

1944 Supplement
To
Mason's Minnesota Statutes, 1927
and
Mason's 1940 Supplement

Containing the text of the acts of the 1941 and 1943 Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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Statute making a violation of traffic laws prima facie evidence of negligence only instead of conclusive evidence thereof does not prevent court from passing upon compelling force of evidence in an appropriate case. *Id.*

A boy 20 years of age approaching a grade railroad crossing in a dense fog at 30 miles per hour was guilty of contributory negligence as a matter of law. *Id.* See *Dun. Dig.* 4167e.

CHAPTER 13A

Vessels Navigating Lakes and Rivers

MOTOR BOATS

2740-1. Definition.

Inspection by state boiler inspectors is required in case of motor boat used exclusively for towing row boats which are occupied by a pilot and persons fishing or outing on inland lakes. *Op. Atty. Gen.* (34g-2), Apr. 24, 1942.

CHAPTER 14

Education

2741. Public schools—Tuition free—Age of pupils.

[Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-12(1).

Where voters of school district voted to exclude children of orphan home from school, and school board acted thereon, board was proper party defendant in action in mandamus to compel admission of children to school. *State v. School Board of Consol. School Dist. No. 3*, 206 M63, 287NW625. See *Dun. Dig.* 8660.

Word "resides" is used in broad sense of being an inhabitant as distinguished from more restricted sense of domicile, and children of proper age inhabiting an orphan home in a school district are entitled to free education therein. *Id.* See *Dun. Dig.* 8660.

School board, having refused resident children of proper age admission to its school, is a proper party to mandamus proceedings to enforce rights of children to free education. *Id.* See *Dun. Dig.* 8698.

British refugee children have privilege of attending public schools free of tuition in district where they are residing. *Op. Atty. Gen.* (180-G), July 24, 1940.

2742. School districts. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(1).

2743. Formation of districts. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(5).

2744. Petition. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(6).

2745. Notice of hearing. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(7).

2746. Proceedings on hearing. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(8).

2747. Appeal from order. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided in repealing act. Reenacted as 3156-3(32).

2748. Changing boundaries of school districts. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided in repealing act. Reenacted as 3156-3(9); 3156-3(10); 3156-3(11); 3156-3(12).

Land detached from one district and added to another is not subject to any levy for general expenses in old district from that time on, but is subject to such levy as is necessary to retire principal and interest of outstanding bonds, and conversely should be exempt from levy for debt or bonds of new district existing prior to change, but is liable for levy for general expenses and maintenance. *Op. Atty. Gen.*, (166c-5), Nov. 14, 1939.

Bonds are an obligation upon all of land which was in school district at time bonds were issued, and land detached from one district and attached to another is not subject to tax to meet bonds issued by district to which attached before it became a part of such district. *Op. Atty. Gen.*, (166d-5), Jan. 11, 1940.

The fact that Duluth school district is coterminous with city limits, and fact that Duluth is a special district and has many special laws governing the same,

would not invalidate proceedings to set off territory from city of Duluth to the Proctor school district, but county commissioners in acting on a petition could consider all of special laws in considering effect on welfare of that district, granting of petition resting in discretion and best judgment of county board. *Op. Atty. Gen.* (166c-9), May 31, 1940.

Lands under water, highways and tax forfeited lands are not to be excluded in computing four sections of land. *Op. Atty. Gen.* (166c-2), July 8, 1940.

It is impossible for any territory to become a part of school district for Minneapolis without being annexed to that city for all purposes. *Op. Atty. Gen.* (59a-42), Oct. 10, 1940.

County board has no authority to change boundaries of 2 adjoining school districts without application or petition from freeholders or individual landowners affected, since they are mutual obligation of school boards of two districts and without vote of people. *Op. Atty. Gen.* (166d-8), Feb. 18, 1941.

2748-1. Platted territory annexed to and included in corporate limits; etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided in repealing act.

2750. Districts in two or more counties. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-3(14).

2753. Dissolution of school districts. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(28). Last sentence. Reenacted as 3156-4(42) in part.

2754. Procedure for consolidation of school district. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(18); 3156-3(19).

2755. Certain districts to receive aid as consolidated districts. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(24) in part and 3156-9(7) subd. 1 in part.

2756. Petition for formation; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(20); 3156-3(21).

2757. Liability of common school district. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(21); 3156-3(22); 3156-3(23).

2758. Consolidation of districts having an area of one square mile; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(21) in part and 3156-3(23) in part.

2759. Consolidation with unorganized districts. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(21) in part.

2760. Certificate of officers. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-3(23) in part.

- 2761. Powers of consolidated boards. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(9), subd. 1.
- 2762. Requirements for receiving state aid. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(7), subd. 1 in part.
- 2763. Qualifications of principal. [Repealed.]**
Repealed. Laws 1941, c. 169.
- 2764. Schools to receive amount expended; etc. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(1) in part.
- 2765. Certain sections and chapters repealed. [Repealed.]**
Repealed. Laws 1941, c. 169.
- 2765-1. Consolidated school district boards given power; etc. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(9), subd. 2.
School board of a consolidated district may sell, lease or otherwise dispose of an old school house and site without an election. Op. Atty. Gen. (622i-8), Nov. 14, 1940.
- 2766 to 2768-2. [Repealed.]**
Repealed. Laws 1941, c. 169.
- 2768-3. Dissolution of school districts. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(29) in part.
- 2768-4. To include statement of obligations in certificate. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(29) in part.
- 2768-5. Unorganized territory may be annexed; etc. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(49).
- 2768-6. Special elections. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(50).
- 2768-7. School boards to control property, etc. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(51).
- 2769 to 2773. [Unconstitutional.] [Repealed.]**
Repealed. Laws 1941, c. 169.
- 2774. Division of funds on change of districts. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(17), subd. 1.
Where a new school district is organized out of part of unorganized school district, no apportionment can be made until warrants issued in past to maintain school in new district are paid, or there are sufficient assets on hand so that amount of warrants can be set off against share of assets. Op. Atty. Gen., (168), March 11, 1940.
There is no way that new district taken from unorganized district of county can assume outstanding warrants, and at same time protect or relieve unorganized district from liability, except as such warrants can be offset against new district's share of assets. Id.
- 2775. Duty of auditor. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(17), subd. 2.
- 2776. Consolidation of school districts. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(16) in part.
- 2777. School districts may consolidate.—Procedure. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(16), subd. 1.
- 2778. Elections. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(16), subds. 2 and 3.
- 2779. Existing indebtedness. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(16), subd. 4.
- 2780. State aid. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(16), subd. 5.
- 2780-1. Consolidation of school districts in certain counties; etc. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(35).
- 2780-2 to 2780-7. [Repealed.]**
Repealed. Laws 1939, c. 9.
Repealed. Laws 1941, c. 169.
- 2780-8. Consolidation of school districts in certain counties; etc. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(23).
- 2780-9. School board—Election; etc. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(24) in part.
- 2780-10. Duties of school board. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(27).
- 2780-11. Time of election. [Repealed.]**
Repealed. Laws 1941, c. 169.
- 2780-12. Election districts. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(25).
- 2780-13. Compensation of board members; etc. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(23).
- 2780-14. Office of county superintendent abolished. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(29).
- 2780-15. County attorney to serve as attorney for board. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(30).
- 2780-16 and 2780-17. [Repealed.]**
Repealed. Laws 1941, c. 169.
- 2780-17a. Counties may pay school bonds in certain cases. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(31).
- 2780-17b. Board of education may bond employees. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(32), subd. 1.
- 2780-17c. Board of education may pay premiums. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(32), subd. 2.
- 2780-17d. Payments validated. [Repealed.]**
Repealed. Laws 1941, c. 169.
- 2780-18. Consolidated school district may build sidewalks in certain cases. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(9), subd. 3.
- 2780-19. Village council may appropriate money therefor. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(9), subd. 3.
- 2780-21. Election of school officers in certain districts. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(24) in part.
- 2780-22. Terms of officers. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(24) in part.
- 2780-23. Meetings—Organizations. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(26).
- 2780-24. Inconsistent acts repealed. [Repealed.]**
Repealed. Laws 1941, c. 169.
- 2781. Indebtedness of old school district. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(27) in part.
- 2782. Care and distribution of moneys received. [Repealed.]**
Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(27) in part.

2783. Change of common or special to independent districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(30) in part.

2784. Notice of meeting. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(30), subd. 1.

2785. Vote upon change. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(30), subd. 2.

2786. Meeting to elect officers. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(30), subd. 3.

2787. Dissolving independent districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(31).

2788. Rehearing before county board. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(13).

2789. Annexation of land to school districts. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-3(15).
Notice for hearing mentioned and phrase "and like notice of such change shall be given as in other cases" are the notices required by §2748. Op. Atty. Gen. (166C-9), Nov. 27, 1940.

County board has no authority to change boundaries of 2 adjoining school districts without application or petition from freeholders or individual landowners affected, since they are mutual obligation of school boards of two districts and without vote of people. Op. Atty. Gen. (166d-8), Feb. 18, 1941.

2790. Districts to be composed of adjoining territory. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(3).

2791. Plats, etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(4).

2792. Presumption of legal organization. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-3(2).

2793. Annual elections in school districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(1) in part and 3156-5(2) in part. Laws 1939, chapter 62, did not apply to school districts established by special act fixing time for school election. Op. Atty. Gen., (187a-6), Jan. 8, 1940.

School election law, as to districts having ten townships, by descriptive reference has adopted that part of new general election law relating to ballots, but this is not true as to school districts containing less than ten townships. Op. Atty. Gen., (28B-7), April 15, 1940.

After judges and clerks of an annual school meeting have canvassed ballots cast and have submitted same to school board, they are functus officio and cannot again convene and revise their conclusions. Op. Atty. Gen. (28c-7), June 1, 1940.

2793-1. Annual school meetings. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(3).

2794. Special school meetings. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(7), 3156-5(8).
Failure to give superintendent notice of a special meeting of school board does not invalidate its proceedings. Gilbertson v. I., 293NW129. See Dun. Dig. 8675.

2795. Notice of meetings in common school districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(1) in part.

2796. Records to be evidence. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(32).

2797. Publication of proceedings of boards of independent school districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(8), subd. 6.
A "folio" is to be determined by measurements under §10939 and not in accordance with §10933(4). Op. Atty. Gen., (277E), Dec. 21, 1939.

While special school districts are not required to publish proceedings of board, a school board may publish proceedings and expense is a legal expenditure. Op. Atty. Gen., (277e), March 5, 1940.

2798. Powers of annual meeting. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-5(1) in part and 3156-5(9) in part. There is no limit on number of special elections that may be had for a change of site on proper petition to clerk. Op. Atty. Gen. (622i-4), Mar. 28, 1941.

(4).

Adding a strip of additional land 15 feet wide along one boundary and exclusion of a strip 15 feet wide along opposite boundary would not constitute a change of school site upon which a vote would be required. Op. Atty. Gen. (622i-4), Mar. 7, 1941.

2799. Candidates for school district offices. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(5).

District court has no jurisdiction of a contest of a school district election. Johnson v. D., 294NW839. See Dun. Dig. 2931.

There is no authorization or requirement that a primary election be held for positions on school board, notwithstanding that school district holds its election at same time as city election, using same judges and clerks of election. Op. Atty. Gen., (187a-6), Jan. 17, 1940.

A ballot at an election to chose one officer for a full term of three years and one to fill a vacancy for one year cannot be counted when it contains names of two persons without anything to designate which office it is intended for. Op. Atty. Gen., (28c-7), April 19, 1940.

2800. Additional powers of meetings, etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(10) in part.

2801. Election of officers in certain districts. [Repealed.]

Repealed. Laws 1941, c. 169.

2801-1. Special school elections; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(11) in part.

2801-2. Same—Definitions. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(11), subd. 1.

2801-3. Same—Calling election by school board; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(11), subds. 2 to 5.

2801-4. Same—Law supplemental and additional. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-(11) in part.

2802. Districts of ten or more townships—Trustees, how elected. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(1).

School election law, as to districts having ten townships, by descriptive reference has adopted that part of new general election law relating to ballots, but this is not true as to school districts containing less than ten townships. Op. Atty. Gen., (28B-7), April 15, 1940.

2802-1 to 2802-4b. [Repealed.]

Repealed. Laws 1937, c. 221.
Repealed. Laws 1941, c. 169.

2802-4c. School boards in certain common school districts; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(2).

2802-4d. Same—Vacancies. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(3).

2802-4e. Same—Organization. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(4).

2802-4f. Same—What are schools. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(5).

2802-4g. Same—Tax limitations. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(6).

2802-4h. Same—School districts to continue operation. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(7).

2802-4i. Same—Powers. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(8).

2802-5. Common school districts with ten or more townships; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(9).

2802-6. Same—Annual and special meetings; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(10).

2802-7. Same—Division of districts into precincts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(11).

2802-8. Same—Notice of special elections. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(12).

2802-9. Same—Officers for special elections. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(13).

Provision as to time polls shall be open applies to special election to vote on a proposal to issue bonds to state, and due posted and published notice of hours of voting, as fixed by the board, should be given. Op. Atty. Gen., (187a), May 14, 1940.

