

CHAPTER 122

SCHOOL DISTRICTS; FORMATION AND ALTERATION

(SEE PREFACE PRECEDING CHAPTER 120)

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DEFINITIONS AND CLASSIFICATION

- 122.01** Subdivision 1-9. M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]
 Subd. 10. M.S. 1953 [Repealed, 1955 c 862 s 14]

122.01 DEFINITIONS. For purposes of this chapter, the words defined in section 120.02, have the same meaning.

[Ex1959 c 71 art 3 s 1]

- 120.011-122.014** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

- 122.015** M.S. 1953 [Repealed, 1955 c 862 s 14]

- 122.016-122.019** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

- 122.02** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.02 CLASSES, NUMBER. School districts shall be classified as common, independent, special or associated districts, each of which is a public corporation. Each district shall be known by its classification and each shall be assigned a number by the commissioner so that its title will be school district number

[Ex1959 c 71 art 3 s 2]

- 122.021-122.029** M.S. 1957 [Repealed, 1959 c 71 art 8 s 26]

- 122.03** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.03 ASSIGNMENT OF IDENTIFICATION NUMBERS. Subdivision 1. The commissioner of education shall, by order, assign an identification number to each district. The assignment shall be made so that each classified district has an identification number which is exclusive to it in its classification.

Subd. 2. Upon making the assignment of an identification number, the commissioner of education shall forthwith notify the clerk of the district and the county auditors of the counties in which any part of the district lies of the identification number assigned. A certified copy of the order may be recorded in the office of the register of deeds to show the new legal name of the district.

Subd. 3. From and after the making of the order, the legal identification of the district shall become and be as assigned. All records, correspondence, reports and references to the district shall thereafter refer to the district by its proper title as assigned.

Subd. 4. A number once assigned a district under section 122.02 or under any prior law, shall not be used again to identify any district in the same classification. As the need arises, and as required by law, as new districts are formed, the commissioner of education shall assign unused numbers as identification. When numbered districts are dissolved, the numbers assigned them will not be reassigned to any other district.

- Subd. 5. [Repealed, 1961 c 562 s 15]

[1957 c 947 art 10 s 1; 1961 c 562 s 1, 2]

- 122.031-122.039** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

- 122.04** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

- 122.041-122.049** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

- 122.05** M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

- 122.051-122.059** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

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122.06 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.061 M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

122.062 M.S. 1957 [Renumbered 122.03]

122.07-122.11 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

FORMATION

122.11 COMMON OR INDEPENDENT DISTRICT. Subdivision 1. A common or independent district may be organized from territory not included in a classified district if 100 or more children of school age between five and 21 reside within the proposed district and it contains an incorporated village or not less than four sections of land.

Subd. 2. A majority of the resident freeholders in the proposed district may petition the county board of the county in which the greatest land area involved lies to form a new common or independent district. The petition shall contain (a) A correct description of the territory to be included in the proposed district, together with a plat thereof showing its size and boundaries and the location of adjoining districts with the school houses therein.

(b) The number of children of school age residing in the proposed district.

(c) The reasons for the formation of the proposed district and the classification desired.

(d) The assessed valuation of the proposed district, and the location of the nearest school houses.

(e) Such other information as the petitioners may desire to affix.

(f) A recommendation of the commissioner which shall be endorsed thereon, together with his comments, if any. This recommendation shall be advisory only and not binding for any purpose.

Subd. 3. The persons circulating the petition shall attach their affidavit thereto, swearing or affirming that the persons executing the petition were resident freeholders and signed in the presence of one of the circulators.

Subd. 4. The petition shall be filed with the county auditor who shall present it to the county board at its next meeting. At the meeting, the county board shall fix a time and place for hearing the petition, which time shall be not more than 60 days and not less than ten days from the date of the meeting. The auditor shall cause one week's published notice of the hearing to be given in the county, and ten days' posted notice in the territory described in the petition.

At the hearing on the petition, the county board shall receive and hear any evidence for or against the proposed organization. The hearing may be adjourned from time to time.

Subd. 5. Within six months of the date of the filing of the petition, the county board shall issue its order either granting or denying the petition. If the petition is granted, the order shall particularly describe the district. The county board may modify the boundaries proposed in the petition by enlarging or decreasing the area. If the petition is granted, the auditor shall transmit a certified copy of the order to the commissioner who shall assign an identification number to the district and notify the auditor thereof within ten days after his receipt of the certified copy of the order.

Subd. 6. If the petition and order are for the organization of a common district, upon the receipt of the assigned identification number, the auditor shall determine a date not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, and a place for holding a meeting to organize the district. He shall cause ten days' posted notice of the meeting to be given in the district. The auditor shall call the meeting to order and act as temporary chairman of the meeting until the board has been elected. At the meeting, a chairman shall be elected to hold office until July 1 following the next annual election; the treasurer until one year from such date; and the clerk until two years from such date.

Subd. 7. (a) If the petition and order are for the formation of an independent district, upon receipt of the assigned identification number, the auditor shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of electing a board of six members for terms as follows: two until July 1 following the first annual election, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies ac-

cording to provisions of law governing the election of board members in independent districts.

(b) The auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one week's published notice shall be given. The notice shall specify the time, place and purpose of the election.

(c) The county may pay the election judges not to exceed \$1 per hour for their services.

(d) Any person desiring to be a candidate for a school election shall file an application with the auditor to have his name placed on the ballot for such office, specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(e) The auditor shall prepare, at the expense of the county, necessary ballots for the election of officers placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The auditor shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county auditor for tabulation and canvass.

(f) Upon canvass and tabulation, the auditor shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office with the auditor within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill the vacancy has been taken.

(g) The board previously charged with responsibility for education in the territory included in the district shall continue to provide for the education of the children in the district until July 1 next following the election, but such boards shall have power and authority only to make such contracts and do such things as are necessary to continue the education of the pupils for the duration of the current school term.

(h) It shall be the duty of the newly elected board to meet forthwith and to organize, and on July 1 next to assume the full duties of the care, management and control of the district.

[*Ex*1959 c 71 art 3 s 3]

122.111 M.S. 1953 [Repealed, 1955 c 858 s 13]

122.12 M.S. 1953 [Repealed, 1955 c 858 s 13]

122.12 ASSOCIATED DISTRICTS. Associated districts may be formed according to the provisions of sections 123.81 to 123.93.

[*Ex*1959 c 71 art 3 s 4]

122.13-122.21 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

ALTERATION OF DISTRICTS

122.21 DETACHMENT AND ANNEXATION OF LAND. Subdivision 1. The owner of land which adjoins any common or independent district, and whose land is not in a special district may petition the county board of the county in which the greater part of the area proposed for detachment and annexation lies to detach all or any part of his land together with the intervening lands as defined in subparagraph (b) below, from the district it now is in, and to attach it, together with such intervening land, to the adjoining district. For purpose of this section, land is adjoining a school district if:

(a) The boundary of the area proposed for detachment and annexation is the same as the district boundary to which attachment is sought at any point, including corners, or

(b) The area proposed for detachment and annexation is separated at any point from the district to which annexation is sought by not more than one-half mile and the intervening land is vacant and unoccupied or is owned by one or more of the following: The United States, or the state of Minnesota or any of its political subdivisions, or an owner who is unknown or cannot be found or

(c) The area proposed by a land owner for detachment and annexation is adjoining (as defined in subparagraphs (a) and (b) above) any land proposed for detachment from and annexation to the same district in another pending petition.

Subd. 2. The petition shall contain:

(a) A correct description of the area proposed for detachment and annexation, together with such supporting data with regard to location and title to land as will establish facts conformable to subdivision 1 hereof.

(b) The reasons for the proposed change with facts showing that the granting of the petition will not reduce the size of any district to less than four sections, unless the district has not operated a school within the district during the past two years immediately preceding the issuance of the petition.

(c) Consent to the petition, endorsed thereon at any time before the hearing by the board of the district from which the area is to be removed, if, at the time of the filing of the petition, any part of the area proposed for detachment is part of an unorganized territory or a district which maintains and operates a secondary school within the district or unorganized territory.

(d) An identification of the district to which annexation is sought.

(e) Such other information as petitioners may desire to affix.

(f) An acknowledgment by the petitioner.

