s. 3; 1941 c. 169 art. 4 s. 1*] (2802)

123.02 MEMBERS OF SCHOOL BOARD; ANNUAL MEETING; ELECTIONS.

In each common school district in the state now or hereafter containing ten or more townships and less than ten schools, the school board shall consist of five directors to be elected in the manner and for the term hereafter provided and to hold office until their successors are elected and qualify.

The annual meeting of each such district for the election of directors and the transaction of other lawful business shall be held at the time and in the manner provided by law for independent districts. At the annual meeting to be held in July, 1937, there shall be elected two directors to fill the offices of directors whose terms expire on August 1, 1937. At the annual meeting held in July, 1938, two directors shall be elected to fill offices of directors whose terms expire on August 1, 1938. All annual meetings thereafter shall be held on the last Tuesday in June. At the annual meeting held in June, 1939, one director shall be elected to fill the office of the director whose term expires on July 1, 1939. Each such director as above set forth shall be elected for a three-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 years. Directors now holding office shall hold office until the expiration of the terms for which they were heretofore elected but not longer than until July 1 of the year in which their terms expire.

[*1937 c. 221 s. 1; 1939 c. 62 s. 8; 1941 c. 169 art. 4 s. 2*] (2802-4c)

123.03 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 15 days after the vacancy, on petition of 15 freeholders of the district and ten 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.

[*1937 c. 221 s. 2; 1941 c. 169 art. 4 s. 3*] (2802-4d)

123.04 ORGANIZATION. On the first Saturday in July, or as soon thereafter as practicable, each year, the board shall meet and organize by choosing a chairman, clerk, and treasurer who shall hold offices for one year and until their successors are elected and qualify.

[*1937 c. 221 s. 3; 1941 c. 169 art. 4 s. 4*] (2802-4e)

123.05 WHAT ARE SCHOOLS. Schools, as mentioned in sections 123.02 to 123.08, mean school buildings wherein classes are regularly maintained.

[*1937 c. 221 s. 4; 1941 c. 169 art. 4 s. 5*] (2802-4f)

123.06 TAX LIMITATIONS. Common school districts having ten or more townships and less than ten schools shall have the same tax limitations as those of independent school districts.

[*1937 c. 221 s. 5; 1941 c. 169 art. 4 s. 6*] (2802-4g)

123.07 SCHOOL DISTRICTS CONTINUE OPERATION. Any common school district of ten or more townships and less than ten schools, operating under Laws 1927, Chapter 84, during the years 1927 to 1933, and which school district continued to operate pursuant to and under Laws 1927, Chapter 84, after these laws were amended by Laws 1933, Chapter 391, shall continue to operate and exist as herein set forth.

[*1937 c. 221 s. 6; 1941 c. 169 art. 4 s. 7*] (2802-4h)

123.08 POWERS. Except as herein provided, a common school district having ten or more townships and less than ten schools shall have and exercise all powers and be subject to the same laws as common school districts of ten or more townships.

[1937 c. 221 s. 7; 1941 c. 169 art. 4 s. 8] (2802-4i)

123.09 COMMON SCHOOL DISTRICTS WITH TEN OR MORE TOWNSHIPS AND OVER 30 SCHOOLS; TRUSTEES; ELECTION; VACANCIES. In each common school district containing ten or more townships and more than 30 schools upon the passage of sections 123.09 to 123.15, or hereafter coming into that class, each person heretofore elected a trustee thereof shall hold his office for the duration of the term for which he was elected and until the first Monday in January next following, unless sooner vacated according to law. Vacancies shall be filled by the remaining members of the school board by appointment until the first Monday in January following the next biennial election. If such remaining members fail to appoint within ten days after the vacancy occurs, such vacancy may be filled, after five days' notice to them by mail, by appointment by the governor. At each biennial election there shall be elected successors of the board members whose terms end prior to the next biennial election, as well as members or officers to fill vacancies for unexpired terms; and the terms of members so elected shall commence on the expiration of the terms of their predecessors and, except when elected to fill unexpired terms, shall be for four years and until their successors are elected and qualify. When any such term commences in January in the even-numbered year it shall be for three years. In districts not having officers holding over as elected officers of common school districts containing ten or more townships, there shall be elected at the first biennial election a chairman and a treasurer to hold for two years and a clerk to hold for four years. All general provisions of law for the nomination and election of county officers shall apply to the nomination and election of school officers hereunder and such school officers shall be nominated and elected without party designation.