2802-10. Same—Election to change number of trustees. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(14).

2802-11. Same—Laws applicable: [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(15).

2802-12 to 2802-31. [Repealed.]

Repealed. Laws 1941, c. 169.

2803. School board—etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(16).

2803-1. Powers of school boards; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(7), subd. 3.

2804. School board of common and independent districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(1) in part.

2805. School board of common districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(10) in part and 3156-6(1) in part.

2806. School board of independent districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(2) in part and 3156-6(1) in part.

Where three members vote for a contract and two members against it and one does not vote, the member present and not voting is deemed to assent and contract is carried. Op. Atty. Gen. (161a-16B), June 27, 1940.

Clerk of an independent school district cannot act as agent for insurance company selling insurance to the district. Op. Atty. Gen. (90c-5), July 12, 1940.

Under Laws 1917, c. 387, §3, an independent consolidated school district could not elect a school board of 4 directors and also a clerk and treasurer, but should instead elect 6 members of school board and thereafter elect a chairman, a clerk and a treasurer. Op. Atty. Gen. (768B), Nov. 14, 1940.

2807. Boards of independent districts; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(2).

Failure to give superintendent notice of a special meeting of school board does not invalidate its proceedings. *Gilbertson v. I.*, 293NW129. See Dun. Dig. 8675.

2807-1. Election of officers in certain school districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(4).

2807-15. Annual election of school board in certain districts.

Where city authorities in Duluth have provided for use of voting machines at municipal election, school board of that district may make arrangements with city to use those machines. Op. Atty. Gen. (28a-9), Mar. 15, 1941.

Organization meeting of school board of Duluth should be held on first Saturday in July, or as soon thereafter as practicable. Op. Atty. Gen. (161a-19), June 13, 1942.

2807-16. May be held on same date as general election.

Section does not apply to election in even numbered years when no city election is held insofar as hours of opening and closing polls is concerned. Op. Atty. Gen. (187a-6), Feb. 25, 1942.

2807-19 to 2807-27.

Repealed in part. Laws 1943, c. 526.

2807-28. School Board to prepare budget.

Repealed in part. See Laws 1943, c. 526.
Where district is cooperating in vocational education of defense workers, entire cost of program to be reimbursed by federal government through State Department of Education and paid to school district immediately following close of each month, expenditures for defense training will be considered as a part of regular school budget and expenditures, and expenditures for month of December, 1941, which will not be reimbursed to district until Jan. 1942, shall be considered additional revenue for calendar year 1942 and not as an account receivable in 1941. Op. Atty. Gen. (170h), Jan. 6, 1941.

2807-29 to 2807-32.

Repealed in part. See Laws 1943, c. 526.

2807-47 to 2807-64.

Repealed in part. See Laws 1943, c. 526.

2810. Clerk in special districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(27).

2810-1. Nomination by petition; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

2811. Vacancies. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(3).

Vacancy on school board of Owatonna school district created by special laws is governed by special act and is to be filled by city council. Op. Atty. Gen., (161a-25), March 21, 1940.

Where member of school board resigns and remaining members fail to fill vacancy by appointment, valid that next annual meeting properly listed separately candidate for full term of 3 years and candidate for a 2-year term to fill office of member resigned, and vote for a candidate to fill one office could not be counted for him for other office. Op. Atty. Gen. (161a-4), May 24, 1940.

Appointment by board is not a condition precedent to filling vacancy by electors at next annual meeting. Op. Atty. Gen. (161a-25), May 24, 1940.

Where vacancy occurred in school board and remaining members failed to appoint a successor, one elected to fill the vacancy at next annual meeting "for a two-year term," was entitled to appointment at once. Op. Atty. Gen. (187a-4), June 4, 1940.

2812. Special election to fill vacancies. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(4).

2813. Acceptance of office. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-5(13).

Resignation by member of school board which has not become effective by an acceptance or by some act of relinquishment may be withdrawn. Op. Atty. Gen. (161a-22), Sept. 13, 1940.

2814. Quorum of school board. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(5).

Proviso relating to relationship to board member transferred to §3156-10(18).

Minutes need not be signed by all who voted on a proposition, signature of clerk attesting to minutes being sufficient. Op. Atty. Gen., (166a-6), March 7, 1940.

Where three members vote for a contract and two members against it and one does not vote, the member present and not voting is deemed to assent and contract is carried. Op. Atty. Gen. (161a-16B), June 27, 1940.

2815. Powers and duties of school board. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein.

Reenacted as 3156-6(6) in part.
School board may not contribute funds to organization established to bring pressure on legislature to pay all supplemental aid in full. Op. Atty. Gen. (161b-10), April 15, 1940.

(1).
Repealed as 3156-6(6), subd. 2.

Ordinarily an old school building cannot be sold without a vote of electors, but where school district has been dissolved and management and control has passed to county board of education as unorganized territory, county board of education may proceed to sell old buildings to be removed from site, held subject to reversion clause. Op. Atty. Gen., (622i-8), Oct. 26, 1939.

Board of education cannot buy property on which to erect a garage unless it goes to make up one square block of school site. Op. Atty. Gen., (425c-12), Oct. 31, 1939.

A local school district whose school house has burned may maintained its own school outside of school district boundaries where there is an emergency and a teacher under contract for the year. Op. Atty. Gen., (161b-2), Dec. 22, 1939.

Notwithstanding that school district has been in possession of school house site for 58 years, while original owner of land paid taxes thereon, it would be advisable for district to obtain a deed or condemn the property after obtaining authority to do so at a meeting called for that purpose, rather than depend upon title by adverse possession. Op. Atty. Gen., (622i-16), Dec. 27, 1939.

There is no expressed legislative authority for an independent school district to exercise right of eminent domain for play ground and recreational purposes, if property involved is separated from, and cannot be made a part of school house site. Op. Atty. Gen., (817o), Feb. 5, 1940.

At vote of electors, school district may condemn tract of land kitty-corner to school house site separated only by a street intersection for use as a recreational field. Op. Atty. Gen., (817o), Feb. 21, 1940.

Board for unorganized territory may sell land without vote of electors. Op. Atty. Gen., (622i-7), March 8, 1940.

School board is without authority to grant an easement to a utility company, or to the R.E.A., without a vote of electors. Op. Atty. Gen. (161b-10), March 20, 1940.

Recreation center adjacent to present school site may be condemned under authority of majority of votes cast at election, but majority of board may accept a gift of the land regardless of vote on proposition. Op. Atty. Gen. (817-O), April 2, 1940.

School board may not enter into an agreement with WPA for construction of a garage without a vote of electors. Op. Atty. Gen., (166i), April 20, 1940.

Vote authorizing condemnation of land to add to present school site must be a majority of all votes cast at annual school election, and not merely the majority of those voting on question. Op. Atty. Gen. (817-O), May 28, 1940.

School district in selling school auditorium condemned by state fire marshal to village in order that addition to armory might be constructed on site must secure best terms reasonably obtainable, and in that connection for joint use of building would not be binding and could not be considered part of consideration. Op. Atty. Gen. (622i-8), July 10, 1940.

School board of a consolidated district may sell, lease or otherwise dispose of an old school house and site without an election. Op. Atty. Gen. (622i-8), Nov. 14, 1940.

If present school site, together with land to be purchased, does not exceed one lot, board can make purchase without authority from electors. Op. Atty. Gen. (622i-2), Nov. 26, 1940.

A vote authorizing board to acquire a certain tract of land containing "approximately 3 acres" would permit board to condemn a site of 3.9 acres, but not a tract of 4.9 acres. Op. Atty. Gen. (817O), Jan. 30, 1941.

It is probable that hangars on city airport are part of real estate and that a vote of the people would be necessary to authorize purchase by school board. Op. Atty. Gen. (159B-11), Feb. 21, 1941.

Authority to dismantle and sell an unused school building must be granted by electors before school board can act. Op. Atty. Gen. (622J-4), Mar. 4, 1941.

Adding a strip of additional land 15 feet wide along one boundary and exclusion of a strip 15 feet wide along opposite boundary would not constitute a change of school site upon which a vote would be required. Op. Atty. Gen. (622i-4), Mar. 7, 1941.

(2). Reenacted as 3156-6(6), subd. 3.

(3). Reenacted as 3156-6(6), subd. 4.

A school district may insure its buildings in mutual company provided that policy contains a limitation upon liability of members and that this limitation keeps contingent liability of school district within maximum indebtedness as prescribed by law. Op. Atty. Gen., (487c-5), Dec. 14, 1939.

(4). Reenacted as 3156-6(6), subd. 5.

School district has no authority to make contributions to armory board for remodeling of armory, but has power to enter into a lease of armory for a reasonable length of time at a reasonable rental and pay in advance. Op. Atty. Gen. (622a-6), Jan. 20, 1941.

School district giving ground courses in aviation, which are class room subjects, could not lease hangars on city airport to be principally used for housing planes belonging to a private instructor of flight, but could pay part of rental in proportion to use made of hangar for ground course instructions. Op. Atty. Gen. (159B-11), Feb. 21, 1941.

(5). Reenacted as 3156-6(6), subd. 10.

School board may adopt a rule permitting 5 days sick leave to each teacher each year, but such rule should not be made retroactive. Op. Atty. Gen. (174a), Nov. 27, 1940.

(6). Reenacted as 3156-6(6), subd. 6.

Board of Education may not contract for group insurance for its employees, but may consent to employees making such a contract and deduct premium from wages with their consent. Op. Atty. Gen. (249B-8), Aug. 27, 1940.

(7). Reenacted as 3156-6(6), subd. 20.

School district fund may not be expended for publication of an "annual" which is devoted largely to senior class, student activities, and organization of high school. Op. Atty. Gen., (159a-16), Jan. 6, 1940.

There is no liability for injuries occurring in operation and conduct of affairs of school district by board, as they are then exercising a governmental function, and when school district enters into activities which are not a part of its governmental function, there is a possibility, but perhaps not a probability, of any liability for injuries, and whether a school board is exercising a governmental function in renting out rooms or auditorium is a question of fact. Op. Atty. Gen. (844f-3), Nov. 27, 1940.

Class work under national defense training program is considered as part of local school program as affecting liability for negligence. Op. Atty. Gen. (168d), Feb. 17, 1941.

Where pupils were marooned during large snowstorm because of school busses being stranded while returning children to their homes, parents are primarily liable for meals and lodging furnished but school district may pay such expenses if rendered necessary by an emergency and inability of parents to pay. Op. Atty. Gen. (159B-11), Feb. 21, 1941.

In absence of specific statutory authority, school district funds may not be used to purchase liability insurance to protect school district and board members. Op. Atty. Gen. (844j-3), Feb. 24, 1941.

School district is not liable for injury occurring on school premises which have been rented to outside organizations or individuals, and members of school board are not liable unless guilty of some illegal act or affirmative negligence. Op. Atty. Gen. (844f-3), Feb. 24, 1941.

(9). Reenacted as 3156-6(6), subds. 16 and 17.

(10). Reenacted as 3156-6(6), subd. 9.

Transporting children from one school to another school in the same municipality for swimming purposes is legal and of a nature which relieves school board members of individual liability in case of accident to pupils, if swimming classes are a part of regular school curriculum or authorized activity of the school. Op. Atty. Gen., (166a-7), Dec. 28, 1939.

Where privately owned broadcasting station permits broadcasting of local school programs over its station free, except a small "line charge" for use of telephone wires from school to station, school board cannot pay the "line charge" unless it establishes broadcasting as a part of some course. Op. Atty. Gen. (159a-16), Dec. 7, 1940.

School board may spend funds for printing school paper in connection with a regular curriculum in courses of journalism. Id.

A contract for installment purchase of books is invalid. Op. Atty. Gen. (161a-8), Mar. 19, 1941.

School district may not sponsor national defense training classes at a CCC camp located outside district. Op. Atty. Gen. (170h), Mar. 31, 1941.

(11). Reenacted as 3156-6(6), subd. 21.

School board may not pay attorneys' fees on behalf of employees of school arrested for assault. Op. Atty. Gen. (779a-3), Dec. 31, 1940.

2816. Further powers and duties of school board.

[Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

Reenacted as 3156-6(6) in part.

Regulation of school bus service. Laws 1941, c. 475.

(1).

Reenacted as 3156-6(6), subd. 11.

Non-resident owning and paying taxes on 80 acres of land is entitled to refund of tuition paid under protest. Op. Atty. Gen., (180c), Nov. 4, 1939.

Payment of delinquent taxes cannot be considered as entitling owner to free tuition, and as practical matter school board may bill owner for tuition during year 1939, but if he pays his 1938 taxes, payment will wipe out tuition bill. Op. Atty. Gen., (180c), Nov. 15, 1939.

It is customary and proper for school district to accept non-resident high school pupils, as far as space and teachers are available, upon the tuition which is paid by the state for such pupils from schools which do not maintain a high school, and a district maintaining a high school may refuse to receive further non-resident pupils when high school enrollment reaches reasonable maximum capacity for efficient work, and such action will not affect rights of district to state aid for non-resident pupils enrolled. Op. Atty. Gen. (180d), Sept. 30, 1940.

(2).