Subd. 3. The petition shall be filed with the auditor who shall present it to the county board at its next meeting. At the meeting, the county board shall fix a time and place for hearing the petition, which time shall be not more than 60 nor less than ten days from the date of the meeting. The auditor shall forthwith serve notice of the hearing on each district directly affected by the petition, by mail addressed to the clerk. If any area affected by the petition is in another county, he shall mail a notice of hearing to the auditor of such county. He shall also give one week's published notice of the hearing in the county wherein the hearing is to be held, and ten days' posted notice in each school district affected. Such posted and published notice may combine pending petitions. At the hearing on the petition, the county board shall receive and hear any evidence for or against the petition. The hearing may be adjourned from time to time.

Subd. 4. Within six months of the time when the petition was filed, the county board shall issue its order either granting or denying the petition, unless all or part of the land area described in the petition is included in a plat for consolidation which has been approved by the commissioner in which event, no order may be issued while consolidation proceedings are pending. No order shall be issued which results in attaching to a district any territory not adjoining that district, as defined in subdivision 1 (a). No order shall be issued which reduces the size of any district to less than four sections unless the district is not operating a school within the district. The order may be made effective at a deferred date not later than July 1 next following its issuance. If the petition be granted, the auditor shall transmit a certified copy to the commissioner. Failure to issue an order within six months of the filing of the petition or termination of proceedings upon an approved consolidation plat, whichever is later, is a denial of the petition.

Subd. 5. Upon receipt by the commissioner of the order, he shall forthwith modify his records and any plats and petitions and proceedings involving districts affected by such order presently before him for action or record, to conform to the order.

Subd. 6. Upon the effective date of the order, the detachment and annexation ordered therein is effected, and all taxable property in the area so detached and annexed is taxable for payment of any school purpose obligations theretofore authorized by or outstanding against the district to which annexation is made. Such property is not by virtue of the order relieved from the obligation of any bonded debt theretofore incurred to which it was subject prior to the order.

[Ex1959 c 71 art 3 s 5]

122.22 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.22 DISSOLUTION AND ATTACHMENT. Subdivision 1. Any district, whether part of an associated district or not, may be dissolved and the territory be attached to other districts or become unorganized territory by proceeding in accordance with this section.

Subd. 2. Proceedings under this section may be instituted by:

(a) Resolution of the county board of the county containing the greatest land area of the district proposed for dissolution when such district has held no school within the district for two years and has made no provision for the education of its pupils for two years or when any district has had no children of school age for a period of five years.

(b) Petition executed by a majority of the resident freeholders of the district

proposed for dissolution addressed to the county board of the county containing the greatest land area of the district.

(c) Certification by the clerk of the district proposed for dissolution to the county board of the county containing the greatest land area of the district to the effect that a majority of votes cast at an election were in favor of dissolving the district.

Subd. 3. A resolution adopted pursuant to subdivision 2(a) of this section shall contain findings of necessary jurisdictional facts and shall set a date for hearing not less than ten nor more than 60 days from the date of the resolution.

Subd. 4. Petition executed pursuant to subdivision 2(b) of this section shall be filed with the auditor and shall contain:

(a) A statement that petitioners desire proceedings instituted leading to dissolution of the district and other provisions made for the education of the inhabitants of the territory; and that petitioners are resident freeholders of the district.

(b) An identification of the district.

(c) The reasons supporting the petition which may include recommendations as to disposition of territory to be dissolved. Such recommendations are advisory in nature only and are not binding on any petitioners or county board for any purpose.

(d) The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing the petition are resident freeholders and that they signed in the presence of one of the circulators.

(e) The auditor shall present the petition to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing not less than ten nor more than 60 days from the date of that meeting.

Subd. 5. Certification executed pursuant to subdivision 2(c) of this section shall be filed with the auditor and shall contain:

(a) A copy of the resolution initiating the election.

(b) A copy of the notice of election with an affidavit of publication or posting.

(c) The question voted on.

(d) The results of the election by number of votes cast for and number against the question.

(e) If an advisory ballot is taken on annexation, the question voted on and number of ballots cast for and against the proposal.

The auditor shall present the certification to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing not less than ten nor more than 60 days from the date of that meeting.

Subd. 6. When a hearing is ordered under this section, the auditor shall have ten days' posted notice of the hearing in the district proposed for dissolution, one week's published notice in the county, and ten days' mailed notice to the clerk of the district proposed for dissolution and to the clerk of each adjoining district and to the commissioner. If all or any part of the district proposed for dissolution or any adjoining district lies in another county, the auditor shall forthwith upon establishment of the hearing date, mail notice of the hearing to the auditor of each county so situated.

Subd. 7. No order dissolving a district may be issued by the county board if the district to be dissolved is included in a plat for consolidation which has been approved by the commissioner and upon which plat final action has not been taken unless all of the district to be dissolved and all of the district or districts to which attachment is proposed are included in the approved plat.

Subd. 8. Within 90 days of the date set for the original hearing or within 30 days of the termination of a consolidation proceeding which stays the order under subdivision 7, the county board may issue its order:

(a) Dismissing the proceedings.

(b) Interlocutory in character, proposing the dissolution of the district and the annexation of the territory to adjoining districts, or the entire district as a unit may be attached to and become part of a district which maintains a secondary school located within the same high school area, and there is no intervening district maintaining a secondary school.

(c) If no order is issued within the limited time, the proceedings are dismissed.

Subd. 9. An interlocutory order issued under subdivision 8(b) of this section shall contain:

(a) A statement that the dissolution of the district is proposed.

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(b) A description, by words or plat or both showing proposed disposition of territory in district to be dissolved.

(c) A statement showing the proposed distribution of the current assets and liabilities of the district to be dissolved, real and personal. If the order provides for the transfer of an interest in real estate to a district, the order may also impose a dollar amount as a claim against that district in favor of other districts which claim shall be paid and enforced in the manner provided by law for the payment of judgments against a district.

(d) The outstanding bonded debt of the district to be dissolved.

(e) A proposed effective date of the order not later than July 1 next following its issuance but not less than 45 days from date of the order.

(f) Such other information as the county board may desire to include.

The auditor shall within ten days from its issuance serve a copy of the interlocutory order by mail upon the clerk of the district proposed for dissolution and upon the clerk of each district to which it is proposed to attach any territory by the order and upon the auditor of each other county in which all or any part of the district proposed for dissolution or any district to which it is proposed to attach territory lies, and upon the commissioner.

Subd. 10. Within 45 days of the date of the interlocutory order, any district to which attachment of territory is proposed may, by resolution of the board, request an election in the area proposed for attachment on the question of assumption of debt in connection with that interlocutory order, such resolution shall contain:

(a) A request that an election be held in the area proposed for attachment, authorizing proportionate assumption of debt, or some specified part thereof, of the district requesting the election, and

(b) The total bonded debt, authorized and outstanding of the district requesting election, and

(c) The assessed valuation of the district requesting election. A copy of the resolution shall forthwith, upon issuance, be served personally or by mail on the auditor of the county issuing the interlocutory order.

Failure to make and serve such resolution within 45 days of the date of the interlocutory order is a consent to the terms of the order and a waiver of the requirement of debt assumption by the territory proposed for attachment.

Subd. 11. If the proceedings were instituted by petition, under subdivision 2(b), or by election, under subdivision 2(c) and an advisory recommendation was made in the petition or an advisory ballot taken at the election, as to annexation requested, and if the interlocutory order makes a different provision for annexation than requested, then the interlocutory order must be approved by a majority of those voting on the question at an election to be called in the district to be dissolved, under subdivision 13, the question voted on shall be:

"Shall the interlocutory order of the county board of county, dated proposing the dissolution of this school district be approved?" Yes..... No.....

Subd. 12. If a resolution is made and served under provisions of subdivision 10 within the time allowed, the auditor shall so advise the board of the district proposed for dissolution. In such case, an election shall be held in the district to be dissolved on the question of debt assumption, or if the district to be dissolved is divided, the board shall, in such case, establish voting precincts in each area in which debt is proposed for assumption. The voters in such precincts shall vote on the question: "Shall the taxable property in the area proposed for attachment to school district number assume a proportionate share of the bonded debt of such district in accordance with the resolution of the board of such district, dated, and on file with the auditor of county?" Yes No

Subd. 13. If an election is required under subdivision 11 or 12, then upon the expiration of the 45 day period allowed in subdivision 10 or upon receipt of a demand for election on the question of debt assumption from each district to which it is proposed to attach territory, whichever is sooner, the auditor shall forthwith set a date and call the election by filing a written order therefor, and serving a copy thereof personally or by mail on the clerk of the district in which the election is to be held, which date shall be not less than 15 nor more than 30 days after the date of the order, upon which date a special election shall be held in the district proposed for dissolution. The auditor shall cause notice of such election to be

posted and published according to law. Upon receipt of such notice, the board shall conduct the election.

