

CHAPTER 125

SCHOOL BOARDS; MISCELLANEOUS POWERS

Sec.	Sec.
125.091 Additional powers of school board in all districts	125.35 Issuance by resolution without approval of voters
125.095 Definitions	125.36 Tax levy
125.096 Tax-forfeited lands, acquisition	125.37 Betterment defined
125.097 Validation	125.38 School boards, bonds for improving school-houses
125.098 Tax-forfeited lands, exchange	125.46 Agreements with districts in other states
125.34 School districts, issuance of bonds for betterment of schoolhouses	125.51 Schools authorized to join associations

99X671-306 **125.01-125.05** [Repealed, 1957 c 947 art IX s 9]

99X671-306 **125.06** [Repealed, 1957 c 947 art IX s 9]

NOTE: Section 125.06, Subdivision 2, is amended by Laws 1957, Chapter 417, Sections 1 and 2, to read:
 Subd. 2. "When authorized by the voters at a regular meeting or election or at a special meeting or election called for that purpose, it may acquire necessary sites for school houses, or enlargements or additions to existing school house sites, by lease, purchase, or condemnation under the right of eminent domain; erect, lease, or purchase necessary school houses, or additions thereto; erect or purchase garages for district-owned school buses; and sell or exchange school houses or sites and execute deeds of conveyance thereof. In any village or city such site when practicable shall contain at least one block, and, if outside of any city or village, two acres; and when any school house site shall contain less than such amount the board may, without a vote of the electors, acquire other land adjacent to or near such site to make, with such site, all or part of such amount; provided that the board may, without a vote of the electors, acquire by gift, purchase or condemnation any lands owned by the state or any political subdivision thereof when not needed for state or municipal purposes which are situated within the school district when needed for school purposes. When property is taken by eminent domain by authority of this subdivision, when needed by the school district for such purpose, the fact that the property so needed has been acquired by the owner under the power of eminent domain, or is already devoted to public use, shall not prevent its acquisition by the school district.
 This act shall be effective until July 1, 1958."

NOTE: Section 125.06, Subdivision 10, is amended by Laws 1957, Chapter 868, Section 1, to read:
 Subd. 10. "It shall employ and contract with necessary qualified teachers and discharge the same for cause, but no substitute teacher shall be hired except to replace a regular teacher on leave of absence or in an emergency of less than one school year's duration."

NOTE: Section 125.06, Subdivision 19, is amended by Laws 1957, Chapter 735, Section 1, to read:
 Subd. 19. "The school board of any school district of this state by a two-thirds vote may become a member of the Minnesota School Board Association or the Minnesota Association of Public Schools, and appoint one or more of its members to attend its annual meeting. The amount of annual membership dues in the association and actual and necessary expense incurred in attending such meeting shall be paid as other expenses of the district are paid."

99X671-307 **125.061-125.07** [Repealed, 1957 c 947 art IX s 9]

99X671-308 **125.08** [Repealed, 1957 c 947 art IX s 9]

NOTE: Section 125.08, Subdivision 6, is amended by Laws 1957, Chapter 541, Section 1, to read:
 Subd. 6. "It shall cause to be published once, in some newspaper published in such school district, or, if there be no newspaper so published therein, in some newspaper published in the county in which such school district is located, official proceedings of such board; and such publication shall be made as soon as may be and not later than 30 days after the meeting at which such proceedings were had. Such publication shall be let annually by contract to the lowest bidder at the first regular meeting of the board after the annual election in such district. The fees for publication shall not exceed the fees for publication of legal notices as prescribed by Minnesota Statutes, Section 331.08."