Reenacted as 3156-6(6), subd. 13.

School district may not sponsor a W.P.A. nursery school project by providing housing for child pupils and milk and cheese and other dairy products, at expense of district. Op. Atty. Gen. (160M), Jan. 4, 1941.

(3).

Reenacted as 3156-6(6), subd. 7 in part.

While a school district may accept as a gift a memorial hall to be constructed on school grounds, it cannot permit Masonic Order to construct such a building and permit school to make use thereof in exchange for heat and janitor service but reserving right of use of hall for lodge purposes. Op. Atty. Gen., (622i-9), March 21, 1940.

Authority to permit use of schoolhouse for religious instruction by pastor of a local church during school hours is questioned, but in final analysis it is a question of fact for the school board to determine whether specific use "will not interfere with its use for school purposes." Op. Atty. Gen. (170f-4), Feb. 20, 1941.

School district is not liable for injury occurring on school premises which have been rented to outside organizations or individuals, and members of school board are not liable unless guilty of some illegal act or affirmative negligence. Op. Atty. Gen. (844f-3), Feb. 24, 1941.

School board has right to rent auditorium for non-school purposes while school is in session, subject to discretionary determination that it will not interfere with rest of building for school purposes. Op. Atty. Gen. (622c), Mar. 11, 1941.

(4).

Reenacted as 3156-6(6), subd. 14 and 3156-6(16).

Private person contracting to furnish bus and drive it to transport nonresident pupils, is an independent contractor and not an employee of the district. Op. Atty. Gen., (844f-6), Sept. 28, 1939.

Transportation of pupils is a governmental function and neither school district nor members of school board are liable for negligence of bus driver, but driver is legally liable for his negligence. Id.

Where a school district discontinues its school and transports its pupils to another district, attorney general is inclined to sanction practice of transporting parochial school children along with public school children where no additional expense is involved. Op. Atty. Gen., (166a-7), Nov. 10, 1939.

School district by agreement may reimburse a parent for transportation of a high school pupil. Op. Atty. Gen., (166a-6), March 7, 1940.

There can be no legal objection to furnishing transportation to a teacher when it causes no additional expense for school district. Op. Atty. Gen. (166a), Sept. 16, 1940.

School board has no legal right to make any charge to residents of district for transportation, but furnishing of such transportation is discretionary, and a resident of district who refuses to contribute toward expenses of transportation runs risk that board may vote to discontinue transportation. Op. Atty. Gen. (166a-3), Sept. 18, 1940.

Act does not apply to pleasure vehicles, registered as such, and which are used only incidentally in transporting students to high school, unless vehicle is used to transport students by an adult person who has contract with school district. Op. Atty. Gen. (635E), Oct. 25, 1940.

Resolution at special election authorizing board to submit to voters a proposal to create and impose a tax to provide transportation was only authority to submit question, and not to levy tax. Op. Atty. Gen. (426a), Oct. 29, 1940.

Independent school district is without authority to purchase a school bus to be used for purpose of transporting non-resident pupils free of charge. Op. Atty. Gen. (166a-8), Dec. 19, 1940.

It is doubtful that school district had legal authority to purchase a school bus without voting free transportation in local district, but having purchased a bus for hauling agricultural class group and tours for grade pupils to various projects and also for purpose of hauling non-resident pupils to and from its schools, was not required to furnish free transportation in local district to resident pupils, and may continue operation of bus in transporting non-resident pupils to and from schools within district where all expenses are paid by non-resident pupils and common school district from which pupils come, and may refuse to haul pupils attending local parochial schools though parents are willing to pay amount that is being contributed for hauling resident pupils. Op. Atty. Gen. (166a), Jan. 14, 1941.

Where pupils were marooned during large snowstorm because of school busses being stranded while returning children to their homes, parents are primarily liable for meals and lodging furnished but school district may pay such expenses if rendered necessary by an emergency and inability of parents to pay. Op. Atty. Gen. (159B-11), Feb. 21, 1941.

A school district providing transportation for its high school pupils to another district is under no obligation to transport a non-resident high school pupil in an adjoining district, though parents of that child own land within district. Op. Atty. Gen. (166a-8), Mar. 11, 1941.

Ordinarily school board retains right to control bus route and to require a pupil to present himself upon a route in district. Op. Atty. Gen. (166a-4), Mar. 11, 1941.

(5).

Reenacted as 3156-6(6), subd. 8.

2816-1. School boards may become members; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(6), subd. 19.

2816-2. School houses or buildings used for election purposes. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(6), subd. 7 in part.

2816-3. Same—Regulations and conditions for use. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(6), subd. 7 in part.

2816-4. School boards may contract for heat; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(20), subd. 1.

2816-5. May pay cost of connections. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(20), subd. 2.

Use of word "advance" does not preclude district from paying entire cost of mains and pipes. Op. Atty. Gen., (622J-16), Feb. 26, 1940.

2816-5a. Certain school districts to employ public accountants. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(21), subd. 2.

2816-6. Same—Who are public accountants. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(21), subd. 1.

2816-7. Same—Limit of expenditures. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(21), subd. 3.

2816-8. School boards may provide liability insurance. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

Reenacted as 3156-6(17), subd. 1.

Expenditure for insurance protecting school board members personally or giving any other protection than that authorized by this section would not be legal. Op. Atty. Gen., (166a-7), Dec. 28, 1939.

Insurance policies should contain a provision that insurance company would defend any action brought against district and will waive defense of governmental functions, since without such provision insurance company would be assuming no liability. Id.

In absence of specific statutory authority, school district funds may not be used to purchase liability insurance to protect school district and board members. Op. Atty. Gen. (844j-3), Feb. 24, 1941.

Whether school public liability insurance is effective when building is being used for non-school purposes depends entirely on terms and conditions of policies in question. Op. Atty. Gen. (622c), Mar. 11, 1941.

Liability policy covering vehicle while used as a "school bus" did not cover persons working on national youth administration project, though a policy covering such persons probably could be obtained. Op. Atty. Gen. (844f-3), Mar. 21, 1941.

2816-9. Same—Payment of premiums; etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

Reenacted as 3156-6(17), subd. 2.

2816-10. School boards may contract with highway department for removal of snow. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(19).

School board may permit township to build addition on its garage to be used for storage of township machinery consisting of snow plows which start out from school in advance of buses to clear roads and may give lease to township, though such lease would not bind subsequent board, district not being required to pay any part of the cost. Op. Atty. Gen., (622a-6), Oct. 25, 1939.

2817. Extension of powers of school boards. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(6), subd. 15 in part.

Section is broad enough to authorize treasurer to carry federal pupil aid fund in the "school auxiliary fund" to be paid out only on verified claims. Op. Atty. Gen., (168), Dec. 11, 1939.

This section applies to all school districts however organized, and special election is not necessary to give board of education power to take charge of school activities of teachers and pupils. Op. Atty. Gen., (159a-16), Feb. 26, 1940.

School board may not nominate or appoint a principal or teacher of district as custodian of funds arising from extra curricular activities. Op. Atty. Gen. (158-a-16), July 29, 1940.

2818. Consent of school board to be secured; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(6), subd. 15 in part.

2818-1. Certain independent school districts may acquire athletic fields. [Repealed.]

Repealed. Laws 1941, c. 169.

If independent school district No. 2 of Virginia, Minnesota, has never entered into a joint recreation program with city of Virginia, school board has power to acquire, equip and maintain land, buildings, or other recreational facilities. Op. Atty. Gen. (622g), Aug. 16, 1940.

This section does not apply to a city of the third class. Op. Atty. Gen. (622g), Aug. 16, 1940.

2819. School board to purchase sites; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(10).

2819-1. Condemnation by school districts; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(11).

2819-2. Condemnation of public easements; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(12).

2820. To acquire sites for agricultural schools. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(13) in part.

School district may not sell land acquired under this section without a vote of electors. Op. Atty. Gen. (6223-7), July 12, 1940.

2821. To what districts applicable. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(13) in part.

2822. Discontinuance of schools in certain districts—Transportation of pupils.—The school board of any district in any emergency or upon authorization by a majority of the voters present at any regular or special school meeting of the district, may provide for the instruction of its pupils in an adjoining district, and in such case may discontinue the schools of its own districts or of any grades or departments in said schools, and provide for the free transportation of the pupils of its own district to the school in an adjoining or nearby district. The teachers shall keep the registers separately for the pupils from such district discontinuing its schools, and shall return the registers and make separate records to the clerk of such district and to the county superintendent, of the number and names of pupils, with their attendance, and such district shall retain its organization and shall be entitled to public money, including the special state aid granted to ungraded elementary schools under such rules as may be fixed by the commissioner of education, except that state apportionment for non-resident pupils enrolled in the high school department shall go to the districts in which the high school is located. Such aid shall be paid from the appropriation made for common schools. (As amended Act Apr. 21, 1941, c. 376, §1.)

Editorial note.—Section 2822, was repealed by Act Apr. 10, 1941, c. 169, Art. XIV, §1, and reenacted as section 3156-6(14) by such Chap. 169, Art. VI, §14. Section 2822, was subsequently amended to read as above by Act Apr. 21, 1941, c. 376, §1.

Where a school district discontinues its school and transports its pupils to another district, attorney general is inclined to sanction practice of transporting parochial school children along with public school children where no additional expense is involved. Op. Atty. Gen., (166a-7), Nov. 10, 1939.

Rural school board may close school and transport pupils to a practice school of a teachers' college and pay tuition. Op. Atty. Gen., (161B-2), Dec. 22, 1939.

Commissioner of education may pro-rate classification aid to a school which has closed and is transporting its pupils, where only one of such pupils is attending public school and several others are attending parochial school. Op. Atty. Gen. (168B), May 18, 1940.

It is legal to grant district with closed schools both classification and superior aid. Op. Atty. Gen. (168B), Feb. 25, 1941.

A school district providing transportation for its high school pupils to another district is under no obligation to transport a non-resident high school pupil in an adjoining district, though parents of that child own land within district. Op. Atty. Gen. (166a-8), Mar. 11, 1941.

Laws 1941, c. 376, amending this section, probably supersede Laws 1941, c. 169, Art. 6, §§6(13), 14. Op. Atty. Gen. (161B-2), Oct. 1, 1941.

Vote of electors at special meeting to discontinue school and transport pupils to adjoining district was binding upon the board. Op. Atty. Gen. (622j-1), Apr. 16, 1942.

2822-½. Amending act; etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

2822-1. Transportation of pupils. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(15).

2822-2. Transportation of pupils to junior college. [Repealed.]

Repealed. Laws 1939, c. 281.

Repealed. Laws 1941, c. 169.

2822-3. Transportation and board of crippled children. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

Reenacted as 3156-9(7), subd. 4.

2822-4. Effective; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

2823. Admission of nonresident pupils; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-12(2).

2823-1. Instruction of pupils in other districts. [Repealed.]

Repealed. Laws 1941, c. 169 except as therein provided.

Repealed. Laws 1941, c. 381.

Reenacted as 3156-6(6), subd. 12.

2823-2. Pupils attending high schools; etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

Reenacted as 3156-12(3) in part.

2823-3. Tuition. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted 3156-12(3) in part.

2823-3a. Competition between districts; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-1(11), subd. 4 and 3156-9(15) in part.

2823-4. Distribution of unexpended school funds, etc. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-8(6), subd. 1.

2823-5. Same—Refunds to state treasurer. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-8(6), subd. 2.

2824. Additional powers of boards in independent districts. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(8), subds. 1 to 3.

School board may permit township to build addition on its garage to be used for storage of township machinery consisting of snow plows which start out from school in advance of buses to clear roads and may give lease to township, though such lease would not bind subsequent board, district not being required to pay any part of the cost. Op. Atty. Gen., (622a-6), Oct. 25, 1939.

School board member convicted of misdemeanor of slander of women is not subject to removal. Op. Atty. Gen., (475E), May 2, 1940.

2824-1. Designation of original; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

2825. Special duties of boards in common school districts. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(6), subd. 13 and 3156-6(7), subd. 1.

2826. Special duties of boards in independent districts. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-6(8), subds. 4 and 5.

2827. Public evening schools for adults. [Repealed.]

Repealed. Laws 1941, c. 169.

Reenacted as 3156-1(11), subd. 12 in part and 3156-6(6), subd. 22.

Authority given to maintain evening schools is limited to work in elementary and high school subjects to persons over 16 years of age, who are unable for any cause to attend regular school of district, and a district which does not maintain a junior college may not employ instructors for evening schools to supervise university extension work. Op. Atty. Gen. (160a), June 11, 1940, July 31, 1940.

2828. Investigations by the State Board of Education. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(11), subd. 12 in part.

2829. Payment of salaries. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(14) in part.

2830. Apportionment of state school funds. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(14) in part.

2831. Peace officers in common and consolidated districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(6), subd. 23.

2832. Duties of clerk. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(25).

2833. Duties of treasurer of school districts. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-6(28).
Endorsement by payee on a common school district order in cases where a check is issued in favor of payee is not essential. Op. Atty. Gen. (159c-11), Feb. 14, 1941.