Subd. 14. The results of each election shall be certified by the board to the auditor. If a majority of all votes cast on each question at the election approve the interlocutory order and favor the assumption of the debt, the interlocutory order becomes final and effective as of the date of the election or the date specified in the order whichever is later. Each person served with the interlocutory order shall be so notified.

Subd. 15. If a majority of votes cast at an election held on any resolution are in the negative on the issue of debt assumption, the auditor shall forthwith certify such results to the clerk of the district which made the resolution voted upon. The district making the resolution under subdivision 10 may then within ten days make and serve upon the auditor a resolution of its board withdrawing its objection to the interlocutory order and consenting to its terms and consenting to the attachment of territory without debt assumption and cancelling its resolution under subdivision 10. The auditor shall present the resolution to the county board at its next meeting and at that meeting the county board may order its interlocutory order made final and effective.

Subd. 16. If a majority of votes cast at an election held on any resolution are in the negative on the issue of debt assumption, and if the resolution of waiver provided for in subdivision 15 is not filed within the time prescribed, or if a majority of votes cast on the question of approval of the interlocutory order are in the negative, the proceedings are dismissed and terminated and the interlocutory order becomes void and of no further effect for any purpose.

Subd. 17. If proceedings which were instituted under subdivision 2(a) by the motion of the county board are terminated under subdivision 16, the county board may within 90 days thereafter without notice, dissolve the district proposed for dissolution and attach its territory to the unorganized territory of the county in which the land lies. If there is no unorganized territory in such county, it shall be created for the purpose of providing for education of the inhabitants according to the laws regulating conduct of education in unorganized territory.

Subd. 18. The bonded debt of a district dissolved under provisions of this section shall be paid according to levies made therefor under provision of Minnesota Statutes, Chapter 475. The obligation of the taxable property in the dissolved district with reference to the payment of such bonded debt is not affected by this section.

Subd. 19. If a district which is also a part of an associated district is dissolved under this section, the associated status of the district terminates upon its dissolution.

[*Ex*1959 c 71 art 3 s 6]

122.23 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.23 CONSOLIDATION. Subdivision 1. Common or independent districts or parts thereof, including those constituting parts of an associated district or unorganized territory or any combination of the foregoing may consolidate into a single independent district by proceedings taken in accordance with this section. The proposed new district must contain at least 18 sections of land. A proposed new district must be composed of contiguous areas unless an entire district is to be part of a district which maintains a secondary school and there is no district intervening which maintains a secondary school.

Subd. 2. Acting on his own initiative or upon a resolution of a school board in the area proposed for consolidation or upon receipt of a petition therefor executed by 25 percent of the voters resident in the area proposed for consolidation or by 50 such voters, whichever is lesser, the county superintendent of the county which contains the greatest land area of the proposed new district shall cause a plat to be prepared. The resolution or petition shall show the approximate area proposed for consolidation. If more than one request for a plat is received by a county superintendent and the requests involve parts of identical districts, he shall prepare a plat which in his opinion best serves the educational interests of the inhabitants of the districts or areas affected. The plat shall show:

(a) Boundaries of the proposed district, as determined by the county superintendent, and present district boundaries,

(b) The location of school buildings in the area proposed as a new district and the location of school buildings in adjoining districts,

(c) Other pertinent information as determined by the county superintendent.

Subd. 3. A supporting statement to accompany the plat shall be prepared by the county superintendent. The statement shall contain:

(a) The assessed valuation of property in the proposed district,

(b) If a part of any district is included in the proposed new district, the assessed valuation of the property and the approximate number of pupils residing in the part of the district included shall be shown separately and the assessed valuation of the property and the approximate number of pupils residing in the part of the district not included shall also be shown.

(c) The reasons for the proposed consolidation, "including a statement that at the time the plat is submitted to the commissioner of education, no proceedings are pending to dissolve any district involved in the plat unless all of the district to be dissolved and all of each district to which attachment is proposed is included in the plat,"

(d) A statement showing that the jurisdictional fact requirements of subdivision 1 are met by the proposal,

(e) Any other information the county superintendent desires to include,

(f) The signature of the county superintendent.

Subd. 4. The county superintendent shall submit the plat and supporting statement to the commissioner and a true copy of each to the auditor of each county containing any land area of the proposed new district.

Subd. 5. Upon receipt of a plat and the supporting statement, each auditor shall immediately notify his respective county board. After such notification, and during the pendency of proceedings under the plat and supporting statement or for a period of six months, whichever is shorter, no action may be taken by the county board under any other law to modify the boundary of any district if any part of the district is included in an area proposed for consolidation:

Subd. 6. The commissioner shall, upon receipt of a plat, forthwith examine it and approve, modify or reject it. He shall endorse thereon his reasons for his actions and within 60 days of the date of the receipt of the plat, he shall return it to the county superintendent who submitted it. He shall furnish a copy of that plat, and the supporting statement and his endorsement to the auditor of each county containing any land area of the proposed new district. If land area of a particular county was included in the plat, as submitted by the county superintendent, and all of such land area is excluded in the plat as modified and approved, the commissioner shall also furnish a copy of the modified plat, supporting statement, and his endorsement to the auditor of such county.

Subd. 7. Upon receipt of an approved plat, the county superintendent shall forthwith notify the board of any district, all or part of whose land is included in the proposed new district.

Subd. 8. The board of any independent district maintaining a secondary school, the board of any common district maintaining a secondary school, or the board for unorganized territory, all or part of whose land is included in the proposed new district, shall, within 45 days of the approval of the plat by the commissioner, either adopt or reject the plan as proposed in the approved plat. If the board of any such district or unorganized territory entitled to act on the petition rejects the proposal, the proceedings are terminated and dismissed. If any board fails to act on the plat within the time allowed, the proceedings are terminated.

Subd. 9. If the approved plat contains land area in more than one independent district maintaining a secondary school, or common district maintaining a secondary school, and if each board entitled to act on the plat approves the plat, each such board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the resident freeholders of any such district shall petition the clerk of the district, within 30 days after the publication of such notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote in such district at an election held in the manner provided in subdivisions 11, 12 and 13 of this section.

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the residents of such land area within 60 days of approval of plat by commissioner in the following manner:

A petition calling upon the county superintendent to call and conduct an election on the question of adoption or rejection of the plat may be circulated in such

land area by any person residing in such areas. Upon the filing of such petition with the county superintendent, executed by at least 25 percent of the resident freeholders in each district or part of a district contained in such land area, the county superintendent shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means and shall be construed to include any person or persons residing on any remaining portion of land, a part of which is included in the consolidation plat. Any freeholder owning land included in such plat who lives upon land adjacent or contiguous to that part of his land included in such plat shall be included and counted in computing the 25 percent of the resident freeholders necessary to sign such petition and shall also be qualified to sign such petition. Failure to file such petition within 60 days of approval of plat by the commissioner terminates the proceedings.

Subd. 11. Upon an election becoming callable under provisions of subdivision 10, the county superintendent shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the area, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

Subd. 12. The county superintendent shall determine the date of the election, the number of boundaries of voting precincts, and the location of the polling places where voting shall be conducted, and the hours the polls will be open. He shall provide official ballots which shall be used exclusively and shall be in the following form:

For consolidation ☐
Against consolidation ☐

He shall appoint three election judges for each polling place who shall act as clerks of election. The county may pay these election judges not to exceed \$1 per hour. The ballots and results shall be certified to the county superintendent who shall canvass and tabulate the total vote cast for and against the proposal.

Subd. 13. If a majority of the votes cast on the question at the election approve the consolidation, and if the necessary approving resolutions of boards entitled to act on the plat have been adopted, the county superintendent shall, within ten days of the election, issue his order setting a date not later than July 1 next following the election for the effective date of the change. He shall mail or deliver a copy of such order to each auditor holding a copy of the plat and to the clerk of each district affected by the order and to the commissioner. If the election fails, the proceedings are terminated and the county superintendent shall so notify the commissioner and the auditors and the clerk of each school district affected.