[1923 c. 143 s. 1; 1925 c. 48 s. 1; 1941 c. 169 art. 4 s. 9] (2802-5)

123.10 ANNUAL AND SPECIAL MEETINGS. Annual and special meetings of such school districts shall be called and held in the manner and at the time provided by law for such meetings of common school districts containing ten or more townships in the village or townships having the largest school attendance during the preceding school year; provided, proposed bond issues and all other matters required or desired to be submitted to vote by ballot shall be so submitted at a general biennial election or at a special election held in each precinct, as hereinafter set forth. The office and meeting place of the board shall be in the same village or township; provided, that the board may in their discretion hold special meetings in any other township when the business to be transacted relates exclusively to affairs of such township and the convenient vicinity. The board may be authorized by the voters at the annual or any special meeting, generally or specifically, to designate the sites for school houses, provide for building or otherwise placing school houses thereon, or change any such sites. The board may, in their discretion, or shall, on petition of 25 voters of the district filed with the clerk within ten days after their action on any such specific proposition, submit their action to the voters for approval at a special meeting to be held at a convenient point in the township or village where the site or school house exists or is proposed; and, in such event, the vote of a majority of those voting at this meeting shall be sufficient to ratify the action of the board—or, if the board so determines or if 100 or more voters of the district so petition within such ten days, the matter shall be in like manner submitted and disposed of at a special election and voted on in the precincts as provided in section 123.11. When any proposed bond issue or other matter is to be submitted at a general election the board shall certify the fact to the county auditor, who shall cause all such matters to be so submitted to the voters of the district on a separate ballot, and further proceedings shall be taken in like manner to similar county-wide propositions. The result shall be certified by the auditor to the school board.

The proceedings of the board shall be published in accordance with section 125.08, subdivision 6, the letting of the contract therefor to be at their first meeting annually. Except that, if the board determine that the best interests of the districts would be served thereby, the publication may be in two or more newspapers of the district, provided in such event the total cost of such publication shall not exceed 75 cents per folio of the matter published.

[1923 c. 143 s. 2; 1925 c. 48 s. 2; 1941 c. 169 art. 4 s. 10] (2802-6)

123.11 DIVISION OF DISTRICTS INTO PRECINCTS. At least 30 days before first submitting any proposition to be voted upon by ballot otherwise than at the general biennial election, the trustees of the school board of any such school district shall, by resolution in writing, divide the district into precincts, for the purpose of voting upon bond issues and all other matters so required or desired to be submitted for vote by ballot; and may thereafter, from time to time, change the boundaries of such precincts, consolidate two or more, or establish new ones, as the convenience of the voters shall require; provided, so far as practicable, the precinct boundaries shall follow the lines of general election precincts in the district, and no change of boundaries shall be made within 30 days prior to any election. Such resolution shall describe the precincts, giving the boundaries thereof, fix a polling place in each at some school building or other place deemed most convenient to the voters, and be filed in the office of the clerk of the district. A copy thereof shall be filed in the office of the county auditor and like copies shall be posted at the polling places in each district affected at least ten days before the next school election held thereafter.

[1923 c. 143 s. 3; 1941 c. 169 art. 4 s. 11] (2802-7)

123.12 NOTICE OF SPECIAL ELECTIONS. Notices of such special election shall be given by publication and by posting in each precinct substantially in the manner now provided by law for notices of special meetings of common school districts, but need not specifically designate the polling places, otherwise designated as hereinbefore provided, in each precinct.

[1923 c. 143 s. 3; 1941 c. 169 art. 4 s. 12] (2802-8)

123.13 OFFICIALS OF SPECIAL ELECTIONS. At least ten days before any special election, the school board shall, by resolution filed with the clerk thereof, appoint from the resident electors a moderator or judge of election and two clerks for each precinct. The clerk of the school board shall immediately notify in writing each person so appointed of his appointment and such persons, if present at the hour set for opening of the polls, shall qualify, open the polls, and conduct such election substantially in the same manner as elections for county officers; provided, unless otherwise designated by the voters at any such election or at an annual school meeting, the school board may fix the hours for opening and closing the polls in any such precinct elections, but the polls shall in each case be open for at least one hour. If any of the appointed officers are absent or fail to act at the hour set for opening the polls, the electors present may choose any elector then present to fill the vacancy, who shall qualify and act. Upon the closing of the polls the election officers acting in each precinct shall forthwith count the votes and certify the result thereof to the clerk of the district, placing the certificate, poll list, ballots, and all other records of the election in an envelope, securely sealed, and mail or deliver the same forthwith to the clerk of the district. The ballots shall be separately enclosed and sealed within the envelopes, preserved for one year, and not opened or examined except in case of a contest or by the order of a court of record. The school board shall canvass the votes and returns, and declare and record the result thereof, and take such further proceedings as are required or authorized thereby.