2834. Treasurers' bonds; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(29).

2835. Penalty for failure to pay teacher's wages. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

2836. Depository of funds in common and independent school districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(7).
Designation of bank having board member as officer is an absolute nullity and does not protect treasurer, who would be liable in case of failure of bank. Op. Atty. Gen., (90c-2), Oct. 3, 1939.

2836-1. School boards may accept property, etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(13), subd. 1.

2836-2. Title to be held by district. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(13), subd. 2.

2837. Exemption of treasurer. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(9).

2838. Interest on deposits. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(8).

2839. Compensation. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(14).

2839-1. School treasurers may be reimbursed in certain cases. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(11).

2839-2. Treasurer of school districts not to be responsible; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(10).

2840. Duties of chairman—Compensation. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(23), 3156-6(24) and 3156-6(26).
Maximum annual compensation for chairman in common school district is \$6. Op. Atty. Gen., (768d-1), Nov. 25, 1939.

2841. Duties of superintendent. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-2(15).
In requiring a school board to employ a superintendent before such school may be classified within a certain class, legislature intended that a superintendent should be employed in fact as well as in name. Op. Atty. Gen. (768K), Jan. 3, 1941.

2842. Compensation of clerks of common districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(26) in part.
Maximum compensation of clerk of common school district is 2% of disbursements but not to exceed \$50 in any

one year, and then only when such amount is voted. Op. Atty. Gen., (768d-1), Nov. 25, 1939.

2843. Compensation of treasurers of common districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(30).
Treasurer of common school district may receive whatever compensation is voted but not to exceed \$25 per year. Op. Atty. Gen., (768d-1), Nov. 25, 1939.

2844. Compensation of officers of independent districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(31).

2846. Contracts in districts. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-6(18), subd. 1.
School boards may purchase buses on instalment plan. Laws 1941, c. 333.
Act Apr. 14, 1941, c. 216, requires school districts operating under a special law, and having population of 10,000 to 20,000, assessed value of \$6,000,000 to \$7,500,000, and situated at least partly within the limits of a city of the third class, to advertise for bids on contracts for more than \$500.

If material was purchased in small lots at different times in connection with WPA project without advertising for bids in good faith and without any intention to evade statute, expenditures were legal. Op. Atty. Gen., (707a-12), Dec. 28, 1939.

Installment lease purchase of iron firemen totalling \$1103 is invalid. Op. Atty. Gen., (469a-9), Jan. 3, 1940.

Laundry service requires advertising for bids if more than \$500 is involved. Op. Atty. Gen., (707a-12), Jan. 12, 1940.

Additional work in school building consisting of enlarging and finishing basement held so related to principal contract that it could be done without re-advertising for bids, where emergency existed by reason of great increase in population and danger of losing PWA assistance unless work be done speedily. Op. Atty. Gen., (707a-12), Feb. 19, 1940.

2847. How let, etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-6(18), subd. 2.

2848. Opinions of attorney general. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(17).

2849. Hours for opening and closing polls.

Section fixes time for opening of polls in school election in Duluth in even numbered year when there is no city election. Op. Atty. Gen. (187a-6), Feb. 25, 1942.

2849-1. School districts may build residences for use of teachers. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-6(7), subd. 2.

2849-2. Claims to be itemized and verified. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(22), subd. 1.
Verification required is signing of a statement by party making claim that he knows the contents thereof and that the same is true. Op. Atty. Gen., (768k), Sept. 22, 1939.

2849-3. Verification. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(22), subd. 2.

2849-4. School boards may become members; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(6), subd. 18 in part.

2849-5. Same—Annual dues. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-6(6), subd. 18 in part.
Repealed. Laws 1941, c. 169 except as provided therein.

UNORGANIZED TERRITORY

2850. County board of education for unorganized territory created. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(33).

2851. Members. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(34) in part.

2852. Officers—Clerical help. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(34) in part and 3156-4(37) in part.

2853. Compensation of officers of school boards. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(41).
Laws 1933, c. 166. Repealed. Laws 1941, c. 295.

2854. Meetings. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-4(36).

2855. Duties of clerk. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-4(40).

2856. Tax levy. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(38).

2857. Shall furnish school facilities. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(37) in part.

2858. Powers and duties. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(39).
Board for unorganized territory may sell land without vote of electors. Op. Atty. Gen., (6221-7), March 8, 1940.

2859. Organization of school districts. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-4(48).
Section covers procedure for organizing a school district in unorganized territory, and a petition is not necessary, but in lieu thereof, county board should pass a resolution and organize some part of the territory in a common or independent school district, and notify board of county commissioners, who would then proceed under §2745 and §2746. Op. Atty. Gen., (166d-1(c)), Sept. 25, 1939.

Where board of education for unorganized territory passed resolution to organize an independent district and county commissioners granted request and citizens within new district secured an injunction, county board still had authority and duty to take care of affairs of schools pending completion of court action. Op. Atty. Gen. (166d-7), Feb. 24, 1941.

2860. New counties—Procedure; etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-4(55).

2861. Failure to apportion; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(56).

2862. County boards of education to carry out terms; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(57).

2863. Dissolution of common or independent districts; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(43).

2864. Notices—Hearing. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(44).

2865. Hearing—Procedure—Appeal. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(45).

2865a. Old districts dissolved—Disposition of property. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(46).
Ordinarily an old school building cannot be sold without a vote of electors, but where school district has been dissolved and management and control has passed to county board of education as unorganized territory, county board of education may proceed to sell old buildings to be removed from site, held subject to reversion clause. Op. Atty. Gen., (6221-8), Oct. 26, 1939.

2866. Outstanding obligations of dissolved districts.—All incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property formerly within said district to the same effect as if said district had not been discontinued, and the county auditor shall each year levy against all of the taxable property within the limits of said former school district a sufficient levy, not to exceed the maximum provided by law, for the cancellation and liquidation of such outstanding indebtedness, such levy to be made year after year until said entire indebtedness is cancelled and extinguished. Provided that whenever a new district is created and organized out of unorganized school territory, the new district so created shall have power

by resolution of its governing body to assume all obligations which remain a charge upon the territory comprising such new district, and to refund the same, and upon such assumption or refundment thereof, and the filing of proof thereof with the county auditor, the levy herein required shall be discontinued. And the amount levied by the county board of education upon all taxable property in unorganized territory shall be levied upon the property within the limits of said former school district in addition to the amount so levied by said auditor and in the same proportion that it is levied upon the taxable property in said county outside of organized school districts; provided, that in any county of this state now or hereafter having an assessed valuation of more than \$300,000,000, exclusive of money and credits and an area of over 5,000 square miles, the county board of education by unanimous vote, with the written opinion of the county attorney, that such claim is a legal outstanding obligation of the territory formerly included in any dissolved school district, may audit, allow and pay any such incurred outstanding obligations of any dissolved school district within its territory except outstanding bonded indebtedness of such dissolved school district out of the funds of said county board of education, in the same manner as though said indebtedness had been originally incurred by said county board of education. (As amended Act Apr. 21, 1941, c. 342, §1.)

Editorial note.—Section 2866 was repealed by Act Apr. 10, 1941, c. 169, Art. XIV, §1, and reenacted as §3156-4(47) by such Chap. 169, Art. IV, §47. Section 2866, was subsequently amended to read as above by Act Apr. 21, c. 342, §1.

2866-½. Application. [Repealed.]

Repealed. Laws 1941, c. 169, except as therein provided.

2867. Unorganized territory may issue bonds—purposes—terms—interest—sale—notice—hearing.—The county board of education for unorganized territory in any county in the state is hereby authorized and fully empowered by unanimous vote of such board to issue and sell bonds of such unorganized territory for the purpose of providing school sites and school buildings, and teacherages, for paying any judgment lawfully rendered against them or for refunding outstanding bonds or floating indebtedness, in such amounts and at such periods as the board may decide; said bonds to be payable in such amounts and at such times, not exceeding twenty years, as the board may determine, with interest thereon not to exceed six per cent (6%) per annum, which bonds shall be signed by the chairman and the treasurer of said board and countersigned by the clerk thereof; provided that the total bonded indebtedness of such unorganized territory shall at no time exceed seven and one-half per cent (7½%) of its assessed valuation. Any bonds issued hereunder shall be sold conformable to the provisions of Section 1856. General Statutes 1913. Provided that in any county of this state now or hereafter having unorganized territory with an assessed valuation of all taxable real and personal property, including money and credits of more than \$1,500,000, and having at any time an area of more than 3,500 square miles, the board of education of such unorganized territory shall have authority, and is hereby empowered, by the unanimous vote of such board, to issue and sell the bonds of such unorganized territory as above provided, not exceeding \$350,000 in the aggregate of such bonds; and in any county in this state having a population according to the 1930 federal census of not more than 16,000 nor less than 15,000, and having not more than 77 nor less than 75 full and fractional congressional townships, and having not more than 2,105 nor less than 2,103 square miles in land area, the board of education of such unorganized territory shall have authority, and is hereby empowered, by the unanimous vote of such board, to issue and sell the bonds of such unorganized territory as above provided, for the purpose of providing school sites and school buildings, funding or refunding

any floating indebtedness or bonds now or hereafter existing as authorized by the provisions of this section, not exceeding fifteen per cent (15%) of the assessed valuation of said unorganized territory, and not exceeding \$350,00 in the aggregate of such bonds. Provided that the sale of said bonds be conformable to the provisions of Section 1943, Mason's Minnesota Statutes for 1927, or by contracting with the United States Government for the purchase of said bonds without calling for bids therefor, and that no bonds shall be authorized or sold under the provisions of this Act, unless notice shall have first been given to the electors of such unorganized school district setting forth the proposal to issue such bonds, the amount thereof, the rate of interest, the maturity dates thereof, and the purpose for which proceeds of such bonds will be used; and also a description of the project or projects to be undertaken and completed, the estimated cost of each and the estimated total cost, which notice shall be in writing, and signed by the members of the County Board of Education, and addressed to the electors of such district, and shall specify the date, time, and place of meeting of the County Board of Education when such proposal shall be considered, and published in one issue of three legal newspapers of general circulation in said district. Said notice shall require any electors having objections, to appear and show cause, if any, why such bonds should not be authorized and sold. The County Board of Education at the time and place mentioned in said notice shall hear all objections and thereafter shall decide whether such bonds shall be authorized and sold. (As amended Apr. 21, 1941, c. 325, §1.)

Editorial note.—Section 2867, was repealed by Act Apr. 10, 1941, c. 169, Art. XIV, §1, and reenacted as §3156-4(52) by such Chap. 169, Art. IV, §52. Section 2867, was subsequently amended to read as above by Act Apr. 21, 1941, c. 325, §1.

2867-1. Repeal—Popular vote; etc. [Repealed.]
Repealed. Laws 1941, c. 169 except as provided therein.

2868. Tax levy for bonds and interest. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(53).

2869. Laws repealed. [Repealed.]
Repealed. Laws 1941, c. 169.

2870. Application. [Repealed.]
Repealed. Laws 1941, c. 169.

2870-1. Vacancies in boards of education. [Repealed.]
Repealed. Laws 1941, c. 169, except as therein provided.

2870-2. County Board of Education may issue refunding bonds; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-4(54).
Refunding bonds issued under this section may not be refunded for and on account of the dissolved district, without further legislation. Op. Atty. Gen. (40c-1), Nov. 26, 1940.

CONDUCT OF SCHOOLS

2871. General control of schools. [Repealed.]
Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-10(1).

There is no rule requiring a permit from health officers for every pupil who may return to school after being absent more than 2 days, but certain permits must be obtained where illness appears. Op. Atty. Gen. (169L), March 14, 1941.

2872. Length of school. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(21).

2872-1. Conduct of schools on certain holidays. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(22).

2873. Instruction in public schools. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(17).

2874. Secret fraternities; etc. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(25), subd. 1.

2875. Powers of directors—Rules. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(25), subd. 2.

2876. Power to suspend or dismiss, etc. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(25), subd. 3.

2877. "Rushing" or soliciting, etc. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(25), subd. 4.

2878. Minnesota day. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(19) in part.

2879. How observed. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(19) in part.

2880. Patriotic exercises. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(18).

2881. Declaration of Independence and Constitution. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(16).

2882. United States flag. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(23), subd. 1.

2883. School boards to provide flags and staffs. [Repealed.]
Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-11(23), subd. 2.
February 15th established as "Susan B. Anthony day." Laws 1941, c. 107.

2883-1. Leif Erickson Day. [Repealed.]
Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-11(20) in part.

2883-2. Columbus Day established. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(20) in part.

2883-3. School safety patrols authorized. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(24), subd. 1.

2883-4. Who may be appointed. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(24), subd. 2.

2883-5. Liability not to attach. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(24), subd. 3.

2883-6. Instruction as to effect of alcohol; etc. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(15).

2883-7. Same—Effective date. [Repealed.]
Repealed. Laws 1941, c. 169 except as provided therein.

COUNTY SCHOOLS OF AGRICULTURE AND DOMESTIC ECONOMY

2884 to 2893. [Repealed.]
Repealed. Laws 1941, c. 169 except as provided therein.