Subd. 14. Upon receipt of the order creating a new district, the commissioner shall forthwith, by order, assign an identification number to the new district and shall mail a copy of his order to the county superintendent and to each auditor who holds a copy of the plat. If all of the territory in one and only one independent district maintaining a secondary school is included in the new independent district created pursuant to consolidation, and if the commissioner finds that it is more practical and reasonable and in the interest of efficiency and economy of operation to so do, he may assign to the new district the same number as previously held by the included independent district.

Subd. 15. If no district is divided by virtue of the proceedings, all of the assets, real and personal, of the districts involved and all legally valid and enforceable claims and contract obligations of the districts pass to the new district. If a district is divided by virtue of the proceedings, upon receipt of the order of the commissioner, the auditor of the county containing the greatest land area of the new district shall present a copy of the plat and supporting statement and orders issued in the proceedings to the county board at its next regular meeting, together with such information as is available to him concerning the assets and liabilities not secured by bonds of each district, any part of which is included in the newly created district. Thereafter within 30 days the county board shall issue its order providing for a division of the assets of the districts involved and apportioning and dividing these assets according to such terms as it may deem just and equitable. In making this division of assets and liabilities, the county board may consider the amount of bonded debt to be assumed by property in each area under the provisions of this section. If the order of consolidation transfers any real estate interest to the new district or to another district, the order apportioning

assets and liabilities may impose a dollar claim on the district receiving the real estate in favor of any other district involved in an amount not exceeding the reasonable value of the real estate interest involved, which claim shall be paid in the manner provided by law for the enforcement of judgments.

Subd. 16. As of the effective date of the consolidation, all the taxable property in the newly created district is taxable for the payment of any bonded debt theretofore incurred by any component district in the proportion which the assessed valuation of that part of a pre-existing district which is included in the newly created district bears to the assessed valuation of the entire pre-existing district as of the time of the consolidation. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the county board dividing the assets and liabilities of the component parts. This subdivision shall not relieve any property from any tax liability for payment of any bonded obligation but taxable property in the newly created district becomes primarily liable for the payment of bonded debts to the extent of the proportion stated.

Subd. 17. If all of the territory of one and only one independent district maintaining a secondary school is included in the new independent district, the board of that previously existing independent district shall assume the duties and responsibilities of the board of the newly organized district for the balance of the term to which the members were elected. At the next annual school election the successors to the members whose terms then expire shall be elected by the legally qualified voters of the newly organized district. Thereafter, board members shall be elected according to the election procedure established for the election of board members in independent districts.

Subd. 18. (a) If no board is provided for under the foregoing provision, upon receipt of the assigned identification number, the county superintendent shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of electing a board of six members for terms as follows: two until July following the next annual election, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies according to provisions of law governing the election of board members in independent districts.

(b) The county superintendent shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

(c) The county may pay the election judges not to exceed \$1 per hour for their services.

(d) Any person desiring to be a candidate for a school election shall file an application with the county superintendent to have his name placed on the ballot for such office, specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(e) The county superintendent shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The county superintendent shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county superintendent for tabulation and canvass.

(f) Upon canvass and tabulation by the county superintendent he shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office with the county auditor within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill vacancy has been taken.

(g) The board of each district included in the new enlarged district shall continue to maintain school therein until July 1 next following, but such boards shall have power and authority only to make such contracts and to do such things

as are necessary to maintain properly the schools for the period they may be in session prior to said first day of July.

(h) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year and to enter into the necessary contracts for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes and when authorized by the voters to issue bonds under the provisions of chapter 475; and on said July 1 to assume the full duties of the care, management and control of the new enlarged district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas, as will afford equitable and efficient school administration and assure the convenience and welfare of the pupils residing in the enlarged district.

Subd. 19. In case of the consolidation of two or more districts or parts of districts into a larger district, any portions or parts of divided districts which have less than four sections of land shall be attached to one or more adjoining districts by the board of county commissioners upon due notice and hearing.

The county auditor shall give ten days' posted notice of the hearing in the area to be attached and shall deliver a copy of the notice of hearing to the clerk of each district adjoining the area at least 30 days prior to the date set for the hearing. If any adjoining district by resolution of its board, a copy of which is served on the county board before the hearing, demands that area to be attached assume a proportionate share of the bonded debt of the demanding district, then if the order of the county board attaches any land area to such district, the taxable property in such area assumes its proportionate share of the authorized and outstanding bonded debt of the district to which it is attached.

[*Ex*1959 c 71 art 3 s 7]

122.24 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.24 STATE ADVISORY COMMISSION AND SCHOOL SURVEY COMMITTEES. Subdivision 1. The state advisory commission on school reorganization as now constituted, is continued to consist of nine members. The term of the present members expires on July 1, 1959. As of that date, the state board of education shall appoint a qualified person to each vacancy on the commission, three members for a term of two years from July 1, 1959, three members for a term of four years from said July 1, and three members for a term of six years from said July 1, thereafter successors shall be appointed by the state board of education for a term of six years to hold office until a successor is appointed and qualifies. No more than three members of such commission shall be persons who are professionally engaged in education or employees of any district. Such commission shall elect a chairman from its membership. The commissioner shall be ex officio secretary and executive officer of the state commission. The state board of education is authorized to fill any vacancies which may occur in the membership of such commission. Members of such commission shall serve without compensation but may be reimbursed for necessary expenses. The state commission shall formulate aims, goals, principles, procedures of public school organization in Minnesota. The commission shall review the tentative reports of the several county school survey committees, and within 90 days after receipt thereof shall make suggestions to the respective committees concerning their reports as may seem appropriate, giving due consideration to the educational needs of local communities and economical transportation and administration, to the future use of satisfactory school buildings and sites, to the convenience and welfare of the pupils, to the ability of the several communities to support adequate schools, to equalization of educational opportunity and to any other matters which, in their judgment, seem to be advisable. On or before January 15 of each odd-numbered year, the commission shall report its activities and recommendations concerning school reorganization to the legislature.

Subd. 2. The county superintendent of each county may, and upon a petition executed by 15 percent of the members of school boards entitled to attend such meetings, shall call and hold a public meeting of all board members of school boards within the county. In case a district lies in more than one county the board members of such district shall attend the meeting in the county in which the school building or buildings thereof are situated, provided that in case the build-

ings in such district are situated in more than one county, then the board members in such district shall attend a meeting in the county in which the major portion of the area of such district is located. The county superintendent shall give published notice of the time, place and purpose of such meeting at least ten days prior thereto, and by mail addressed to each board member in the county.

Subd. 3. At such meeting the county superintendent shall have the provisions of this section explained and shall afford an opportunity for discussion of the question of establishing a county survey committee. Upon such discussion a vote shall be taken on the question: "Shall a school survey committee be formed for County?" If a majority of the votes cast on the question are negative, the meeting is adjourned and no similar meeting may be called for a period of 12 months thereafter. If a majority of votes cast on the question are affirmative, proceedings shall be taken in accordance with the terms of this section.

Subd. 4. Upon an affirmative majority vote, as described in subdivision 3, the county superintendent shall divide the school board members into two groups, and shall appoint a chairman and a secretary for each group. One group shall consist of all the board members of districts maintaining graded elementary schools or secondary schools, hereafter called urban districts, and the other group shall consist of all the other board members, hereafter called rural districts. The meeting of the members from each of such groups shall be held immediately following the adjournment of the joint county-wide meeting, or the county superintendent may fix the time and place for and call the meeting of the members of each such group for some certain day not more than 30 days thereafter, and in such case, the county superintendent shall give at least five days' written notice thereof.

Subd. 5. At the first meeting of the rural members, five persons shall be elected to the county survey committee, two members for a one-year term, two members for two-year terms, and one member for a three-year term, to serve until a successor is elected and qualifies.

At the first meeting of the urban members, four persons shall be elected to the county survey committee, one member for a one-year term, one member for a two-year term, and two members for a three-year term. In these elections, voting by proxy shall not be allowed. Such nine committeemen shall constitute the committee.

However, no district shall have more than one member on a survey committee, and if a county contains fewer school districts than the membership herein provided for, the survey committee shall be made up of such lesser number of members as may be necessary to comply with this limitation. None of the members of the survey committee shall be persons who are professionally engaged in education or elected state or county officers or who are employees of any district. The election of the members of the committee shall be by secret ballot and a majority vote of the districts represented shall be necessary to elect. The persons elected shall be certified by the chairman and the secretary of the group to the county superintendent. Each school district shall have one vote for each member of the committee to be elected.