99X671-309 **125.09** [Repealed, 1957 c 947 art IX s 9]

125.091 ADDITIONAL POWERS OF SCHOOL BOARD IN ALL DISTRICTS.

Subdivision 1. Certain districts may sell emergency tax anticipation certificates. Any school district whose tax levy in the year 1947 exceeds \$40 per capita of the population of the district according to the last state or Federal census, and in which the Board, by resolution adopted by a two-thirds vote, shall determine that the estimated receipts from all sources during the years 1948 or 1949 will be insufficient for the proper operation of the schools, may issue emergency tax anticipation certificates in an amount not exceeding, in the aggregate, \$2.50 per capita of the population of the district in the year 1948 and not exceeding \$5 per capita of the population of the district in the year 1949; provided, if the population of such district is less than 2,500 it may issue such certificates in an amount equal to \$5 per capita in each of such years. Such certificates may be issued and sold from time to time to supply additional funds for the operation of the schools of the district in said years, and the district may expend the amounts received from the sale of such certificates notwithstanding the provisions of any law limiting the expenditures of said district.

Subd. 2. Denominations; full faith and credit pledged. Such certificates shall be issued in such denominations as the board may determine, shall bear interest at such rate as may be fixed by the board, not exceeding four per cent per annum, and shall be sold for not less than par and accrued interest. They shall be due and

payable at such times as may be fixed by the board, not later than December 31st of the second year following the year in which issued. The board may pledge the faith and credit of the district and the levies authorized hereunder for the payment of such certificates in full, and they shall be a first charge upon the levy so pledged. In the event that at the time of the issuance of any of such certificates the district shall have money in the hands of the treasurer levied for its operation in the following calendar or fiscal year, it may issue such certificates to the treasurer, in lieu of selling them as heretofore provided, in which event funds equal to the face value of such certificates may be transferred so as to be available for expenditures in the year of issuance. Certificates so issued to the treasurer shall be held by him, and may be sold under the direction of the board when necessary to replace the funds so advanced, and shall bear interest from the date of such sale.

Subd. 3. Tax levy. At the time of making its general tax levy in the year 1949 the district may levy a tax in excess of any existing limitations in an amount sufficient for the payment of any such certificates issued in the year 1948 with interest thereon. At the time of making its general tax levy in the year 1950 the district may levy a tax in excess of any existing limitations in an amount sufficient for the payment of any such certificates issued in the year 1949 with interest thereon. Monies levied for such purpose shall be put into a special fund and shall be used for no other purpose than the payment of such certificates, and any balance in said fund after the payment thereof shall be applied towards the reduction of subsequent tax levies of the district. If certificates have been issued to the treasurer pursuant to the provisions hereof, instead of being sold, levies shall be made in accordance with the provisions of this section for the reimbursement of the monies transferred as hereinbefore provided.

Subd. 4. Prerequisite conditions for issuance of certificates. Before issuing the first certificates in any year the board shall adopt a resolution fixing the budget of estimated receipts and expenditures of the district for said year, and showing specifically the estimated total current expenditures and the estimated total non-instructional expenditures. No certificates shall be issued hereunder unless either (a) less than 35 percent of the total expenditures of the district during said year under said budget will be expended for non-instructional costs, or (b) the board, in adopting such budget, shall have reduced the expenditures for non-instructional purposes to the lowest percentage of the total expenditures consistent with the proper operation of the schools of the district. Limitation of the expenditures for non-instructional costs during said year to the percentage of total current expenditures shown by said budget may be enforced by action in the district court at the suit of any taxpayer. The resolution fixing such budget and setting forth that the requirements of either clause (a) or clause (b) of this section have been complied with shall be published at least once in a legal newspaper published in said district, or if no legal newspaper is published in said district, in the county in which the district is located. No certificates shall be issued hereunder until more than 30 days subsequent to the date of such publication. Within such period any taxpayer may bring action to enjoin the issuance of such certificates upon the ground that the requirements of neither of said alternative clauses of this section have been complied with, and if the court shall find that such district has not complied with such requirements it shall enjoin the issuance of such certificates or the making of any expenditures in excess of those permitted by other laws applicable to such district until the requirements hereof have been complied with. The court may issue such temporary restraining orders and injunctions pending final determination of any such action as it may deem proper. In the absence of the issuance of any restraining order or injunction by the court within such 30-day period, or upon the dismissal of any such restraining order or injunction, no defense may be interposed against such certificates of indebtedness in the hands of a holder thereof by reason of the provisions of this section.