SCHOOLS FOR DEFECTIVE CHILDREN

2894. Special classes for deaf children; etc. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(8).

2895. Special classes for blind children established in certain schools. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(9).
A blind child is subject to compulsory education law, and it is duty of county attorney to bring appropriate proceedings to compel parents to send a blind child to the state school for the blind. Op. Atty. Gen., (482a), Dec. 6, 1939.

2896. Schools for defective speech children. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(10) in part.

2897. Education of mental subnormal children. [Repealed.]
Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(11) in part.

2898. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(10) in part and 3156-11(11) in part.

2899. Schools for crippled children. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(12).

TEACHERS—EXAMINATIONS AND CERTIFICATES

2900. Qualified teachers. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

2900-1. Definitions. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(2).
Commissioner of education was subject to removal from office for ordering teachers' certificates to be issued to persons whom he knew lacked the qualifications, and included school districts employing such certified teachers among those districts entitled to state aid. state v. State Board of Education, 213M184, 6NW(2d)251, 143ALR503. See Dun. Dig. 8010.

2900-2. Qualifications of a teacher. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(3) and 3156-10(18) in part.

2900-3. Only State Board of Education to issue certificates. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(4).

2900-4. Classification of teacher's certificates. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(5) and 3156-10(8).

2900-5. Elementary school certificate. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(6).

2900-5a. Validation of certificates; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

2900-6. High School Certificate. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(7) in part and 3156-10(10).

2900-7. Administration and supervision. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(9).

2900-8. Applicants trained in other states. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(11).

2900-9. Duration and renewal of certificates. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(12).
It is within implied power of state board of education to issue a renewal certificate, marked for substitute teaching only, if applicant has not had enough experience to be entitled to an unqualified renewal. Op. Atty. Gen., (172B), Sept. 25, 1939.

A teacher holding a certificate "for substitute work only" might gain enough experience after a few years of substitute work, so that upon her next renewal she would be entitled to an unqualified certificate. Id.

2900-10. Fees for teachers' certificates. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(13).

2900-11. Suspension or revocation of certificates. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(14).

2900-12. Outstanding certificates; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(15).

2900-13. Administrative regulations. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(16).

2900-14 and 2900-15. [Repealed.]

Repealed. Laws 1941, c. 169.

2901. Certificate to be filed. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(17).

2902. Same—Duty of county superintendents, etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-2(2).

2903. Hiring of teachers—Contracts—Termination—"Teacher" defined. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-10(18) in part.

If a school board attempts to discharge a teacher, or if a teacher attempts to resign, contrary to provisions of this section, such action is in either case ineffective unless and until consent of other party is obtained. Downing v. I., 291NW613. See Dun. Dig. 8688b.

Purpose of teachers' continuing contract law was to do away with existing chaotic conditions in respect to termination of teachers' contracts. Id. See Dun. Dig. 8686.

Formal action of board in refusing to re-elect a superintendent is a termination of his contract. Gilbertson v. I., 293NW129. See Dun. Dig. 8675.

Annual salary under contract was not affected by a vote after April 1, to shorten school term from 9 months to 8 months. Op. Atty. Gen., (172c-5), Sept. 22, 1939.

Complete destruction of school house by fire making it impossible to hold school and requiring that children be sent to another school does not terminate teacher's contract but teacher is under duty to try to mitigate damages by seeking another teaching position. Op. Atty. Gen. (174B), Dec. 21, 1939.

Motion not to rehire any of teachers until a later date did not terminate contract of county superintendent. Op. Atty. Gen., (768k-1), April 23, 1940.

Where three members vote for a contract and two members against it and one does not vote, the member present and not voting is deemed to assent and contract is carried. Op. Atty. Gen. (161a-16B), June 27, 1940.

Where contract is silent as to any rule against married teachers, and fails to incorporate any rules which school board may have made, marriage by teacher does not constitute breach of contract, and it may not be terminated. Op. Atty. Gen. (172c-2), Aug. 13, 1940.

Contract cannot be terminated by closing of school and request that teacher teach at another school some considerable distance away. Op. Atty. Gen. (172c-2), Aug. 15, 1940.

Teacher's failure to appear at any of teachers' meetings or at school house at opening of school or to make any attempt to carry on her work constitutes an abandonment by her of her contract. Op. Atty. Gen. (172c-1), Oct. 3, 1940.

School board may adopt a rule permitting 5 days sick leave to each teacher each year, but such rule should not be made retroactive. Op. Atty. Gen. (174a), Nov. 27, 1940.

Where school teacher breaks contract and fails to teach last 2 weeks of school term, school board was within its right in deducting expense of obtaining substitute teacher. Op. Atty. Gen. (174), Feb. 18, 1941.

School board may provide in teacher's contract that \$5 a month shall be withheld until total amount of \$20 has been deposited as guarantee that teacher will not leave during certain specified months, and this deposit may be retained by school board from year to year over an indefinite period if contract so provided. Op. Atty. Gen. (174), Feb. 24, 1941.

Where teacher working on annual salary payable in equal monthly installments broke her contract after 4 months by resigning, she would be entitled to four-ninths of annual salary if it was contemplated that she would have no duties to perform during summer vacation, subject to any damages provided in contract for breach thereof by teacher. Op. Atty. Gen. (174), Feb. 27, 1941.

In consideration of termination of contract of superintendent of schools on March 15, board could legally pay vacation pay and also an extra month's salary, but could not pay for services rendered during month of July 10 years earlier. Op. Atty. Gen. Mar. 17, 1941.

Board of education may not cancel existing contract and enter into new written contract providing for additional compensation for period of time covered by Christmas vacation, since it would be a mere gratuity and would render members of board personally liable. Op. Atty. Gen. (174e), Nov. 16, 1942.

Teacher's contract must be signed by both chairman and clerk of an independent district, and a teacher who signs a contract bearing only signature of a chairman might be justified in contracting with another district. Op. Atty. Gen. (172c-2), Nov. 17, 1942.

2903-½. Same—Application of act. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(18) in part.

2903-1. Summer schools; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(19).

2904. Keeping of registers. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(20).

2905. Teachers' reports. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-10(21).

2906. Instruction in morals; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(14).

2907 to 2935. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

TEACHERS—EMPLOYMENT IN FIRST CLASS CITIES**2935-1. Teacher defined. [Repealed.]**

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(22), subd. 2.
Doyle v. C., 206M649, 289NW784. Aff'd, 60SCR1102.

2935-2. School board, commissioner defined. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(22), subds. 3 and 4.

2935-3. Demote defined. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(22), subd. 5.
Contract of a teacher whose tenure rights have matured under Minn. L. 1927, c. 36, 1 Mason's Minn. St. 1927, §§2935-1 to 2935-14, is subject to the legislative power of city council of St. Paul of amendment in respect to compensation. Doyle v. C., 289NW784, 785. See Dun. Dig., 8686.

Plaintiff's suit to have court determine that she was a tenure teacher and as such entitled to a permanent status in defendant's schools, held not sustained as it appears she was not during determinative probationary period "regularly employed" nor "re-employed" at end of three-year probationary period. Gausemel v. C., 292NW 202. See Dun. Dig. 8686.

Reduction of salaries of all teachers over 60 years of age at rate of \$100 each year for any period does not constitute a "demotion". Op. Atty. Gen., (172d), Dec. 11, 1939.

(a)(2).

Insurance of bridges against loss or damage from any cause is authorized. Op. Atty. Gen. (249B), Jan. 6, 1940.

(a)(6).

State may purchase surety bonds from mutual companies if they are non-assessable and otherwise comply with statute, and probable dividend may be taken into consideration in determining lowest bid. Op. Atty. Gen. (707a-13), Jan. 31, 1940.

2935-4. Probationary period; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(23).

2935-5. Period of service after probationary period, etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(24).
Plaintiff's suit to have court determine that she was a tenure teacher and as such entitled to a permanent status in defendant's schools, held not sustained as it appears she was not during determinative probationary period "regularly employed" nor "re-employed" at end of three-year probationary period. Gausemel v. C., 207M 555, 292NW202. See Dun. Dig. 8686.

A school teacher unlawfully dismissed because she was married could not recover compensation for period during which she performed no service where she acquired by inaction during period of unemployment. Shinnors v. C., 208M25, 292NW621. See Dun. Dig. 8688b.

2935-6. Grounds for discharge or demotion. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(25).

(c).

A charge of inefficiency in teaching and management, pointing out inability to maintain discipline, refusal to accept correction from superior, and the use of unfitting language to pupils, held sufficiently definite. State v. Peterson, 208M361, 294NW203. See Dun. Dig. 8687.

Charges of inefficiency may be filed at beginning of a school year, and inefficiency in teaching and management during prior years may be inquired into. Id.

Teacher's contract must be signed by both chairman and clerk of an independent district, and a teacher who signs a contract bearing only signature of a chairman might be justified in contracting with another district. Op. Atty. Gen. (172c-2), Nov. 17, 1942.

2935-7. Hearing of charges against teacher. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(26).
A school board or commissioner is not required to follow the strict practice of courts in respect to form and language of complaints, findings or decisions. State v. Peterson, 208M361, 294NW203. See Dun. Dig. 8687.

Reduction of salaries of all teachers over 60 years of age at rate of \$100 each year for any period does not constitute a "demotion". Op. Atty. Gen., (172d), Dec. 11, 1939.

2935-8. Representation by counsel; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(27).

2935-9. Hearings; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(28).

2935-10. Decision on hearing. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(29).

Statute was complied with by a decision in writing finding teacher guilty of inefficiency in teaching and in management of her school classes, filed within 25 days, though decision did not state that teacher was discharged, demoted or suspended, teacher later being notified that she was discharged. State v. Peterson, 208M 361, 294NW203. See Dun. Dig. 8687.

Charges of inefficiency may be filed at beginning of a school year, and inefficiency in teaching and management during prior years may be inquired into. Id.

2935-11. Charges expunged from records. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(30).

2935-12. Suspension of teacher pending hearing; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(31).

2935-13. Services terminated; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-10(32).

2935-14. Computation of probationary period. [Repealed.]

Repealed. Laws 1941, c. 169.

TEACHERS' RETIREMENT FUND**2950-1. Definitions.**

Librarians in teachers' colleges for the purpose of the civil service act should be considered teachers and are in the unclassified service. Op. Atty. Gen., (644), Nov. 9, 1939.

(1).

Instructor in a state teachers' college while on sabbatical leave, receiving compensation from state in any amount, continues to be a teacher for purposes of retirement fund, provided leave was granted by college board for purpose of improving qualifications of instructor under such conditions as to entitle him to compensation. Op. Atty. Gen., (175G), April 29, 1940.

2950-3. Board of trustees created.

A retired annuitant may be elected to the board as a member of the fund. Op. Atty. Gen. (175), July 22, 1943.

2950-5. Members of fund.

Members who are called or volunteer for military defense service have right to continue membership and payment to fund on basis of salary which they would have received had they remained in teaching service under contract in force at time they entered service. Op. Atty. Gen. (175a), Oct. 17, 1940.

2950-8. Teachers from other states or other schools.

Absence for military service is a leave of absence without pay and upon employee's restoration to status, he may continue his membership in the retirement fund, as provided by law and rules thereunder. Op. Atty. Gen. (331a-9), Sept. 20, 1940.

Members entering military service who withdraw their savings may, upon resuming teaching service, repay amount withdrawn, together with interest, and also pay as arrears for time they had rendered military service upon presentation of proper evidence for such service. Op. Atty. Gen. (175a), Oct. 17, 1940.

Rule of board may provide that minor part of week may be disregarded and major part counted in determining "fractional part of year". Op. Atty. Gen. (175c-2), July 23, 1943.

2950-9. May withdraw fund when.

An annuitant may change to either type of annuity up until time he has received and cashed his first annuity warrant, and election should be made by end of second quarter following approval of retirement by board of trustees. Op. Atty. Gen. (175a), Oct. 17, 1940; Oct. 29, 1940.

A member "ceases to render teaching service" when she ceases to be under contract to render such service, as there may be work to be performed after ending of term, such as making up reports, and other duties. Op. Atty. Gen. (175a), Oct. 17, 1940.

By-law that "annuity shall begin on the first day of the month following retirement by the board", is a reasonable rule. Id.

Members called or volunteering for military defense service have right to withdraw their savings. Op. Atty. Gen. (175a), Oct. 29, 1940.

A retired annuitant may be elected to the board as a member of the fund. Op. Atty. Gen. (175), July 22, 1943.

2950-10. Rights not assignable.

State employee at teachers college may not assign his state check, especially a check on the retirement fund. Op. Atty. Gen. (270m-6), Apr. 1, 1941.

TEACHERS' PENSIONS

2951 to 2953. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

STATE TEACHERS' EMPLOYMENT BUREAU

2954. How maintained. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-1(21).

2955. Who may be enrolled; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(22).

2956. Purpose of bureau; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(23).

2957. Duties of superintendent; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(24).

STATE BOARD OF EDUCATION

2958. State board of education. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-1(1).

2959. Oath and contracts. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted in 3156-1(2) and 3156-1(3).

2960. Organization and rules. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(4).

2961. Officers, assistants and compensation. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted in 3156-1(5).

2962. State commissioner of education. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(6).

As the law stood after repeal of Mason's Minn. Stat., §2969, legislature had fixed the term of office of commissioner of education at six years, but had neither expressly conferred nor expressly withheld power of board to remove him for cause. State v. State Board of Education, 213M184, 6NW(2d)251, 143ALR503. See Dun. Dig. 8010.