[1923 c. 143 s. 5; 1941 c. 169 art. 4 s. 13] (2802-9)

123.14 ELECTIONS TO CHANGE NUMBER OF TRUSTEES. On petition of at least ten per cent of the number of voters at the last preceding general election, the trustees shall within 60 days cause to be submitted at a general or special election, but not oftener than once in four years, the proposition "shall the number of trustees be increased to five?" If so required in the petition, there shall also be submitted at the same time the proposition, "Shall such change take effect at once?" If the first proposition carries, the trustees shall, within 30 days, by resolution filed with their clerk and with the county auditor, divide the district into three groups of precincts, to be known and numbered as subdivisions, of as compact shape and as nearly equal population as may be, which may be changed from time to time, but not oftener than quadrennially. Each village shall be placed as an entirety in one subdivision unless reasonable equality of population of subdivisions would thereby be prevented. The terms of the trustees last elected shall not be shortened, but each shall be treated as the member for the subdivision of his residence; or, if two or more reside in the same subdivision, they shall determine by lot or as hereinafter provided which shall be the subdivision trustee, and which shall be trustee at large. At the next ensuing primary and general elections, vacancies shall be filled, if any, and there shall be chosen trustees at large or for

subdivisions to succeed those whose terms are about to expire, and two additional trustees, at large or for subdivisions, so that there will be a trustee for each subdivision and two trustees at large. The designation of holdover trustees, as aforesaid, and the fixing of the terms of two or four years for the additional trustees first elected, shall be such that thereafter one trustee at large and not over two subdivision trustees shall be elected at each biennial election, aside from filling vacancies; and when necessary to this end, the additional trustees receiving the larger vote shall hold for the longer term. If the voters have determined that the change shall take effect at once, the two additional trustees first chosen shall be elected at a special election to be called and held within 90 days after the creation of the subdivisions, and the candidates shall be nominated under sections 202.19 to 202.22, and elected for terms ending on the first Monday in January following the next general election—or one ending then and one two years thereafter—so as to put in operation the plan aforesaid. In all cases the nomination and election of each trustee, whether at large or from a subdivision, shall be open to participation by all the voters of the district. Each subdivision trustee shall, during his term, reside in the subdivision for which he is elected. Upon a five member board's being duly constituted, the district shall be known as a "general school district," the offices of the chairman, clerk, and treasurer, as such, shall become vacant, and the board shall choose at their first meeting annually from among their number a chairman, and from among or without their number, a clerk and a treasurer, and may also choose a business manager who may be the same person as the chairman, clerk, or superintendent. The appointive officers shall have the functions and powers now or hereafter vested in such or like officers by law, and such others as may lawfully be delegated to them by the board—except that, unless elected as such, they shall not be members of the board. Each member of the board as such shall receive as compensation the sum of \$5.00 for each day's attendance at board or committee meetings, together with his actual traveling expenses which may include not to exceed five cents per mile for use of his own automobile in going to and from such meetings; and the appointive officers such compensation and expenses as shall be determined by the board by contract or otherwise. Unless specifically authorized by the voters, by ballot, the aggregate annual compensation of the board and such appointive officers, including the superintendent, shall not exceed the lawful and reasonable compensation of the trustees of a three member board of a like district, and of the superintendent thereof.

[1923 c. 143 s. 6; 1925 c. 48 s. 3; 1941 c. 169 art. 4 s. 14] (2802-10)

123.15 LAWS APPLICABLE. All laws applicable to school districts containing ten or more townships shall continue to apply to like general school districts, except as far as inconsistent herewith and except as hereafter repealed or amended.

[1923 c. 143 s. 7; 1941 c. 169 art. 4 s. 15] (2802-11)

123.16 SCHOOL BOARDS HAVE RIGHTS OF BOARDS OF INDEPENDENT SCHOOL DISTRICTS. The school board in a common district containing ten or more townships shall have and exercise all powers and be subject to the same laws and regulations as school boards in independent and consolidated school districts.

[1913 c. 465 s. 1; 1941 c. 169 art. 4 s. 16] (2803)

123.17 COMPENSATION OF OFFICERS. In all common school districts composed of ten or more townships each member of the school board in such districts shall receive as annual compensation for his services as a member of such board the amounts herein stated:

\$200.00 a year where such district contains 30 public schools; \$400.00 a year where such district contains 31 public schools but less than 61; \$600.00 a year where such district contains 61 public schools but less than 91; \$800.00 a year where such district contains 91 public schools or more; provided, that in such common districts containing less than 30 public schools and in which is maintained a high school, the annual compensation of the members of the school board shall be fixed at the annual school meeting.

[G. S. 1913 s. 2719; 1941 c. 169 art. 4 s. 17]

123.18 COMPENSATION FOR EXPENSES. In addition to their salaries the members of the school board in such school districts shall be paid their actual and necessary traveling expenses incurred and paid by each of them in the conduct of his official duties including the visitation of schools. Such expenses shall be paid upon duly itemized and verified vouchers approved by the board and filed with the clerk and made a part of the official records of the school board; provided, that the traveling expenses incurred by the members of the school board in any such district

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in any year shall be limited to the following amounts, as hereinafter provided: \$150.00 where the number of schools in such district does not exceed 30; \$300.00 where the number of schools does not exceed 60; \$450.00 where the number of schools does not exceed 90; \$500.00 where the number of schools is in excess of 90. Such salaries and expenses shall be paid monthly by the treasurer of such school district on the order of the clerk countersigned by the chairman.