Subd. 5. Definitions. Within the meaning of this section: (a) the word "year" means calendar year unless a district keeps its accounts on a school or fiscal year basis, in which event such word shall mean the school or fiscal year ending in the calendar year specified; (b) the expression "total current expenditures" means the total expenditures of the district during a year for all purposes other than (1) bonds and interest thereon, and certificates of indebtedness authorized hereby and interest thereon, (2) improvements properly chargeable as capital outlay, (3) transportation, (4) health service, and (5) that portion of the expenditures for special non-instruc-

tional activities which is recovered by charges or reimbursement collected therefor; (c) the expression "non-instructional costs" means all that part of total current expenditures which is not expended for instructional salaries, including teachers and superintendent, text and library books, instructional supplies, and other costs of instruction as defined by the State Department of Education.

[1947 c. 575 s. 1-5]

125.095 DEFINITIONS. Subdivision 1. When used in sections 125.095 to 125.098, the following words, terms and phrases shall have the meanings given them in this section.

Subd. 2. "School district" means any school district which lies in whole or in part within the boundaries of the Chippewa National Forest.

Subd. 3. "Boundaries of the Chippewa National Forest" means the boundaries thereof as certified by a proper federal authority.

Subd. 4. "Federal" means the United States of America.

Subd. 5. "Tax-forfeited lands" means lands forfeited to the State of Minnesota for nonpayment of the taxes thereon.

[1955 c. 38 s. 1]

125.096 TAX-FORFEITED LANDS, ACQUISITION. Any school district is authorized to acquire by action of its school board, without authorization by the voters of the school district, tax-forfeited lands for the purpose of exchanging such lands with the federal government for federal property, real or personal situated within the boundaries of the school district.

[1955 c. 38 s. 2]

125.097 VALIDATION. The acquisition heretofore by any school district of tax-forfeited lands for the purpose of exchanging such lands with the federal government for federal property, real or personal, situated within the boundaries of the school district is ratified and approved and the conveyance of the title of the State of Minnesota to any such tax-forfeited land to a school district is validated and confirmed.

[1955 c. 38 s. 3]

125.098 TAX-FORFEITED LANDS, EXCHANGE. The school board of any school district which has acquired or does hereafter acquire title to tax-forfeited lands is authorized to exchange any or all of such tax-forfeited lands with the federal government for federal property, real or personal, situated within the boundaries of the school district.

[1955 c. 38 s. 4]

125.101/125.33 [Repealed, 1957 c. 947 art. IX s. 9]

125.34 SCHOOL DISTRICTS, ISSUANCE OF BONDS FOR BETTERMENT OF SCHOOLHOUSES. The school board of any school district in which more than 50 percent of the valuation consists of iron ore may issue bonds for the betterment of schoolhouses not in excess of the following amounts:

(a) In school districts having a population of not more than 6,500, the total amount shall not exceed \$85,000;

(b) In school districts having a population of more than 6,500, the total amount shall not exceed \$125,000.

[1953 c. 433 s. 1]

125.35 ISSUANCE BY RESOLUTION WITHOUT APPROVAL OF VOTERS. Such bonds shall be issued and sold pursuant to the provisions of Minnesota Statutes, Chapter 475, except that the bonds authorized herein may be issued by resolution of the school board without first obtaining the approval or a vote of the electors.

[1953 c. 433 s. 2]

125.36 TAX LEVY. The school board may levy taxes for the payment of such bonds without limitation as to rate or amount and in excess of existing limitations and the moneys collected on such tax levies shall be used only for the payment of the bonds authorized herein.