2962-1. Expenses. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(11).

2962-2. Powers and duties of superintendent (commissioner), etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(11), subds. 2 and 7 in part, 3156-1(13), subd. 2 and 3156-1(26).

Reports should include at least a summary statement of information contained in reports from private incorporated colleges. Op. Atty. Gen. (160h), Aug. 16, 1940.

2962-3. Uniform system of records and accounting—Reports. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(11), subd. 5.

Term "other educational institutions", includes all private schools and colleges, vocational schools, correspondence schools and colleges teaching healing, arts or professions. Op. Atty. Gen. (160h), Aug. 16, 1940.

2962-4. State Board of Education to provide plans; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(11), subd. 13.

State department of education has all powers conferred upon it by statute with respect to construction of school houses, except that there is confided by statute to state fire marshal the discretion to determine adequacy under state laws of means of exit and number of exits in school buildings. Op. Atty. Gen. (197g), Jan. 7, 1941.

2962-5. Blanks for school use. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-1(12).

2963. Functions, powers and duties. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-1(7) and 3156-1(11), subd. 1.

2964. Report of state board of education. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(13), subd. 1.

2965. State aid to public schools; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(14).

2966. Conflict of powers. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(16).

2967. Officers and employees to give bonds. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(8).

2968. State university and state normal schools. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(15).

2969. Inconsistent acts. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Where administrative board fully exercised its right of removal of an appointive officer at time of repeal of statute giving it right of removal, repealing statute could not be given retroactive effect so as to destroy the fully executed right of removal, but legislature would have constitutional right to qualify board's right of removal during pendency of removal proceeding. State v. State Board of Education, 213M184, 6NW(2d)251, 143ALR503. See Dun. Dig. 8946.

Board's right of removal of an appointive officer must be tested without reference to this section, which was repealed prior to filing of removal order but during pendency of removal proceeding. Id. See Dun. Dig. 8946.

It cannot be asserted that power of removal of commissioner of education by state board of education for cause was, by the repeal of Mason's Minn. Stat., §2969 transferred to civil service board, for that board has no jurisdiction over "administrative heads of departments." Id. See Dun. Dig. 8846ccc.

2970 to 2972. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

COUNTY SUPERINTENDENTS

2973. Duties. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-2(1).

2974. Meetings of district officers. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-2(3).

2975. Records. [Repealed.]

Repealed. Laws 1941, c. 169.

2976. Blanks. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-2(4).

2977. Report to state superintendent. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-2(5).

2978. Report to auditor. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-2(6).

2979. Failure to report. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-2(7).

2980. Deputy superintendent. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-2(8).

CITY SUPERINTENDENTS

2982-1. Term of Superintendent of Schools in certain districts.

This act was not repealed by the reenactment of the Teacher's Tenure Act, and superintendent of schools of Duluth does not have right to continue in office after termination of his contract. Op. Atty. Gen. (172), July 31, 1943.

VOCATIONAL EDUCATION

2983. State board for vocational education. (Repealed.)

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-1(32) in part.

2984. Appointment and salaries of employees. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(32) in part.

2085. Plan of co-operation; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(33).

2086. To aid incapacitated persons; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(34).

2087. Reports to be available; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(35) in part.

2088. Disclosure prohibited. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(35) in part.

HIGH SCHOOLS

2089. Composition. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Laws 1913, §§2719 to 2724, 2891 and 2892. Repealed. Laws 1941, c. 169, except as provided therein.

2090. Duties—Private schools. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-1(11), subd. 7.
Statutes seem to contemplate that examinations are to be given by county superintendent, and though state board supplies sample questions, expenses of examinations are to be paid by county. Op. Atty. Gen., (397), Sept. 27, 1939.

Authority of the state board of education or state commissioner of education over private schools and colleges is very limited. Op. Atty. Gen. (160h), Aug. 16, 1940.

2091. High school board examinations; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(11), subd. 10.
County superintendent may engage assistants to grade state examination papers from rural schools of county. Op. Atty. Gen. (399a), June 5, 1940.

2091-1. Optional state examinations for high school subjects. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(11), subd. 9.
Statutes seem to contemplate that examinations are to be given by county superintendent, and though state board supplies sample questions, expenses of examinations are to be paid by county. Op. Atty. Gen., (397), Sept. 27, 1939.

2091-2. High school areas for transportation of pupils. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(11), subd. 3 and 3156-9(15) in part.
Provision "that if such pupils are not transported to the nearest high school, the aid shall be limited to amount which would be paid if they were transported to such high school" is a general limitation and should apply in all cases beginning with 1939-1940 school year. Op. Atty. Gen., (166a-4), July 17, 1939.

It would be proper and reasonable to determine amount of aid on distance from school house in home district to high school used, without considering place of residence of students. Id.

County committees are only advisory in nature, and final action as to assignment, rules and regulations pertaining to areas and transportation, must be made by State Board of Education, and may not be delegated to local committees. Id.

State board of education had legal authority before passage of this act to establish high school areas, and designation made by board at Oct., 1939, meeting are in full force and effect and need not be redesignated. Id.

Special election feature becomes operative only where school board has voted to have their district transferred to another high school area, and term "to the area of any adjoining or nearby district" should be construed on a basis of proximity of the high school, and not of the limits of the district. Id.

Power of board to vote to have its entire territory assigned to a different area carried with it power to assign part of its district to a different area. Id.

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

In considering a petition of a school district to be transferred from one high school area to another high school area, board of education has broad powers of discretion, and may consider general effect on other districts, and fact that it might disrupt other areas, and that it would not be contiguous. Op. Atty. Gen., (170c), Oct. 19, 1939.

2092. Certain sections; etc. [Repealed.]

Repealed. Laws 1941, c. 169.

JUNIOR COLLEGES

2092-1. Creation of junior college—Election, etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-11(2).
A district which does not maintain a junior college cannot employ instructors for evening schools to supervise university extension work. Op. Atty. Gen. (160a), June 11, 1940, July 31, 1940.

2092-2. Same—Departments legalized. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(3).

2092-3. Same—Supervision; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(4).

2092-4. Same—Tuition; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(5).

2092-5. Establishment in cities of first class; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(6).

2092-6. Control; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-11(7).

SCHOOL FUNDS

2093. Apportionment of public school funds. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-9(2) in part.
Village of Delavan; proceeds of liquor licenses, Sp. L. '89, c. 302. Same for village of Hilton, Sp. L. '89, c. 308. Same for village of Good Thunder, Sp. L. '89, c. 309. Same for townships in Wabasha County, Sp. L. '89, c. 311.

2094. Payment of school apportionments. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(4).

2095. Apportionment by county auditor. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(4), subd. 1.

2096. Apportionment to schools in new districts. [Repealed.]

Repealed. Laws 1941, c. 169.

2097. Report of county apportionment; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(4), subd. 2.

2097-1. School district warrants; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(12).

2097-2. Funds from national forests; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(25).

PENALTIES

2098. Excluding or expelling pupils. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-7(7).
This section indicates that power to admit or exclude children from school is in the board, and that vote of electors on question of excluding children in an orphan home from school is of no materiality. State v. School Board of Consol. School Dist. No. 3, 206M63, 287NW625. See Dun. Dig. 8660.

2099. Improper classification. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(8).

3000. Refusing to serve on school board. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(9).

3001. Failure of clerk to report. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(10).

3002. Drawing illegal order. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(11).

3003. Neglecting to keep or deliver records. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(12).

3004. Failure of auditor to report. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(13).

3005. Failure of county superintendent to report. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(14).

3006. Dealing in school supplies. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(15).
Board of Education of special school district of Rochester may contract with city aldermen for insurance. Op. Atty. Gen. (90c-5), Aug. 23, 1940.

3007. Duty of officers to report violations of law. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-7(16).

3008 to 3010. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

SCHOOL TAXES

3011. State school tax.—There shall be levied annually upon the taxable property of the state a tax of one and twenty-three one-hundredths mills on the dollar, to be known as the state school tax, of which one mill on the dollar shall be added to the general school fund, which shall then be known as the current school fund, and the remainder of such tax shall be added to the university fund; provided however, that for the fiscal years 1944 and 1945 there shall be levied under this section only 23/100ths of one mill on the dollar, which tax shall be added to the University fund. (As amended, Apr. 24, 1943, c. 665, §5.)

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(1).

In determining amount of taxes unplatted real estate is to be valued as a homestead 20 per cent of true and full value and platted real estate used as a homestead 25 per cent of true and full value. Op. Atty. Gen. (519), Dec. 12, 1940.

3012. County school tax; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(2) and 3156-8(3) in part.
In determining amount of taxes unplatted real estate is to be valued as a homestead 20 per cent of true and full value and platted real estate used as a homestead 25 per cent of true and full value. Op. Atty. Gen. (519), Dec. 12, 1940.

3013. Limitation of tax levy in certain school districts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-8(4).
Consolidated school districts as defined in §3026 are not included in general school limitation law, §3013, and for revenue and maintenance there is no limit other than that prescribed in §3014-6, but this does not apply to capital outlay for school house, etc., Op. Atty. Gen. (519q), March 21, 1940.

3014. Tax levies for various funds; etc. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

3014-6. Limitation of tax rate in school districts. [Repealed.]

Repealed. Laws 1941, c. 169, except as therein provided.
Reenacted as 3156-8(5) in part.
Consolidated school districts as defined in §3026 are not included in general school limitation law, §3013, and for revenue and maintenance there is no limit other than that prescribed in §3014-6, but this does not apply to capital outlay for school house, etc., Op. Atty. Gen. (519q), March 21, 1940.

Elements entering into classification of land as platted, unplatted, and industrial. Op. Atty. Gen., (554c), March 7, 1940.

3014-7. Additional school tax levy in certain cities.

—In every independent school district within the limits of a city of the first class operating under a home rule charter which does not fix the amounts which may be expended for school purposes, there may be levied, and the board of education, or other school board therein, is hereby authorized to and may levy annually, independently of and in addition to all

other sums for school purposes now authorized by law to be levied, the following additional amounts of taxes for the following named school purposes:

(1) An amount equal to six mills on each dollar of the taxable property of the district for the purchase of sites for school houses and to defray the expenses incurred, or to be incurred, in building, re-building, remodeling, repairing and furnishing school houses and installing heating, ventilating and plumbing plants in the same and equipping the same with libraries, apparatus and other school furniture.

(2) An amount equal to three-fourths of one mill on each dollar of the taxable property of the district for the support and maintenance of evening and summer schools for elementary and high school grades.

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

Provided that the total annual levy of taxes for school purposes in any such district, exclusive of the state and county school taxes therein, and exclusive of all levies authorized for the purposes mentioned in paragraphs 1, 2, and 3 hereof, and exclusive of the levies authorized for interest and sinking fund purposes and for teachers retirement fund association purposes, and for the purposes mentioned in Laws 1917, Chapter 166, shall not exceed 20 mills on each dollar of the taxable property of the district, except that when the amount of a twenty mill levy upon each dollar of the taxable property of the district, plus an amount equal to the total income available for current operating expenses estimated that will be received in the fiscal period exclusive of apportionments on the district tax levy, exclusive of anticipated receipts from delinquent taxes, and exclusive of any receipts from federal funds, is not in any year equal to \$110.00 for each student in kindergarten through junior college, both inclusive, but excluding post-graduate high school and night school students, based on the average number belonging in the previous school year, then there may be levied an amount, which, when added to an amount equal to the estimated income available for current operating expenses, exclusive of apportionments on the district levy, exclusive of anticipated receipts from delinquent taxes, and exclusive of any receipts from federal funds, will equal \$110.00 for each student in kindergarten through junior college (both inclusive but excluding post-graduate high school and night school students) based on the average number belonging in the previous school year, provided further, that in addition to the amounts and specific tax levies heretofore authorized, there may be levied in the years 1943 and 1944, collectible in the calendar year 1944 and 1945 respectively, an additional sum in excess of all amounts heretofore authorized, equivalent to \$10.00 for each student in kindergarten through junior college, both inclusive, but excluding post graduate high school students and night school students, based on the average number belonging in the previous school year. Provided, nevertheless, that no provision hereof shall have any application to any city of the first class having a home rule charter and operating under a so-called commission form of government, where in the council or other governing body of the municipality, under such charter, is constituted its taxing authority. (As amended Apr. 14, 1941, c. 219, §1; Apr. 24, 1943, c. 606, §1.)

Reenacted as 3156-8(5) in part.

Editorial note.—Section 3014-7, was repealed by Act Apr. 10, 1941, c. 169, Art. XIV, §1, and reenacted as section 3156-8(5) by such Chap. 169, Art. 8, §5. Section 3014-7 was subsequently amended to read as above by Act Apr. 14, 1941, c. 219, §1.

LIBRARIES**3015. Schools may provide libraries.**

Library service may not be included by a school district in so-called recreational programs under laws 1937, ch. 233. Op. Atty. Gen. (285d), Oct. 2, 1942.