Subd. 6. Annually thereafter, on the date of the regular annual county school officers' meeting in any county wherein a survey committee is organized, the county superintendent shall conduct a meeting of all school board members qualified to attend a first meeting, and shall divide the members present into urban and rural groups for the sole purpose of electing committeemen to fill vacancies on the school survey committee. At this meeting 25 percent of the membership constitutes a quorum. Persons elected at an annual meeting shall serve for a term of three years to serve until a successor is elected and qualifies. Election procedure at an annual meeting is as prescribed for a first meeting.

Subd. 7. In any county having a survey committee at the time of the adoption of this section, the term of office of each member expires on July 1, 1961, and prior to that date in any such county the county superintendent shall call a meeting of school board members and shall divide the members attending in two groups, urban and rural and at such divided meeting the members shall elect a school survey committee to staggered terms as provided for a first meeting.

Subd. 8. Any survey committee may be dissolved on its own motion upon approval by the commission. At any time after such dissolution, a survey committee may be established by proceedings taken in accordance with this section for creation of a survey committee.

Subd. 9. The committee shall meet at the call of the county superintendent

at a time and place within the county fixed by the county superintendent within ten days of the election. At its first meeting, the committee shall organize and shall elect one of its members as chairman and another of its members as vice-chairman. Annually, thereafter the committee shall elect a chairman and vice-chairman. The county superintendent ex officio, shall serve as executive secretary of said committee. Members of the committee shall serve without compensation but shall be reimbursed to the extent moneys are available for their actual expenses incurred in the discharge of their duties as members of the committee from county funds, as hereinafter provided. The county superintendent shall provide clerical assistance and supplies and other facilities for the committee to the extent that the same are available to his office.

The committee shall meet regularly on a day and at a time and place to be fixed by the committee. Special meetings of the committee may be called by the chairman and shall be called by the secretary upon request in writing signed by three members of the committee.

Subd. 10. The committee shall have power and it shall be its duty: (1) to study the school districts and unorganized territory of the county and their organization for the purpose of recommending desirable reorganization which in the judgment of the committee will afford better educational opportunities for the pupils and inhabitants of the county, a more equitable, efficient and economical administration of public schools and a more equitable distribution of public school revenues; in the course of its study, with the aid of the county superintendent, it shall assemble and keep current data relating to the schools of the county and their financial status, boundaries, organization, and other matters affecting their proposals and (2) to confer with school authorities and residents of the districts of the county, hold public hearings, and furnish to board members and to the public information concerning reorganization of districts in the county; and (3) to make reports of its study and recommendations, including a map or maps showing existing boundaries of districts and the boundaries of proposed or recommended districts, concerning the reorganization and financing of the districts of the county.

Subd. 11. When there are proposed districts which include territory in more than one county, the survey committee considering the proposal may appoint a subcommittee of three members designating one as chairman who shall arrange to meet with a like subcommittee of each other survey committee affected. The committee considering the proposal may by resolution request the survey committee of an affected adjoining county to appoint a like subcommittee of three members to cooperate in the study of the proposal.

Subd. 12. When a proposed larger administrative district should extend into one or more counties and one or more of such counties have no survey committee, then the survey committee of the adjoining county in which a portion of such proposed district will lie may request the county superintendent of the county having no survey committee to call a meeting of the board members of the districts that logically belong in the proposed larger administrative district for the purpose of organizing a committee to represent the area in the county without an official committee which is proposed to be included in the larger district. Within 20 days after receiving such request, the county superintendent shall call a meeting of the board members of the districts concerned.

The matter of establishing a committee of three members to represent the area and to work cooperatively with the subcommittee of the adjoining county in the preparation of a joint recommendation for the reorganization of school districts shall be presented to the board members of the districts affected. The question of establishing such a committee shall be submitted to the board members, and if a majority of the board members present and voting shall be in favor thereof, a committee of three members shall be elected.

The committee elected shall cooperate with the subcommittee of the adjacent county or counties in developing recommendations to be submitted to the survey committee of the adjacent county and it shall be submitted in the same manner as provided for regular survey committees, and the vote on the recommendations shall be in accordance with the provisions of this section.

Subd. 13. A survey committee may prepare a tentative report with recommendations covering the county or in event a new tentative report is being filed, the county or any part thereof, and shall file the same in the office of the county superintendent, and furnish a copy thereof to each member of the boards in the

county. No change shall be made in the tentative recommendations by the school survey committee for any proposed area until after completion of the hearings affecting that area. Fifteen copies of a tentative report shall be filed with the commissioner who shall forward a copy to each of the members of the state commission. The county superintendent shall cause to be published in the official newspaper of the county or a newspaper of general circulation in the area affected a summary of a tentative report prepared by the committee, and shall give one published notice of the filing of a tentative report, and that the same may be examined in his office, and shall fix a time not less than 30 days after the filing thereof with the county superintendent of the place at which any taxpayer or resident of the area desiring to be heard with reference to the report or any part thereof may appear before the committee.

Subd. 14. Upon the date so fixed by the county superintendent and such subsequent dates as may be necessary, the committee or subcommittee thereof shall hold public hearings at which residents or taxpayers of the area affected shall be afforded an opportunity to appear before the committee and be heard with reference to any tentative report. At the hearing, the committee shall explain the benefits and advantages and any disadvantages resulting from the reorganization of the district as the same appear to the committee. Any taxpayer or resident of the area or any affected district shall be heard with reference to the reorganization of any such district. At its hearing, the committee shall also receive and consider such suggestions as may be made by the state commission concerning the committee's tentative report and the recommendations made therein.

Subd. 15. Within six months after the filing of a tentative report, a final report of the committee with recommendations and with a map or maps showing the boundaries of the present school districts in the county and the boundaries of the proposed school districts in the county shall be filed with the county superintendent who shall cause to be published in the official newspaper of the county or a newspaper of general circulation in the area affected a summary prepared by the committee of its final report. Fifteen copies of such report shall at the same time be filed with the commissioner and a copy thereof shall be furnished to each school board member in the county by the county superintendent. The report shall be available for the public inspection in the office of the county superintendent and the office of the commissioner.

The survey committee may amend its final report at any time within 60 days after it has been filed with the county superintendent by filing a copy of the amendment with the county superintendent. The amendment shall be published and served in the same manner as the final report.

Subd. 16. The board of any district affected by recommendation of any final report or amendment thereto may by resolution appeal to the state commission by filing with the secretary of the commission a written brief of its grievances, a copy of which shall be filed with the survey committee in the county or counties affected. Such appeal must be made within 70 days after the filing of the final report. Upon the filing of such brief, the state commission shall provide for a hearing within 45 days before a board of appeal to be selected by the state commission. The board of appeals shall consist of five persons who are not residents of the county or counties affected but who shall come from the section of the state affected. It shall be the duty of such board of appeals to consider the facts of the case at the hearing which may adjourn from time to time and to render a decision within 30 days of the first day of the hearing on appeal. The secretary of the commission shall give ten days' notice of a hearing before the appeals board to each district affected, and to the county survey committee by mail addressed to the clerk thereof and any affected district may appear by counsel at the hearing. The county survey committee may appear at the hearing by counsel retained for the purpose at the expense of the county. A copy of the decision shall be furnished each affected district, the survey committee of the county or counties affected, and the state commission. The survey committee shall make any changes necessary to incorporate the findings of the board of appeal in the proposal which is to be submitted to the voters. Members of the board of appeals shall be entitled to compensation of \$10 per day, plus sustenance and traveling expenses, which together with necessary clerical help, shall be paid 50 percent from state funds and 50 percent from the funds of the district or districts initiating the appeal.

Subd. 17. Within 30 days after the receipt by the survey committee of the

decision of the appeal board if an appeal is taken under the provisions of subdivision 16, or if no appeal is taken from a final report, within five days of the expiration of the time allowed for such appeal, the county superintendent shall call a special election on the question of approving the reorganization of districts as proposed in the final report. The election shall be held not less than 20 nor more than 30 days from the time of the call by the superintendent. The election notice shall be by one week's published notice in the county and by ten days' posted notice of election in each school district affected.

Subd. 18. The county superintendent or, in the event that more than one county is involved in the reorganization proposal, the county superintendent of the county having the greatest land area in the proposed reorganization shall establish voting precincts and determine polling places in such a manner that the electorate of each new proposed district may have its total vote counted separate and distinct from each other new proposed district.