[G. S. 1913 s. 2720; 1941 c. 169 art. 4 s. 18]

123.19 TAX LEVY. A levy shall be made in such common school districts to pay the salaries and expenses of the members of the school board in the same manner as is now provided by law for making levy for the support of public schools in common school districts composed of ten or more townships.

[G. S. 1913 s. 2721; 1941 c. 169 art. 4 s. 19]

123.20 PUBLICATION OF PROCEEDINGS. In all school districts embracing or containing ten or more townships, the school board shall publish in a legal newspaper in the district or, if there be no such newspaper published in the school district, in a legal newspaper published in the county, to be designated by the board annually, the proceedings of such board within 30 days after such proceedings are had.

[G. S. 1913 s. 2722; 1941 c. 169 art. 4 s. 20]

123.21 MEANING OF PROCEEDINGS. The term "proceedings," as used in section 123.20, includes a statement of all propositions submitted by motion or resolution, or otherwise, to such board, including the number of votes for or against all reports made to such board, and its action thereon, and an abstract of all claims allowed, giving name of claimant and amount and general purpose of the claim.

[G. S. 1913 s. 2723; 1941 c. 169 art. 4 s. 21]

123.22 PUBLIC EXAMINER TO MAKE ANNUAL INSPECTION. The state public examiner shall, at least once in each year, make examination of the books and records of all ten or more township districts and the school district shall pay the costs and expenses of making such examination.

[G. S. 1913 s. 2724; 1941 c. 169 art. 4 s. 22]

123.23 FORMATION OF COUNTY SCHOOL DISTRICTS. Any county having less than seven organized school districts may consolidate such districts into one county district which shall be designated 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 then last 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 30 days thereafter the proposition of consolidating these 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 auditor shall make proper orders to give effect to such vote and transmit a copy thereof to the clerk of each district.

The school board of each district shall continue to maintain schools therein, except that no such board shall have authority to make any contract relating to school business of the ensuing school year, in the same manner as if no consolidation had been voted until July 1 next following, at which time all records, money, credits, and funds of these districts shall be delivered 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 cause the financial accounts and statements to be audited by competent authority.

Nothing in sections 123.23 to 123.30 shall be construed to apply to counties affected by Laws 1919, Chapter 271, or acts amendatory thereto, relating to a ten mill county school tax levy.

[1929 c. 9 s. 1; 1931 c. 31 s. 1; 1941 c. 169 art. 4 s. 23] (2780-8)

123.24 COUNTY SCHOOL BOARD; ELECTIONS; TERMS. The school board of any such county district shall consist of five members, to be elected at the same

time and in the same manner as board members in a ten or more townships district, but for a term of four years. The board of county commissioners shall appoint the members of such board on or before March 1 following the general election at which time the question of consolidation was submitted, the length of each term for which they are to be appointed being such as to cause the term of one member of the board to expire on August 1 following the next general election and one member on each August 1 thereafter. The school board of the county district shall meet within ten days after the appointment by the county board, and thereafter as may be necessary, and organize in the same manner as independent districts and do whatever business is necessary for the best interest of the county district for the ensuing school year and thereafter shall organize in the same manner and at the same time as boards of independent districts. If within the county there is a school district of ten or more townships with an area greater than one-half the area of the county the members of the board of this district shall continue to serve as members of the school board of the county district for the full term and for the same office for which elected and until his successor has qualified and the board of county commissioners shall appoint such additional members for such terms that the term of all the members of the school board shall expire in consecutive order as above provided. After April 29, 1935, the members of such school board shall be elected and their terms of office shall be as hereinafter provided.

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 law now existing. Thereafter the term of such office shall be 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 1, 1938, shall expire on 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, 1939, 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 1943.

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 1943.

The term of office of the member of such school board to commence on August 1, 1941, shall expire on the Sunday preceding the first Monday in January, 1945. 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.

[1929 c. 9 s. 2; 1935 c. 362 ss. 1, 2; 1941 c. 169 art. 4 s. 24] (2780-9) (2780-21) (2780-22)

123.25 ELECTION DISTRICT. 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 the board.

[1929 c. 9 s. 5; 1941 c. 169 art. 4 s. 25] (2780-12)

123.26 MEETINGS AND ORGANIZATION OF BOARD. School boards in such districts shall meet and organize annually on the first Tuesday after the first Monday in January, or as soon thereafter as practicable, but not later than ten days after such date. It shall organize in the same manner as the board of an independent school district.

[1929 c. 9 s. 2; 1941 c. 169 art. 4 s. 26] (2780-9)

123.27 DUTIES OF BOARD. It shall be the duty of the board to furnish school facilities to every child of school age residing in any part of the county district, either by building school houses, leasing schoolrooms, transporting the children to the nearest school, boarding the children within convenient distance of school at the expense of the board, or otherwise, and to provide necessary supplies and text and library books.

The annual meeting as held in ten or more townships districts need not be held, but the clerk of the 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 sections 123.23 to 123.30, the school board of any such county district shall have and exercise all of 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 unorganized territory shall apply to the county district including Laws 1921, Chapter 467.