3020. School and village libraries may combine.

Parochial schools are not covered by this section, and may not obtain library service free, but may contract with public library like any other private party on a fair and reasonable cost basis. Op. Atty. Gen. (285B), Oct. 29, 1940.

In order for state to pay school district library aid, money must have actually been expended therefor by the school district itself and not by public library board under contract with school district. Op. Atty. Gen. (285d), July 15, 1942.

Contract between Stearns county board and St. Cloud Library Board considered. Op. Atty. Gen. (285b), March 24, 1943.

STATE AID**3021-11. Annual appropriation in aid of common schools. [Repealed.]**

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(24) in part.

3021-12. Same—How distributed. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(24) in part.

3021-13. Same—Not to be used for sites or buildings. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(24) in part.

3021-14. Same—Duty of state auditor; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(24) in part.

3022. State aid to schools. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-9(1).
School district relief fund. Laws 1941, c. 297.
State board has authority to adopt regulation reducing state aid for children in special classes attending half time. Op. Atty. Gen. (163), Jan. 4, 1941.

Defense training program funds received by local school are not to be considered as part of total receipts to be taken into consideration when computing state aid. Op. Atty. Gen. (168d), Feb. 17, 1941.

3023. Districts must have school eight months; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(2) in part.

3024. Distribution of the current school fund. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(3).

3025. Distribution of special state aid fund. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(5).

3026. Classification and definitions. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-11(1) in part.
In requiring a school board to employ a superintendent before such school may be classified within a certain class, legislature intended that a superintendent should be employed in fact as well as in name. Op. Atty. Gen. (768K), Jan. 3, 1941.

3027. Purposes of special state aid. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-9(6).

3028. State aid for equalizing educational opportunities. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

(1). Reenacted as 3156-9(7), subd. 1 in part.

(2). Reenacted as 3156-9(7), subd. 1 in part.

(3). Reenacted as 3156-9(7), subd. 2.

Provisions of Laws of 1937, Ex. Sess., c. 78, could not apply if school district did not have need for transportation equipment. Op. Atty. Gen. (166a), Jan. 14, 1941.

(4). Reenacted as 3156-9(8), subd. 1.

Superintendent of Education in Minneapolis cannot legally charge a school district tuition equal to difference between amount received from the state for non-resident high school students and cost of instruction, being bound by rules of State Board of Education. Op. Atty. Gen. (180d), Jan. 14, 1941.

Laws 1935, c. 209, reenacted as 3156-9(8), subd. 2.

State board of education can require a passing mark upon a state wide test as a prerequisite to payment of non-resident high school tuition. Op. Atty. Gen., (397), Sept. 27, 1939.

It is customary and proper for school district to accept non-resident high school pupils, as far as space and teachers are available, upon the tuition which is paid by

the state for such pupils from schools which do not maintain a high school, and a district maintaining a high school may refuse to receive further non-resident pupils when high school enrollment reaches reasonable maximum capacity for efficient work, and such action will not affect rights of district to state aid for non-resident pupils enrolled. Op. Atty. Gen. (180d), Sept. 30, 1940.

(5). Reenacted as 3156-9(9).

(6). Reenacted as 3156-9(7), subd. 3.

3028-1. State aid for transportation of non-resident pupils. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(7), subd. 1 in part and 3156-9(15) in part.

3029. State aid to assist in establishing minimum standards. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-9(10) in part.

Commissioner of education may pro-rate classification aid to a school which has closed and is transporting its pupils, where only one of such pupils is attending public school and several others are attending parochial school. Op. Atty. Gen. (168B), May 18, 1940.

(3).

It is legal to grant district with closed schools both classification and superior aid. Op. Atty. Gen. (168B), Feb. 25, 1941.

3030. Additional state aid to certain schools. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-9(11).

Errors or omissions on part of a public official in levying excessive tax by mistake ought not to defeat rights of individuals or governmental subdivisions to supplemental aid. Op. Atty. Gen., (519m), Jan. 8, 1940.

In addition to proceeds of 30 mill tax on maintenance and all special aid, there should be considered in determining amount of supplemental aid due any school district: aid to common schools (§§3021-11 to 3021-14); aid to counties having 40% nontaxable land; rural credit lands; national forests; and state forests. Op. Atty. Gen., (168d), May 13, 1940.

It is customary and proper for school district to accept non-resident high school pupils, as far as space and teachers are available, upon the tuition which is paid by the state for such pupils from schools which do not maintain a high school, and a district maintaining a high school may refuse to receive further non-resident pupils when high school enrollment reaches reasonable maximum capacity for efficient work, and such action will not affect rights of district to state aid for non-resident pupils enrolled. Op. Atty. Gen. (180d), Sept. 30, 1940.

Money received from federal government in lieu of taxes is to be considered when supplemental aid is determined. Op. Atty. Gen. (168d), Mar. 13, 1941.

3031. State aid for special classes in public schools. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.

(1) (a-e). Reenacted as 3156-9(12) and 3156-9(13).

(2) (a). Reenacted as 3156-9(10) in part.

It is legal to grant district with closed schools both classification and superior aid. Op. Atty. Gen. (168B), Feb. 25, 1941.

(2) (b). Reenacted as 3156-9(14) in part.

3032. Teacher training in high schools. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(15) in part.

3033. County boards to appropriate money; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(21).

3034. Payment of state aid. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(18).
Commissioner of education cannot avoid responsibility by delegating statutory duty to inefficient subordinates. State v. State Board of Education, 213M184, 6NW(2d)251, 143ALR503. See Dun. Dig. 8010.

3035. Unused money to be apportioned. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(19).

3036. Laws repealed. [Repealed.]

Repealed. Laws 1941, c. 169.
Laws 1913, §2821 repealed and reenacted as 3156-4(19).
Laws 1913, §2822 repealed and reenacted as 3156-4(20).

3036-1. Additional state aid for certain schools—Amount. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(22) in part.

3036-2. Same—Application for. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(22) in part.
"Main track" comprises main right of way, including land itself, tracks and ties, and such other structures and fixtures on the main right of way as are necessary to maintenance and operation thereof. Op. Atty. Gen., (365B-10), Nov. 25, 1939.

3036-3. Same—State Board of Education to determine amounts. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(22) in part.

3036-4 to 3036-7. [Repealed.]

Repealed. Laws 1941, c. 169.

3036-8. Transfer of funds to meet appropriation. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(16).

3036-9. Prorating appropriation—Exception. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(17).
It is proper to withhold a sufficient amount in reserve to correct errors and make adjustments for districts which have failed to receive their full aid. Op. Atty. Gen., (168), Jan. 8, 1940.

3036-10 to 3036-16. [Repealed.]

Repealed. Laws 1941, c. 169.

3036-17. Certain school districts to receive state aid—Amount.—Any county school district organized under Laws 1929, Chapter 9, in which the full value of all property which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax laws exceeds the taxable value of all other non-exempt real and personal property, exclusive of moneys and credits, shall be entitled to receive from the state treasury in addition to all other state aid or relief, such an amount annually as would be produced by computing a tax of one-fourth of the current tax rate for county school district purposes upon the full value of such property which is exempt from local taxation because of the provisions of the gross earnings tax laws. Provided, that no county school district receiving relief hereunder shall be entitled to receive any aid under Mason's Minnesota Statutes of 1927, Sections 3036-1 to 3036-3, inclusive. Provided further, that the amount which any county school district shall receive under this act shall not exceed \$22.50 per pupil enrolled therein. Any moneys payable to a county school district hereunder shall not be deducted from other state aid, but shall be in addition thereto, except as herein provided. Provided further, however, that the amount which any county school district shall receive under this act shall not exceed an amount which together with the proceeds of the 30 mill tax and all other funds available for maintenance purposes, except funds received for non-resident pupils, and from tax levies in excess of 30 mills, will produce \$50.00 for each resident kindergarten pupil at least five years of age in average daily attendance, \$75.00 for each resident elementary school pupil in average daily attendance, \$125.00 for each resident high school pupil in average daily attendance plus the cost of transportation or board of resident pupils, subject to rules and regulations of the state board of education. (As amended Act Apr. 28, 1941, c. 500, §1.)

Editorial note.—Section 3036-17 was repealed by Act Apr. 10, 1941, c. 169, Art. XIV, §1, and reenacted in part as section 3156-9(23) by such Chap. 169, Art. IX, §23. Section 3036-17 was subsequently amended to read as above by Act Apr. 28, 1941, c. 500, §1.
Op. Atty. Gen. (168d), July 15, 1941; note under §3156-9(23).

3036-18. Must apply to department of education. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-9(23) in part.

3036-19. Department of education to fix amount. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(23) in part.

3036-20. Competition between districts for enrollment of students. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(11), subd. 4.

STATE ACCEPTANCE FEDERAL AID

3037. Appropriation. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein.
Reenacted as 3156-9(30).
An institution qualifying for a federal grant for vocational education under act of Congress of Feb. 23, 1917, as amended, can spend in addition to its own general appropriation the amount of federal grants received. Op. Atty. Gen., (9a-39), March 28, 1940.

3038. Reimbursement of school districts; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(31).

3039. Reimbursement of teachers' training schools; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(33).

3040. Appointment of officials and assistants. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(28).

3041. Certain provisions of an act; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(26).

3042. State board of education designated; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(11) in part and 3156-9(27).

3043. State treasurer appointed custodian of funds. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(29).

3044. What districts and teachers' training schools entitled; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(32) and 3156-9(33) in part.

3045. How disbursements shall be made. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(34).

3046. State treasurer to make report; etc. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(35).

3047-1. Education of Indians. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-1(11), subd. 11.

3047-2. Government may accept federal aid. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(36) in part.

3047-3. State Board of Education to make plans. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(36) in part.
Director of vocational education held legally appointed and authorized to act, under plan approved by state board and United States Office of Education. Op. Atty. Gen. (170h), Aug. 29, 1940.

3047-4. State treasurer to be custodian of funds. [Repealed.]

Repealed. Laws 1941, c. 169.
Reenacted as 3156-9(36) in part.

3047-5. Effective date. [Repealed.]

Repealed. Laws 1941, c. 169.

TEXT BOOKS

3048. Text books—License to sell, etc.

An offer to sell designated text-books at the "lowest prices at which these books are offered under comparable conditions in any state" should specify that a further discount allowed in New York would be granted

provided all books are delivered to a depository for distribution among 1,000 schools as in New York. Op. Atty. Gen. (179C), Aug. 12, 1941.

3051. Free text books—Contract.

Minneapolis Board of Education has right to charge text book rental fees. Op. Atty. Gen. (179a), Feb. 11, 1943.

TRAINING OF TEACHERS

3063-1. County teachers institutes; etc. [Repealed.]

Repealed. Laws 1941, c. 169, except as therein provided. Reenacted as 3156-1(27).

3063-2. Same—Notice of holding; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(28).

3063-3. Same—Attendance required; etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(29).

3063-4. Same—School houses used. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(30).

3063-5. Same—Expenses. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(31).

3063-6. Same—Laws repealed. [Repealed.]

Repealed. Laws 1941, c. 169.

3065. State Teachers' College Board.

There is no provision of law that teachers colleges shall adopt or be provided official seals. Op. Atty. Gen. (316), May 1, 1942.

3066. Degrees.

Legislature probably intended by "appropriate degrees" any degrees which entitled a person to teach in certain fields, and did not intend to throw open door and turn teachers' colleges into academic institutions, or into colleges which could compete with academic institutions. Op. Atty. Gen., (316), March 29, 1940.

College may not offer a fifth year of training. Op. Atty. Gen. (316), Feb. 15, 1943.

3069. Tuition in State Teachers' Colleges.—Subdivision 1. There shall be a charge for tuition to students, in State Teachers' Colleges. The Board shall fix rates of tuition for pupils in the model schools and the Board shall fix rates of tuition for students in State Teachers' Colleges within the minimums and maximums, following, to-wit:

Not less than \$5.00 nor more than \$15.00 during each of the first six quarters.

Not less than \$10.00 nor more than \$20.00 for each quarter thereafter.

A session in the summer school is to be regarded as a quarter within the meaning of Mason's Supplement 1940, Section 3069, as amended.

Non-resident students at the time of matriculating shall pay an additional tuition fee of \$5.00 per quarter.

Subdivision 2. In addition thereto student activity fees shall be charged at the State Teachers' Colleges not to exceed \$8.00 per quarter, and in the model schools, not to exceed \$2.00 per quarter. Such fees shall be collected and allocated to the credit of the State Teachers' College collecting the same and are hereby reappropriated to the use of such college.

Subdivision 3. A contingent fund for each of said Teachers' Colleges from the fees collected in Subdivision 2 shall remain in the hands of the accounting officers of each State Teachers' College from which expenditures may be made in case of actual emergency requiring immediate payment, the emergency to be determined by the president of the college at the time when it arises. The amount of such contingent fund shall in no event exceed \$1,000 in any one of the Teachers' Colleges. Disbursements may be made from such fund upon the direction in writing by the president of the college. An itemized verified claim conforming to the requirements of the law shall be presented for audit and allowance, and upon the allowance thereof, the state auditor shall reimburse the contingent fund for the amount of such disbursement. (As amended Apr. 24, 1943, c. 611, §1.)