If any districts maintaining a graded elementary school are located within any such proposed district or territory, then one or more voting precincts shall be established wholly within the limits of such urban districts and one or more voting precincts shall be established wholly within that part of the district or territory lying outside the limits of such urban districts, and the proposition to reorganize such district shall not be deemed to have received a majority of the votes cast on the proposition or to carry, unless a majority of the votes cast within such urban districts and a majority of the votes cast in such territory outside of such urban districts, the count to be taken separately, each are in favor of establishing such school district. When one or more districts maintaining graded elementary and secondary schools are included in a recommendation the votes shall be counted separately in each district and unless a majority of the votes cast in each such district is in favor of the proposition to reorganize the proposal fails.

Subd. 19. The county superintendent, or in the event that more than one county is involved in the reorganization proposal, the county superintendent of the county having the greatest land area in the proposed reorganization, with the approval of the survey committee, shall determine the date of the election, the number of voting precincts, the polling places where such voting shall be conducted and the hours the polls will be open. Whenever possible the election shall be held in the school building of the school districts included in the proposal. The polls shall be open for at least two hours, and may be open for a longer period, not to exceed 12 hours, if so designated in the posted and published notices. The county superintendent, with the approval of the survey committee, shall appoint three election judges for each polling place, who shall be board members if they are available. The judges shall act as clerks of election, and canvass the ballots cast and thereafter submit the same to the survey committee.

The ballots used at the election shall read substantially as follows:

"Shall independent school districts number,, and common school districts number,, and unorganized territory of county described generally as follows be reorganized into independent school districts according to the recommendations contained in the final report of the county survey committee filed with the county superintendent of schools on the day of, 19.....?

Yes.....
No....."

Subd. 20. If an election held pursuant to this section rejects the recommendations of the survey committee, the survey committee may order the county superintendent to call and conduct another election on the same final report and additional elections on the same final report. Subsequent elections on one final report shall be called and conducted as provided in this section for initial elections.

Subd. 21. If an election held pursuant to this section rejects the recommendations of the survey committee the survey committee may amend its final report and refile it as amended with the county superintendent and the state advisory commission and upon such filing of the amended final report, proceedings shall be had thereon as on a final report made and filed under this section.

If the recommendations of a final report or amendments thereto are not adopted within three years from filing of the final report, a new tentative report must be issued and proceedings be had according to law prior to any election.

Subd. 22. A final report of a survey committee may recommend the assump-

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tion of all or any part of the bonded indebtedness of any district, any part of which is included in a new district, by the new district. If such recommendation is contained in the final report, the vote of the electorate in favor of the reorganization is a vote to assume the indebtedness in an amount and to the extent indicated in the final report. This subdivision shall not relieve any property from any tax liability, for the payment of any bonded obligation, but taxable property in the newly created district becomes primarily liable for the payment of bonded debts to the extent indicated in the final report.

Subd. 23. If a majority of the votes cast at the election be for reorganization, the county superintendent, within ten days thereafter, shall certify the results of the election to the commissioner and transmit a copy to the auditor of each county in which any part of the district affected lies, and to the clerk of each district affected. Upon receipt of the order, the commissioner shall forthwith assign identification numbers to the new districts created by reorganization and shall by order determine a date not more than 90 days from the date of the election when the reorganization becomes effective. He shall advise the county superintendent and the appropriate auditor, and the clerk of each district affected of such assigned number and effective date.

Subd. 24. If a reorganization is approved by the voters the auditor shall present the final report to the county board at its first regular meeting following the effective date of the reorganization, together with such information as is available to him concerning the assets and liabilities not secured by bonds of each school district, any part of which is included in a newly created district. At this meeting, the county board shall make a division of the assets of the districts involved and shall apportion and divide assets according to such terms as it may deem just and equitable. The county board shall also make such assignment of all liabilities and obligations not secured by bonds as it may deem just and equitable. In arriving at a distribution of the assets and liabilities, the county board may consider the arrangements made for transfer of bonded debt if any is made in the final report. If title to real estate is affected, a copy of the resolution shall be filed with the proper register of deeds at the expense of the county wherein the land lies. The resolution shall be effective as a conveyance and transfer of any interest in any property, real or personal, according to its terms.

If the order transfers any real estate to the new district or to another district, the order may impose a dollar claim on the district receiving the real estate in favor of any other district involved which claim shall be paid in the manner provided by law for the enforcement of judgments.

Subd. 25. When two or more existing districts or parts of districts, however organized, including a common, independent or special district, or unorganized territory are reorganized into a larger school district, the reorganized district shall thereby become an independent school district.

In case of the reorganization of two or more districts or parts of districts into a larger district, any portions or parts of divided districts which have less than four sections of land shall be attached to one or more adjoining districts by the board of county commissioners upon due notice and hearing.

The county auditor shall give ten days' posted notice of the hearing in the area to be attached and shall deliver a copy of the notice of hearing to the clerk of each district adjoining the area at least 30 days prior to the date set for the hearing. If any adjoining district by resolution of its board, a copy of which is served on the county board before the hearing, demands that area to be attached assume a proportionate share of the bonded debt of the demanding district, then if the order of the county board attaches any land area to such district, the taxable property in such area assumes its proportionate share of the authorized and outstanding bonded debt of the district to which it is attached.

Subd. 26. (a) Upon receipt of the assigned identification number, the county superintendent shall determine a date, not less than 20 nor more than 30 days from the date of the receipt by him of the assigned identification number, or if the assigned identification number is received by the county superintendent during the 60 days immediately preceding the third Tuesday in May, he shall set that date, upon which date shall be held a special election in each new district for the purpose of electing a board of six members for terms as follows: Two until July 1 following the next annual election, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies.

(b) The county superintendent shall, with the consent of the county survey committee determine the hours the polls shall be open, and the number and location of the voting precincts and the polling places therein. He shall appoint three election judges for each polling place and provide the official ballots. The election judges, who shall serve as clerks of the election, shall return all marked ballots with a certificate of the results of the precinct election to the county superintendent for canvass and tabulation.

(c) The county superintendent shall give ten days' posted notice of election in the district in which the election is to be held and also if there be a newspaper published in the district, one week's published notice shall be given. The notice shall specify the time, place and purpose of the election.

(d) The county board may pay the election judges not to exceed \$1 per hour for their services.

(e) Any person desiring to be a candidate for a school district office at this election shall file with the county superintendent an application to be placed on the ballot for such office specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(f) The county superintendent shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election.

(g) Upon canvass and tabulation, the county superintendent shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail and each person so certified shall file an acceptance and oath of office with the auditor within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill the vacancy has been taken.

(h) The board of each district included in the new enlarged district shall continue to maintain school therein until July 1 next following, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to properly maintain the schools for the period they may be in session prior to said first day of July.

(i) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year and to enter into the necessary contracts for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes and when authorized by the voters to issue bonds under the provisions of chapter 475; and on said July 1 to assume the full duties of the care, management and control of the new enlarged school district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas as will afford equitable and efficient school administration and assure the convenience and welfare of the pupils residing in the enlarged districts.

(j) If the proposal to be voted upon contains land in more than one county, the duties of the county superintendent shall be performed by the county superintendent of the county containing the greatest land area in the proposed reorganized districts.

Subd. 27. The county board shall and is hereby authorized to levy sufficient taxes in excess of existing limitations to defray expenses payable by the county under provisions of this section.

[Ex1959 c 71 art 3 s 8]

122.25 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.25 COMMON DISTRICT TO INDEPENDENT DISTRICT. Subdivision 1. If six or more resident freeholders of a common district desire to change the organization of their district to an independent district, they may call for a vote upon the question at the next annual meeting by filing a petition therefor with the clerk. In the notice for the meeting, the clerk shall include a statement that the question will be voted upon at the meeting.

Subd. 2. At the annual meeting, if a majority of the votes cast on the question favors the conversion to an independent district, a board of six members shall

be elected. Nominations may be made from the floor of the meeting and election shall be by secret ballot. All board members elected at this meeting shall serve for terms expiring on the third Tuesday in May next following the election on which date a regular annual election shall be held in the manner provided by law. At this first annual election for independent districts, six directors shall be elected, two to hold office until July 1 following the next annual election, two to hold office until the expiration of one year from said July 1 and two to hold office until the expiration of two years from said July 1; the time which each director shall hold office being designated on the ballot.