[1929 c. 9 ss. 3, 4; 1931 c. 31 s. 2; 1941 c. 169 art. 4 s. 27] (2780-10) (2780-11)

123.28 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 more than \$144.00 in any one year, and 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. 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, which shall be in lieu of any allowance for office clerk hire.

[1929 c. 9 s. 6; 1937 c. 297 s. 1; 1941 c. 169 art. 4 s. 28] (2780-13)

123.29 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 the county shall cease to exist from January 1 next following and the functions and duties of the county superintendent of schools shall be performed by the superintendent of the county district.

[1929 c. 9 s. 7; 1941 c. 169 art. 4 s. 29] (2780-14)

123.30 COUNTY ATTORNEY TO SERVE AS ATTORNEY FOR BOARD. When any county organizes as a county district the county attorney shall serve as attorney for the county board of education without additional compensation from the board of the county district, but the board of county commissioners of such county may allow such additional compensation for legal services rendered to the county board of education as the board of county commissioners deems proper.

[1929 c. 9 s. 8; 1941 c. 169 art. 4 s. 30] (2780-15)

123.31 COUNTIES MAY PAY BONDS OF DISSOLVED DISTRICTS. Any county organized under Laws 1929, Chapter 9, having a population of less than 10,000, 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 the 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.

[1935 c. 6; 1941 c. 169 art. 4 s. 31] (2780-17a)

123.32 INDEMNITY FOR SCHOOL OFFICERS IN CASE OF ACCIDENTS. Subdivision 1. **Authority.** 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, shall have authority to indemnify the officers or employees of such county school district 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.

Subdivision 2. **Actions; defense by county board of education.** The county board of education may also, at the expense of such county school districts, defend any such officer or employee in the name 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. It may compromise or settle, or compromise and settle any such claim or suit and 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 any such claim, without first requiring such officer or employee to settle or pay, or settle and pay, any such claim or judgment.

Subdivision 3. Indemnity insurance. The county board of education may at its discretion pay the premiums on the indemnity insurance policies referred to in this section insuring such officers or employees against liability for injury to persons or property as provided in this section and such payment of such insurance premiums out of the funds of such county school districts shall in no way impose any liability upon the governing body thereof.

[1935 c. 15 ss. 1, 2; 1941 c. 169 art. 4 s. 32] (2780-17b) (2780-17c)

123.33 COUNTY BOARD OF EDUCATION FOR UNORGANIZED TERRITORY. The power of providing for the education of children of school age residing in any unorganized territory within the state shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated.

[1921 c. 328 s. 1; 1941 c. 169 art. 4 s. 33] (2850)

123.34 MEMBERS. The chairman of the board of county commissioners, the county superintendent of schools, and the county treasurer shall, ex officio, compose the county board of education for unorganized territory in each county within the state. The chairman of the county board of commissioners shall be the chairman of the county board of education for unorganized territory; the county treasurer shall be treasurer of this board; and the county superintendent of schools shall be the clerk of this board of education.

[1921 c. 328 ss. 2, 3; 1941 c. 169 art. 4 s. 34] (2851) (2852)

123.35 VACANCIES IN BOARDS OF EDUCATION. Should a vacancy occur in this board of education or should any member thereof refuse or be incapacitated to serve upon this board, the board of county commissioners shall fill such vacancy as provided in section 375.08.

[1921 c. 328 s. 23; 1925 c. 220; 1941 c. 169 art. 4 s. 35] (2870-1)

123.36 MEETINGS. The county board of education for unorganized territory shall meet once each month at the county-seat, at a time to be fixed by the board, for the purpose of transacting the business of the board, consider petitions, reports from teachers, audit and pay bills, etc. The board may also hold special meetings as may be deemed necessary.

[1921 c. 328 s. 5; 1941 c. 169 art. 4 s. 36] (2854)

123.37 BOARD TO FURNISH SCHOOL FACILITIES. It shall be the duty of the county board of education for unorganized territory to furnish school facilities to every child of school age residing in any part of the unorganized territory, either by building school houses, leasing schoolrooms, transporting the children to the nearest school, boarding the children within convenient distance from a school at the expense of the board, or otherwise, and to provide necessary supplies and text and library books.

The county board of education for unorganized territory may also employ such clerical, stenographic, and supervisory help as may be needed who shall perform such other services as the board may direct.

[1921 c. 328 ss. 3, 8; 1941 c. 169 art. 4 s. 37] (2852) (2857)

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

[1921 c. 328 s. 7; 1941 c. 169 art. 4 s. 38] (2856)

123.39 POWERS AND DUTIES SAME AS INDEPENDENT AND CONSOLIDATED DISTRICTS. When not otherwise provided in sections 123.33 to 123.57, the powers and duties of the county board of education for unorganized territory shall be the same as those of school boards and annual elections of independent and consolidated school districts.