[1953 c. 433 s. 3]

125.37 BETTERMENT DEFINED. The term "betterment" includes reconstruction, extension, improvement, repair, remodeling, lighting, equipping, furnishing, painting, school garages, and heating plants.

[1953 c. 433 s. 4]

125.38 SCHOOL BOARDS, BONDS FOR IMPROVING SCHOOLHOUSES. Subdivision 1. The school board of any school district in which more than 50 percent

MINNESOTA STATUTES 1957

1229

SCHOOL BOARDS; MISCELLANEOUS POWERS 125.51

of the valuation consists of iron ore may issue bonds for the betterment of school-houses not in excess of the following amounts:

(a) In school districts having a population of not more than 6,500, the total amount shall not exceed \$75,000;

(b) In school districts having a population of more than 6,500, the total amount shall not exceed \$100,000.

Subd. 2. Such bonds shall be issued and sold pursuant to the provisions of Minnesota Statutes, Chapter 475, except that the bonds authorized herein may be issued by resolution of the school board without first obtaining the approval or a vote of the electors.

Subd. 3. The school board may levy taxes for the payment of such bonds without limitation as to rate or amount and in excess of existing limitations and the moneys collected on such tax levies shall be used only for the payment of the bonds authorized herein.

Subd. 4. The term "betterment" includes reconstruction, extension, improvement, repair, remodeling, lighting, equipping, furnishing, painting, school garages, and heating plants.

[1955 c 578 s 1-4]

NOTE: Laws 1955, Chapter 469, Sections 1 to 3, were to have been coded in 1957 statutes as sections 125.41 to 125.43. Laws 1957, Chapter 947, Article IX, Section 9, reads in part:

"Minnesota Statutes 1953, as amended by Laws 1955, Sections * * *, 125.41 to 125.43, * * * are repealed."

125.46 AGREEMENTS WITH DISTRICTS IN OTHER STATES. Subdivision 1. The board of any school district with boundaries adjoining another state may enter into an agreement and contract with the school board of a school district in such adjoining state to provide for the joint erection, operation and maintenance of school facilities for both districts upon such terms and conditions as may be mutually agreed upon between such districts in accordance with the provisions of this section.

Subd. 2. An agreement proposed for adoption by a school board under this section shall be in the form and contain such terms as may be prescribed by the commissioner of education from time to time by his published order and no agreement shall be submitted to a referendum by the people under subdivision 3 unless it has first been approved by the commissioner of education in writing by endorsement thereon.

Subd. 3. An approved agreement shall be submitted to the electorate of the district at a special election called for the purpose or at an annual election in the manner provided by law. The question on the ballot at such election shall be:

"Shall the proposed agreement between this school district and school district number in county, state of as approved by the commissioner of education by endorsement dated be executed?"

YES
NO"

Subd. 4. Facilities erected and maintained pursuant to the terms of the agreement may be located in either Minnesota or such adjoining state.

Subd. 5. The district entering such agreement may borrow money, levy taxes and issue bonds and use the proceeds thereof in accordance with and subject to the limitations of Minnesota Statutes, Chapter 475 for purposes of the agreement.

[1957 c 370 s 1-5]

125.51 SCHOOLS AUTHORIZED TO JOIN ASSOCIATION. Subdivision 1. Any school board may join or permit its schools to join any organization, association or league which has as its object the promotion of sport or the adoption of rules and regulations for the conduct of athletic, oratorical, musical, dramatic or other contests by or between school children provided that such organization, association or league provides in its constitution or bylaws that the commissioner of education or as his representative the supervisor of physical and health education shall be an ex-officio member of its governing body with the same rights and privileges as other members of its governing body.

Subd. 2. The commissioner of education shall make a report to the legislature on or before each regular session thereof as to the activities of any such organization, association or league of which he is an ex-officio member and shall recommend to the legislature whether any legislation is made necessary by such activities.

[1957 c 726 s 1]