Subd. 3. If the organization of the district is changed from common to independent at the meeting, the clerk shall forthwith notify the auditor and the commissioner.

Upon receipt of such notification, the commissioner shall forthwith assign a new identification number to the district and shall notify the auditor and the clerk of the district thereof.

Subd. 4. As of the date of election, if a majority of votes cast on the question favor the conversion to an independent district, the classification of the district is changed from common to independent. Title to all the property, real and personal, of the common district passes to the independent district and all current outstanding contractual obligations, including the bonded indebtedness, if any, of the common district, together with any legally valid and enforceable claims against the common district are imposed on the independent district.

Subd. 5. Upon receipt of the identification number from the commissioner, the clerk of the district shall record such change of number with the register of deeds in any county in which the common district owns any real estate.

[Ex1959 c 71 art 3 s 9]

122.26 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.26 SPECIAL DISTRICT TO INDEPENDENT DISTRICT, ST. PAUL AND DULUTH. Subdivision 1. If the people of a special district containing less than 400,000 inhabitants or not located in a county containing more than 5,000 square miles desire to change their organization to an independent district they may proceed in accordance with this section.

Subd. 2. The board of any special district, upon filing of a petition with the clerk of the district executed by qualified voters of the district, stating upon each page of the petition on which signatures appear that they favor the conversion, and in number not less than five percent of the number of voters at the preceding district general election shall, or the board on its own motion may, by resolution order a vote to be taken on the question of such conversion at the next election occurring in such district or at a special election called for the purpose at the request of the board. The election notice shall specify the question to be voted on and shall be given one week's published notice and ten days' posted notice in the district. The petition shall be accompanied by the affidavit of the persons circulating it, swearing or affirming that the persons executing the petition were qualified voters of the district, and that the petition was signed in the presence of one of the circulators.

Subd. 3. If a majority of the votes cast at the election on the question approve the proposed conversion, the clerk of the district shall forthwith certify the results to the commissioner who shall, by order, assign an identification number to the district and determine a date not later than July 1 next following the election for the effective date of the change.

Subd. 4. Upon conversion, the district shall continue to be governed by the board until the next annual election for independent districts, at which election, seven board members shall be elected, three for a one-year term, two for a two-year term, and two for a three-year term, and all until successors are elected and qualified. Provided, however, that in districts which are converted and lie wholly or partly within a city of the first class, the election procedure shall be as follows:

In such districts, there shall be seven board members elected for a six-year term at the same time as the municipal elections are held, and the terms shall commence as of the same date as for independent districts generally. All candidates for board members shall file for office in the manner provided for municipal officers and a number of candidates equal to twice the number of board vacancies shall be nominated at the municipal primary election. All provisions of law relat-

ing to such municipal elections shall apply to school elections. In such districts, which had seven members on the board, such board shall continue to hold office until the expiration of their terms, and until their successors are elected and qualify. In such districts which had nine members on their board, the members shall continue to hold office until their successors are elected and qualify under the following procedure:

As of June 30, following the first school election occurring after the conversion, the terms of office of the six members with the shortest time left to serve shall expire and there shall be elected at such school election two members for a four-year term, and two members for a six-year term, and, as of June 30, following the next school election occurring thereafter, the terms of the last three members of the prior board shall expire, and three members shall be elected at such election for a six-year term.

Subd. 5. If a district is divided into separate election districts at the time of its conversion under this section, the board, before the election of the new board, may, by resolution, provide for election districts for the election of the new board, specifying the terms as one, two, or three years, to which members from each election district (or at large district) shall be elected at the first election. Such election districts shall continue thereafter until changed pursuant to law. In the event the resolution is not adopted, providing for such districts, the members of the new board shall be elected at large.

Subd. 6. Converted districts shall contract with the cities in which located for such facilities as are furnished by the civil service bureau, and unless the board and city governing body each adopt a resolution declaring that a particular function would be most efficiently and effectively handled separately, the board shall contract on a pro rata cost basis with the city for such facilities and services as are provided by the purchasing department, comptroller, legal department and election and other services supplied by such cities, provided, however, that the board may contract for other legal services when the interests of such district and such city are in conflict in any legal matter and provided further that such board may contract for architectural services for the planning and construction of new school buildings when funds have been made available for construction of such school buildings.

Subd. 7. If a majority of votes cast on the question favor the conversion to an independent district, the special district is dissolved and a new independent district is created, effective as of the date determined by the commissioner in accordance with subdivision 3. Title to all of the property, real and personal, of the dissolved district passes to the independent district and all current outstanding contractual obligations, including the bonded indebtedness, if any, of the special district, together with any legally valid and enforceable claims against the dissolved district are imposed on the new independent district.

Subd. 8. As of the effective date of a conversion under this section, the organization, operation, maintenance and conduct of the affairs of the converted district shall be governed by general laws relating to independent districts, except as otherwise provided in Extra Session Laws 1959, Chapter 71, and all special laws and charter provisions relating only to the converted district are repealed, except Laws 1957, Chapter 264, and Laws 1917, Chapter 166, which shall continue to apply only to the school districts to which such acts applied prior to the effective date of Extra Session Laws 1959, Chapter 71, whether or not such districts are converted; provided further, where an existing pension law is applicable to employees of a special district such law shall continue to be applicable in the same manner and to the same extent to employees of the successor district, general laws applicable to independent school districts wholly or partly within cities of the first class shall not be applicable to any special district after conversion thereof to an independent district, the provision of the statute applicable only to teachers retirement fund associations in cities of the first class, limiting the amount of annuity to be paid from public funds, limiting the taxes to be levied to carry out the plan of such associations, and limiting the amount of annuities to be paid to beneficiaries, all as contained in Minnesota Statutes, Section 135.24, shall not be applicable to any such special district after conversion to an independent district, but the statutes applicable to such special district prior to the conversion shall continue to be applicable and the pension plan in operation prior to the conversion shall continue in operation until changed in accordance with law, and the teacher

tenure law applicable to the special district before conversion shall continue to apply to the independent district after conversion in the same manner and to the same extent to teachers in the successor district; provided further, where existing civil service provisions of any law or charter are applicable to special district employees, such provision shall continue to be applicable in the same manner and to the same extent to employees of the successor district. Notwithstanding any contrary provision of Extra Session Laws 1959, Chapter 71, if, before the conversion, there was in the district a teachers retirement fund association operating and existing under the provisions of Laws 1909, Chapter 343, and all acts amendatory thereof, then such teachers retirement fund association shall continue to exist and operate under and to be subject to the provisions of Laws 1909, Chapter 343, and all acts amendatory thereof, after the conversion to the same extent and in the same manner as before the conversion, and, without limiting the generality of the foregoing, such teachers retirement fund association shall continue, after the conversion as before the conversion, to certify to the same authorities the amount necessary to raise by taxation in order to carry out its retirement plan, and it shall continue, after the conversion as before the conversion, to be the duty of said authorities to include in the tax levy for the ensuing year a tax in addition to all other taxes sufficient to produce so much of the sums so certified as said authorities shall approve, and such teachers retirement fund association shall not be subject after the conversion to any limitation on payments to any beneficiary from public funds or on taxes to be levied to carry out the plan of such association to which it was not subject before the conversion.

Subd. 9. In the event a city has outstanding bonded indebtedness incurred for school purposes, the amount of the city debt which is properly attributable to the school district shall be fixed by mutual agreement between the governing bodies of the city and district and a statement of the amount thereof shall be published once in the official newspaper of the city. The determination shall be binding on both city and district unless set aside by an action by a taxpayer or other interested party instituted within 30 days of the date of such publication.

Subd. 10. The board of any independent district lying wholly or partly within a city of the first class may borrow money upon negotiable tax anticipation warrants or certificates of indebtedness, in the manner and subject to the limitations set forth in this section, for the purpose of anticipating general taxes theretofore levied by the district for school purposes, but the aggregate of such borrowing remaining unpaid at any time shall never exceed 50 percent of such taxes which are due and payable in the calendar year, and as to which taxes no penalty for nonpayment or delinquency has attached.

Subd. 11. The board may also borrow money, in the manner and subject to the limitations hereinafter set forth, in anticipation of receipt of state aids for schools as defined in Minnesota Statutes and of federal school aids to be distributed by or through the state department. The aggregate of such borrowings remaining unpaid at any time shall never exceed 75 percent of such aids which are receivable by said school district in the calendar year in which the money is borrowed, as estimated and certified by the commissioner.