[1921 c. 328 s. 20; 1941 c. 169 art. 4 s. 39] (2858)

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123.40 DUTIES OF CLERK. It shall be the duty of the county superintendent, as clerk of the county board of education for unorganized territory, to make reports similar to those made by the clerk of organized districts.

Annually, on the first Friday after the first Monday in July, the clerk of such board shall make a full and accurate statement of the receipts and disbursements of such board for the preceding school year, which shall contain a full and correct description of each item, from whom and on what account received, to whom paid and on what account expended, together with an accurate statement of the finances of the county board of education at the end of such year, including all debts and liabilities and the assets to discharge the same and, within 30 days thereafter, the county board of education for unorganized territory shall cause the same to be published once in a legal newspaper published in the county, which paper, in counties having over 100,000 population, shall be a daily paper.

[1921 c. 328 s. 6; 1941 c. 169 art. 4 s. 40] (2855)

123.41 COMPENSATION. For their services performed under the provisions of sections 123.33 to 123.57 the chairman of the board of education shall be paid \$3.00 per day for the time actually employed by him as such chairman and five cents per mile for distance actually traveled by him in performance of his duties not exceeding the total sum of \$400.00 in any one year for such mileage and per diem; the treasurer of the board shall be paid one per cent, and the clerk one per cent, of the cash disbursements for the year, but the compensation to be paid to the treasurer and clerk in counties having less than 55 schools in its unorganized territory shall not exceed for each officer in any one year the total sum of \$800.00, but only after all reports required by law have been made in conformity thereto. This section shall not apply to counties having a population of more than 200,000.

[1921 c. 328 s. 4; 1923 c. 12 s. 1; 1925 c. 220; 1941 c. 169 art. 4 s. 41] (2853)

123.42 DISSOLVED DISTRICT MAY BECOME UNORGANIZED TERRITORY. When a school district is dissolved and such dissolved district is not annexed to an existing district and there is no unorganized territory in the county, the board of county commissioners may, by such dissolution, create unorganized territory to be governed by the laws relating to such territory.

[1941 c. 169 art. 4 s. 42]

123.43 DISSOLUTION OF COMMON OR INDEPENDENT DISTRICTS. Any common or independent school district in any county may be dissolved, annulled, and discontinued by the county board of commissioners and its school shall be cared for in accordance with the laws governing unorganized territory. A petition requesting the taking of such action shall be presented to the county board of commissioners and contain a correct description of the territory included in the district, the number of persons residing therein, the total assessed valuation of all property within the district, and a request that such district be dissolved, annulled, and discontinued. Such petition shall be signed by a majority of the freeholders qualified to vote for school officers in the district and, before being presented to the county board, it shall be approved by the county superintendent of schools, if such petition meets with his approval. In case the majority of the freeholders in any common school district are not citizens and not qualified to vote and in case the number of children of school age residing in the district become fewer than ten, the school district may be automatically dissolved by resolution of the board of county commissioners and become a part of the unorganized territory of the county; and the assets and liabilities of such district shall be assumed by the county board of education for unorganized territory in the same manner as now provided for by law in the dissolution of school districts.

[1921 c. 328 s. 14; 1925 c. 222 s. 1; 1941 c. 169 art. 4 s. 43] (2863)

123.44 HEARING; NOTICES. Upon the presentation of such petition, approved as provided for in section 123.43, the county board shall designate a time for hearing the same and notice thereof shall be given in the manner provided by law for notice in the case of the formation of the school district.

[1921 c. 328 s. 15; 1941 c. 169 art. 4 s. 44] (2864)

123.45 HEARING; PROCEDURE. At such hearing the board shall act in a manner similar to the action provided by law for the formation of districts and any person aggrieved may appeal in like manner.

[1921 c. 328 s. 16; 1941 c. 169 art. 4 s. 45] (2865)

123.46 OLD DISTRICTS DISSOLVED; DISPOSITION OF PROPERTY. If the petition is granted by the board of county commissioners, then the school district shall from that time cease to exist and all of the territory thereof and the schools previously conducted by it shall then come under the jurisdiction of the county board of education for unorganized territory of the county and thereafter be managed by the county board of education in the same manner as if the district had never been organized. It shall be the duty of the officers of the vacated school district to forthwith deliver to the auditor of the county all of the books and records of the school district, and to the county treasurer all of the money and school funds in its possession, and the county treasurer shall forthwith credit all such money and school funds to the account of the county board of education for unorganized territory of the county. The county treasurer shall hereafter credit to the account of the county board of education for unorganized territory all money and school funds thereafter collected from any previous tax levy made by the school district, except such money and school funds as are derived from taxes levied for the purpose of paying the bonds or interest on the bonds of any such school district.

[1921 c. 328 s. 17; 1941 c. 169 art. 4 s. 46] (2865a)

123.47 OUTSTANDING OBLIGATIONS OF DISSOLVED DISTRICTS. All incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property formerly within the district to the same effect as if the district had not been discontinued and the county auditor shall each year levy against all of the taxable property within the limits of the former school district a sufficient levy, not to exceed 60 mills, for the cancelation and liquidation of such outstanding indebtedness, such levy to be made year after year until the entire indebtedness is canceled and extinguished. When a new district is created and organized out of unorganized school territory, the new district so created shall have power, by resolution of its governing body, to assume all obligations which remain a charge upon the territory comprising such new district and to refund the same and, upon such assumption or refundment thereof and the filing of proof thereof with the county auditor, the levy herein required shall be discontinued. The amount levied by the county board of education for unorganized territory upon all taxable property in unorganized territory shall be levied upon the property within the limits of the former school district in addition to the amount so levied by the auditor and in the same proportion that it is levied upon the taxable property in the county outside of organized school districts. The county board of education for unorganized territory 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 bonded indebtedness of such dissolved school district, out of the funds of the county board of education for unorganized territory in the same manner as though the indebtedness had been originally incurred by the county board of education for unorganized territory.

[1921 c. 328 s. 18; 1925 c. 287 s. 1; 1941 c. 169 art. 4 s. 47; 1941 c. 342] (2866)

123.48 ORGANIZATION OF SCHOOL DISTRICTS. When in the opinion of the county board of education for unorganized territory it shall appear that any territory enjoying the privileges of unorganized territory should be organized into a common or an independent school district the board shall notify the board of county commissioners, which shall cause notice of hearing thereon to be given and otherwise proceed as provided by law for organization of common or independent school districts.

[1921 c. 328 s. 10; 1941 c. 169 art. 4 s. 48] (2859)

123.49 ANNEXATION OF UNORGANIZED DISTRICTS TO ADJOINING DISTRICTS. When any organized school district has heretofore been dissolved and the territory thereof has become unorganized territory the school board of any school district adjoining such unorganized territory may have the same annexed to such district and the indebtedness created by such organized school district before the same became dissolved assumed by the school district annexing such territory in the manner hereinafter provided.

[1935 c. 363 s. 1; 1941 c. 169 art. 4 s. 49] (2768-5)

123.50 ANNEXATION; SPECIAL ELECTIONS. When the school board of such existing school district shall adopt a resolution, with the consent and approval of

the county board of education for unorganized territory, proposing to annex such unorganized school district territory the clerk of the school board adopting such resolution shall, within 60 days thereafter in the manner 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 indebtedness of such unorganized school district before the same became unorganized and, if a majority of the electors at such special election shall vote in favor of such annexation of such unorganized territory, such unorganized territory shall thereafter become a part of such existing school district and all the taxable property within the unorganized school district and such existing school district shall be liable for the indebtedness of both of the school districts.

[1935 c. 363 s. 2; 1941 c. 169 art. 4 s. 50] (2768-6)

123.51 CONVEYANCE AND CONTROL OF ASSETS AFTER ANNEXATION.

After such annexation, the governing body of the existing school district shall have control of all of the school property within the territory of such unorganized school district, and the county board of education for unorganized territory shall by appropriate action transfer and convey to the school board all of the school property used for or in connection with school purposes in the territory of such unorganized school district to such existing school board. Such county board of education for unorganized territory shall by appropriate action transfer all existing funds available for school purposes in the territory of such unorganized school district at the time of such annexation and thereupon the money so transferred shall become a part of the funds of the school district annexing such territory. After such annexation the school board of such existing school district shall have the power and authority provided for by law for the issuance of bonds or other evidences of indebtedness to fund or refund any existing indebtedness of the territory so annexed and such obligations when so issued shall become a lien upon all of the property in the unorganized as well as the existing district so annexing such unorganized territory.

[1935 c. 363 s. 3; 1941 c. 169 art. 4 s. 51] (2768-7)

123.52 UNORGANIZED TERRITORY MAY ISSUE BONDS. The county board of education for unorganized territory in any county in the state is hereby authorized and fully empowered by unanimous vote of such board to issue and sell bonds of such unorganized territory for the purpose of providing school sites, school buildings, and teacherages, for paying any judgment lawfully rendered against it, or for refunding outstanding bonds, or floating indebtedness, in such amounts and at such periods as the board may decide; the bonds to be payable in such amounts and at such times, not exceeding 20 years, as the board may determine, with interest thereon not to exceed six per cent per annum, which bonds shall be signed by the chairman and the treasurer of the board and countersigned by the clerk thereof. The total bonded indebtedness of such unorganized territory shall at no time exceed seven and one-half per cent of its assessed valuation. Any bonds issued hereunder shall be sold conformable to the provisions of section 475.15. 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 and credits, of more than \$1,500,000 and having at any time an area of more than 3,500 square miles, the board of education of such unorganized territory shall have authority, and is hereby empowered, by the unanimous vote of such board, to issue and sell the bonds of such unorganized territory, as above provided, not exceeding \$350,000 in the aggregate of such bonds; and, in any county in this state having a population, according to the 1930 federal census, of not more than 16,000, 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 and sell the 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 15 per cent of the assessed valuation of the unorganized territory, and not exceeding \$350,000 in the aggregate of such bonds. The sale of these bonds shall be conformable to the provisions of section 475.15, or by contracting with the United States government for the purchase of these bonds without calling for bids therefor, and that no bonds shall be authorized or sold under the provisions of sections 123.33 to