Subd. 12. The board may authorize and effect such borrowing, and may issue such warrants or certificates of indebtedness upon passage of a resolution, specifying the amount and purposes for which it deems such borrowing is necessary, which resolution shall be adopted by a vote of at least two-thirds of its members. The board shall fix the amount, date, maturity, form, denomination, and other details thereof, not inconsistent herewith, and shall fix the date and place for receipt of bids for the purchase thereof, and direct the clerk to give notice thereof.

Subd. 13. The proceeds of the current tax levies and future state aid receipts or other school funds which may become available, shall be applied to the extent necessary to repay such certificates or warrants and the full faith and credit of the school district shall be pledged to their payment. They shall mature not later than the anticipated date of receipt of school taxes for the current year or of the aids so anticipated as estimated by the commissioner, but in no event later than the last day of the calendar year in which issued. The certificates shall be sold at not less than par. The certificates shall bear interest after maturity until paid at the rate they bore before maturity, and any interest accruing before or after maturity shall be paid from any available school funds.

Subd. 14. The clerk of the board shall give notice of the proposed sale, as required by Minnesota Statutes, Chapter 475. At the time and place so fixed, such

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certificates may be sold by the board or its officers if authorized by the board, to the bidder who will agree to purchase the same on terms deemed most favorable to the district. Such certificates shall be executed and delivered as required by Minnesota Statutes, Chapter 475. The money so received shall be disbursed solely for the purposes for which such taxes are levied or aids are receivable.

Subd. 15. Any converted district located wholly or partly within a city of the first class is subject to a further limitation on its bonded indebtedness in addition to that imposed by Minnesota Statutes, Chapter 475 in that no such district is subjected to a net debt in excess of 20 percent of the assessed value of all taxable property therein.

Subd. 16. The board of an independent district located wholly or partly within a city of the first class may not levy taxes on real and personal property for school purposes in any year at a mill rate to exceed the mill rate of such district or any predecessor district or on behalf of the district for the preceding year, except as authorized by this section. When such independent district results from the conversion of a special district, the amount of taxes from which the first mill rate of the new district is calculated shall include the estimated or agreed cost of all services which may have previously been furnished by the municipality without cost to the school district. The levy under this limitation shall not include levy for pensions, employee benefits, and debt service which shall continue to be levied separately as now provided by law. Nothing herein shall authorize a levy in excess of the limitation contained in Minnesota Statutes, Section 275.12.

Subd. 17. If the board desires to increase the tax limitation imposed by subdivision 16, it shall adopt a resolution which shall contain the following information:

(a) The then current mill rate limitation imposed upon the district by subdivision 16,

(b) The increase recommended by the board, together with a statement that it is the recommendation of the board to so increase the tax rate,

(c) Setting a date and place for a public hearing on the recommendation of the board. The date shall be not less than 20 nor more than 60 days from the date of the resolution.

Subd. 18. The board shall give two weeks' published notice of the public hearing. The notice shall contain a copy of the resolution.

Subd. 19. Not less than ten days nor more than 30 days after this special meeting, the board may establish a new limitation not in excess of that contained in the notice of hearing on the maximum tax levy that can be imposed, expressed in dollars per resident pupil unit as used in section 124.17. This new limitation shall not exceed the higher of the limitations calculated as provided in Minnesota Statutes, Section 275.12. This new limitation shall take effect 60 days after the date of said resolution unless the people take action to reject the limitation in the manner provided in subdivision 20.

Subd. 20. If, within 60 days after the adoption of a resolution setting a new limitation, a petition is filed with the school board signed by qualified voters of the city equal in number to not less than five percent of those voting at the last previous school district election, which petition shall contain upon each page on which signatures appear a statement that the signers oppose the limitation established by the board, and requesting that the proposed new limitation be submitted to the people, for their approval or rejection, the board shall have the question submitted at the next election or at a special election called for that purpose. The board shall cause a notice of election to be published once each week for three consecutive weeks prior to the date of election in a daily newspaper of general circulation in the city announcing the forthcoming election and its purpose. The first publication shall be made not more than 30 days before the election. The ballot used at the election shall have printed thereon the following:

"Shall the maximum tax levy for school purposes proposed by the school board of (\$..... per capita) or (\$..... per resident pupil unit) in accordance with the resolution of the board dated..... be approved?

Yes.....

No"

Subd. 21. If a majority of those voting on the question vote in the affirmative, the proposed new limitation shall take effect otherwise the same shall be rejected.

Subd. 22. If the people of a special district located in any county containing

more than 5,000 square miles desire to change their organization to an independent district they may proceed in accordance with this subdivision.

(1) The governing body of any special district, may, and upon the filing of a petition with the clerk of the district executed by at least 200 of the qualified voters of the district shall, by resolution, order a vote to be taken on the question of such conversion at a special election called for the purpose not less than 15 nor more than 60 days from the date of the resolution. The special election notice shall specify the question to be voted on and shall be given one week's published notice and ten days' posted notice in the district.

(2) If a majority of the votes cast at the election on the question approve the proposed conversion, the clerk of the district shall forthwith certify the results to the commissioner who shall, by order, assign an identification number to the district and determine a date not later than July 1 next following the election for the effective date of the change.

(3) If the special district is governed by a board of education, such board shall continue to hold office until the next annual election for independent districts, to be held under the provisions of law governing annual elections, at which election seven members of the independent district shall be elected three for a one-year term, two for a two-year term and two for a three-year term until successors are elected and qualify.

(4) If a district is divided into separate election districts at the time of its conversion under this section such districts shall be continued and the board before the election of a new board shall specify the terms as one, two or three years to which members from each district shall be elected at the first election or the board may by resolution declare that members shall be elected at large.

(5) As of the effective date of the conversion effected under this section, all special laws and charter provisions relating to the converted district are repealed and the organization, operation, maintenance and conduct of the affairs of the district shall be governed by general laws relating to independent districts.

(6) As of the date of the election, if a majority of votes cast on the question favor the conversion to an independent district, the special district is dissolved and a new independent district is created. Title to all of the property, real and personal, of the dissolved district passes to the independent district and all current outstanding contractual obligations, including the bonded indebtedness, if any, of the special district, together with any legally valid and enforceable claims against the dissolved district are imposed on the new independent district.

(7) In any municipality where an existing pension law is applicable to employees of a special district such law shall continue to be applicable to the same extent to employees of the successor district.

(8) In any municipality where existing civil service provisions of any law or charter are applicable to special district employees, such provisions shall continue to be applicable in the same manner and to the same extent to employees of the successor district.

Such districts shall contract with the cities in which located for such facilities as are furnished by the civil service bureau, and unless the board and city governing body each adopts a resolution declaring that a particular function would be most efficiently and effectively handled separately, the board shall contract on a pro rata cost basis with the city for such facilities and services as are provided by the purchasing department comptroller, legal department and other services supplied by such cities, provided, however, that the board may contract for other legal services when the interests of such district and such city are in conflict in any legal matter and provided further that such board may contract for architectural services for the planning and construction of new school buildings when funds have been made available for construction of such school buildings.

[Ex1959 c 71 art 3 s 10; 1961 c 562 s 9]

122.27-122.32 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.40-122.55 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.553 M.S. 1953 [Repealed, 1955 c 858 s 13]

122.56 M.S. 1949 [Repealed, 1953 c 744 s 12]

122.57 M.S. 1953 [Repealed, 1957 c 947 art 9 s 9]

122.58-122.67 M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

122.71 M.S. 1957 [Renumbered 123.81]

122.72 M.S. 1957 [Renumbered 123.82]

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122.73	M.S. 1957	[Renumbered 123.83]
122.74	M.S. 1957	[Renumbered 123.84]
122.75	M.S. 1957	[Renumbered 123.85]
122.76	M.S. 1957	[Renumbered 123.86]
122.77	M.S. 1957	[Renumbered 123.87]
122.78	M.S. 1957	[Renumbered 123.88]
122.79	M.S. 1957	[Renumbered 123.89]
122.80	M.S. 1957	[Renumbered 123.90]
122.81	M.S. 1957	[Renumbered 123.91]
122.82	M.S. 1957	[Renumbered 123.92]
122.83	M.S. 1957	[Renumbered 123.93]