123.57, 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 dates thereof, 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, and signed by the members of the county board of education for unorganized territory and addressed to the electors of such district, and specify the date, time, and place of meeting of the county board of education for unorganized territory when such proposal shall be considered, and published in one issue of three legal newspapers of general circulation in the district. The 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 for unorganized territory at the time and place mentioned in the notice shall hear all objections and thereafter shall decide whether such bonds shall be authorized and sold.

[1921 c. 328 s. 19; 1933 c. 431 s. 1; Ex. 1934 c. 45 s. 1; 1937 c. 259 s. 1; 1941 c. 169 art. 4 s. 52; 1941 c. 325] (2867)

123.53 TAX LEVY FOR BONDS AND INTEREST. Every county board of education for unorganized territory issuing bonds under the authority of sections 123.33 to 123.57, is hereby required annually to levy taxes upon all the taxable property in such unorganized territory sufficient to pay the interest on such bonds and to provide a sinking fund for the payment of the principal of such bonds at maturity.

[1921 c. 328 s. 20; 1941 c. 169 art. 4 s. 53] (2868)

123.54 COUNTY BOARD OF EDUCATION MAY ISSUE REFUNDING BONDS IN CERTAIN CASES. 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 dissolved and its territory reverted to unorganized territory, which refunding bonds shall be chargeable against the territory that was chargeable with the payment of the bonds so refunded. The power to issue such bonds shall remain in the county board of education for unorganized territory notwithstanding the 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 20 years. The first 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 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 such refunding bonds and any instalment of principal that may be due in the following year. Such tax for the first year shall be 50 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 50 per cent, of the amount to be due the succeeding year, as the auditor may deem necessary. The county treasurer, upon the collection of such tax, shall apply the proceeds thereof to the payment of such interest or instalment of principal and file with the county auditor receipts therefor, together with the canceled bonds so taken up. The state board of investment may invest the funds under its control in any refunding bonds so issued under the provisions of this section.

[1931 c. 140; 1933 c. 80; 1937 c. 374 s. 1; 1941 c. 169 art. 4 s. 54] (2870-2)

123.55 NEW COUNTIES; DIVISION OF ASSETS. When a new county or counties have been or may hereafter be created and organized out of territory embraced within the boundaries of one or more organized counties and in which there is unorganized school territory, acting under the provisions of sections 123.33 to 123.57, and lying partly within the old and new counties, or wholly within the new county, the county boards of education for unorganized territory of the old and new counties shall meet upon the written request of the county superintendent of either county at such time and place as shall be designated in the request, which request shall be served upon each member of each county board of education for unorganized territory of the counties affected at least five days before the time of such meeting and make a division of all the money, funds, and credits belonging to such unorganized school territory as the same existed prior to the division of the

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county or counties and, in making such division, the board shall take into consideration the indebtedness of the unorganized school territory and make such division as they deem just and equitable and all such money, funds, credits, and property shall be divided and apportioned to the respective unorganized territory in the old and in the new county in proportion to assessed valuation of taxable property in such unorganized territory, respectively, in such old and new county, at the last assessment thereof.

[1921 c. 328 s. 11; 1941 c. 169 art. 4 s. 55] (2860)

123.56 FAILURE TO APPORTION, PROCEDURE. In cases provided by section 123.55 and in case the county boards of education for unorganized territory of the old and new counties shall fail to meet pursuant to the notice provided in section 123.55, the county superintendents of the old and new county or counties and the state commissioner of education, or his deputy, shall constitute a board of apportionment and, upon the written application of the county board of education for unorganized territory of either county affected, shall make a division of all the money, funds, credits, and property as provided in section 123.55, which apportionment shall be in writing and verified by the state commissioner of education, or his deputy, and by at least one of the county superintendents of the counties affected and filed in the office of the secretary of state and be final and conclusive. Within five days after the filing of this apportionment, the secretary of state, if apportionment is made as provided in this section, or the superintendent of schools of each county, if such apportionment is made as provided by section 123.55, shall transmit to the treasurers of the counties affected by the apportionment a certified copy of such apportionment and application, if any.

[1921 c. 328 s. 12; 1941 c. 169 art. 4 s. 56] (2861)

123.57 COUNTY OFFICIALS TO CARRY OUT TERMS OF AGREEMENT. The county boards of education for unorganized territory and the county officials of the old and new counties shall forthwith after such division and apportionment proceed to fulfill and carry out the terms thereof, determined as provided in sections 123.55 and 123.56.

[1921 c. 328 s. 13; 1941 c. 169 art. 4 s. 57] (2862)