Refundment of tuition of students entering military service, §3140-1.

No refund of state teachers' college tuition without an appropriation by legislature, though student left school several weeks after starting. Op. Atty. Gen., (316B), Feb. 14, 1940.

Funds collected by state teachers' colleges from government to reimburse civilian pilot training must be turned into state treasurer and remain there until appropriated. Op. Atty. Gen. (454e), Nov. 9, 1942.

Colleges have authority to assess and collect laboratory and class fees to extent that supplies and materials are consumed by individual students, or may charge average cost of such materials based upon past experience. Op. Atty. Gen. (316), Nov. 10, 1942.

Students may not be charged a book fee for purchase of text and library books. Id.

State teachers' colleges may not require students to pay student activity fees. Id.

State teachers' colleges may require students to make a deposit as security against loss to college to occur in future by default of student to pay college for lodging, lockers and other items, but such deposits should not be turned over to state treasurer. Id.

Provisions that board shall fix rates of tuition for "pupils in the model schools" relate to tuition to be paid by pupils in model school and not pupils of teachers' colleges teaching therein, and tuition collected should be turned over to state treasurer. Id.

Receipt from milk, hot lunches, and crackers are state funds which should be deposited with state treasurer. Id.

Persons charged with administration of teachers' colleges have nothing to do with Greek letter societies and no control over their funds. Id.

Receipts from student activities are not state funds and are no concern of college administration and need not be turned into state treasurer. Id.

Colleges may not conduct extension courses by correspondence or charge fees therefor or for private lessons or specialized instruction given either by employees of college or by others. Id.

Colleges may not require students to pay a penalty for late registration or delayed payment of other fees. Id.

Student activities, over and above contingent fund, should be deposited daily with state treasurer. Op. Atty. Gen. (316), Sept. 8, 1943.

3072. Duties of board.

Laws 1943, c. 46, authorizes state teachers' college board to enter into contracts separately or jointly with other colleges for instruction to members of armed forces, and to fix compensation to be paid by United States Government therefor. This power to cease at cessation of war. Money received from government reappropriated for continuance of work.

Money contributed by men living in dormitory at state teachers college and furniture and equipment purchased with it are state property subject to reorganization act. Op. Atty. Gen. (316D), Sept. 30, 1941.

State teachers' college board, and not college president, is appointing authority for both classified and unclassified service, subject to civil service act. Op. Atty. Gen. (644b), Nov. 27, 1941.

State teachers' colleges have no authority to require students to pay expenses in connection with graduation exercises, such as diploma fees, certificate fees, transcript fees, and cap and gown rental, though charges may be required for transcript fees and special engraved diplomas and other things if a pupil wants them. Op. Atty. Gen. (316), Nov. 10, 1942.

Colleges may not require students to pay a penalty for late registration or delayed payment of other fees. Id.

State teachers' colleges may require students to make a deposit as security against loss to college to occur in future by default of student to pay college for lodging, lockers and other items, but such deposits should not be turned over to state treasurer. Id.

State teachers college may not take out workmen's compensation insurance for its employees. Op. Atty. Gen. (523g-15), May 21, 1943.

State teachers' colleges have no authority to provide transportation for crippled children. Op. Atty. Gen. (169d), Nov. 29, 1943.

3072-1. Teachers' College Board to provide special courses.—The State Teachers' College Board is granted authority, in its discretion, to provide refresher and professional workshop courses for teachers in rural, village or city schools in areas contiguous to where such teachers' colleges are maintained for instruction of persons to whom the regular instruction now afforded by the colleges is unavailable. Courses of instruction may also be given in cooperation with agencies of the Federal Government in the interest of national defense. (Act Apr. 20, 1943, c. 519, §1.)

[136.141]

3072-2. Credits.—Credits earned by the students in such courses may be recognized and considered by the State Teachers' College Board. (Act Apr. 20, 1943, c. 519, §2.)
[136.141]

3072-3. Tuition.—Tuition shall be fixed by the State Teachers' College Board for such instruction, taking into account the expense to the state in the particular class or course. (Act Apr. 20, 1943, c. 519, §3.)
[136.141]

3072-4. Effective until July 1, 1945.—This act shall be and remain in force up to and until July 1, 1945. (Act Apr. 20, 1943, c. 519, §4.)

3073. Physical education in public schools. [Repealed.]

Repealed. Laws 1941, c. 169, except as provided therein. Reenacted as 3156-11(13), subd. 1.

3074. Training schools for teachers to provide courses. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-11(13), subd. 2.

3075. Commissioner of education to supervise act. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-1(11), subd. 14.

Bureau of Crippled Children may furnish to commissioner of education name, address, and diagnosis of each crippled child in state for purposes of statistical information and preparation of courses of teaching in physical education department of university, identity of crippled children not appearing in final form. Op. Atty. Gen. (851r), Aug. 19, 1940.

3076. State director—Salary. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-1(9).

COMPULSORY EDUCATION

3080. Children must attend school—When excused. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-12(5).

A blind child is subject to compulsory education law, and it is duty of county attorney to bring appropriate proceedings to compel parents to send a blind child to the state school for the blind. Op. Atty. Gen. (482a), Dec. 6, 1939.

Class of religious instruction referred to in subsec. 3 is only general religious instruction, and school board has discretion in determining number of hours, not to exceed 3 per week, for which student may be excused and school board may control and direct what hours these may be, but class of religious instruction referred to in subsec. 4 relates to instruction necessary under ordinances of the church for purpose of securing membership therein, and it is mandatory on board to excuse pupils on such days if they attend such instructions, and students should not be marked absent. Op. Atty. Gen. (170f-2), Mar. 6, 1941.

Students over 16 years of age are entitled to be absent for religious instruction. Id.

Excusing children for attendance upon religious instruction is mandatory. Op. Atty. Gen. (1690), Jan. 13, 1943.

(3). Term "church", is used in its ordinary popular sense, and might include a so-called "bible church" with a head licensed by "The Independent Fundamentalists of America". Op. Atty. Gen. (1690), Oct. 10, 1940.

3081. Duties of school board and teachers. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(6).

3082. Children to be compelled to attend school. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(7).

3083. Failure to send children to school, etc. [Repealed.]

Repealed. Laws 1941, c. 169. The law in this state imposes upon a father an obligation to support and educate his minor children, so that income of trust created by him to provide for the maintenance and education of such children is taxable income of the father. Mairs v. Reynolds, (CCA8), 120F (2d)857. See Dun. Dig. 7302, 9570e.

3084. Failure of officers, teachers, etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(13).

3085. Duties and powers of commissioner of labor. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(8).

3086. School census. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(4).

3087. Truant officers. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(9).

3088. Juvenile courts to discipline, etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(10).

3089. Penalty. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(14).

3090. Investigation and aid to children. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(11).

3091. Teachers to report. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-12(12).

FARMERS' INSTITUTES

3092 to 3096. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Farmers' Institute was a state agency, and its employees were "state employees" within retirement law. Op. Atty. Gen. (331A-13), Jan. 30, 1942.

ACTIONS AND JUDGMENTS

3097. Actions by districts. [Repealed.]

Repealed. Laws 1941, c. 169 except as provided therein. Reenacted as 3156-7(1).

3098. Actions against districts. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-7(2).

3099. Judgment paid by treasurer. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-7(3).

3100. Failure to pay—Tax levy. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-7(4).

3101. When execution may issue. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-7(5).

3102. Action when trustees resign, etc. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-7(6), subd. 1.

3103. Judgment, how satisfied. [Repealed.]

Repealed. Laws 1941, c. 169. Reenacted as 3156-7(6), subd. 2.

STATE ART SOCIETY

3109-1. Right of exploration, etc., reserved to state. Constitutionality of this act is doubtful. Op. Atty. Gen. (82), Apr. 2, 1943.

UNIVERSITY

3110. Board of regents of the state university.

Administration of university permanent trust fund lands by Department of Conservation may not be transferred to the university under existing law. Op. Atty. Gen. (618a-2), Feb. 17, 1941.

Legislature may not constitutionally restrict or limit powers conferred upon university regents, but may grant additional powers not conferred by original law. Op. Atty. Gen. (407Q), Jan. 8, 1942.

University of Minnesota is a constitutional corporation and its board of regents was given right to govern University, and all executive power of University affairs having been put in the regents by the constitution, none of it may lawfully be exercised or placed elsewhere by the legislature, and regents could permit cooperative store for sale of books and school supplies, maintained independently by students and faculty member, to occupy a room in a University building. Op. Atty. Gen. (618a-3), July 27, 1942.

Employment agreement between the University of Minnesota and Public Building Service Employees Union Local. Op. Atty. Gen. (279d), Oct. 23, 1943.

3113. Duties of board.

Refundment of tuition to students inducted or enlisted in military service. Laws 1941, c. 272.

3117. Power to accept bequests; etc.

Land and an apartment house upon it deeded to university as an outright gift is not subject to general real estate taxation, though leased out by university to tenants. Op. Atty. Gen. (407Q), Jan. 8, 1942.

3139-3. University of Minnesota may bond employees.

University is not liable for negligence of members of staff in operating automobiles in connection with university business, and should not pay any moral obligations arising from such negligence without an appropriation therefore by the legislature, but board of regents may carry liability insurance and pay premiums therefore, though policies should provide for payment of damages regardless of any immunity arising from governmental function. Op. Atty. Gen. (618A-9), Jan. 26, 1942.

3139-4. Regents may pay premiums.

Op. Atty. Gen. (618A-9), Jan. 26, 1942; note under §3139-3.

3139-6. Power of eminent domain.

Repeated in Act Apr. 28, 1941, c. 523, §2.
Repeated in Laws 1943, c. 655, §2.

3139-7. School for instruction in law enforcement.

Repeated in Act Apr. 28, 1941, c. 523, §2.
Repeated in Laws 1943, c. 655, §2.

3139-11. Minnesota Institute of Research created.

—There is hereby created a research institute to be known as the "Minnesota Institute of Research", hereinafter referred to as the "Institute". (Act Apr. 20, 1943, c. 503, §1.)
[137.11]

3139-12. Same—Purposes.—The purpose of the institute is to assist in general research and in the discovery, development, promotion, and coordination of methods for the utilization and development of the products and natural resources of the state through scientific research, and to aid further studies for the purpose of developing the industries and resources of the state. (Act Apr. 20, 1943, c. 503, §2.)
[137.11]

3139-13. Same—Organization.—The institute shall be organized and operated under the control and supervision of the board of regents of the University of Minnesota and the Minnesota Institute of Research fund shall be under its control and supervision. (Act Apr. 20, 1943, c. 503, §3.)
[137.11]

3139-14. Same—Powers of Board of Regents.—The board of regents may protect formulae, methods, products, processes, or devices which may be invented or discovered and reward inventors and discoverers to such extent as it deems proper. Any royalties or income arising from such protection shall be credited to the Minnesota Institute of Research fund. (Act Apr. 20, 1943, c. 503, §4.)
[137.11]

3139-15. Same—Research fund created.—There is hereby created a fund to be known as the Minnesota Institute of Research fund. The board of regents may receive and credit to such fund, appropriations, gifts, donations, devises, and bequests for the purpose of carrying out the provisions of this act, but it shall not divert any of the same from the specific purposes designated by the donor without the donor's consent. (Act Apr. 20, 1943, c. 503, §5.)
[137.11]

MANAGEMENT OF STATE UNIVERSITY AND NORMAL SCHOOLS

3140. Board of control divested of authority—How managed.

This section relates only to the university. Op. Atty. Gen. (316), Jan. 8, 1941.

3140-1. Tuition of students entering military service—Refundment.—Any student who, being a citizen and resident of the state of Minnesota, has enrolled to pursue any course, or courses, in the University of Minnesota or any State Teachers College, and has paid tuition therefor, and who has prior to the termi-

nation of the school year for which such tuition was paid enlisted or has been inducted into the military services of the United States, either voluntarily or pursuant to the present selective service law, shall be entitled to the refundment of all tuition so paid, for which credit can not properly be given.

And it is hereby made the duty of the administrative officers of the University of Minnesota and of such colleges or institutions, to refund to such students any tuition so paid. Any student making application for refundment of any tuition so paid shall furnish to the administrative officers of the University of Minnesota or of such colleges, a certificate from the proper officers reciting the fact of the enlistment or the induction of such student into the military service of the United States. (Act Apr. 16, 1941, c. 272, §1.)
[137.10]

Refunds to students in teachers' colleges and university are for those who enter the armed services, and not for those who wish to go back to the farm to avoid military service. Op. Atty. Gen. (316), Jan. 23, 1943.

3141. University—Purchasing agent; etc.

This section relates only to the university. Op. Atty. Gen. (316), Jan. 8, 1941.

3142. Normal schools—Purchasing agent; etc.

Purchases made for teachers' colleges are governed by reorganization act and not by this section. Op. Atty. Gen. (316), Jan. 8, 1941.

3143. Monthly statements—Payrolls.

Purchases made for teachers' colleges are governed by reorganization act and not by this section. Op. Atty. Gen. (316), Jan. 8, 1941.

3144. Expenses of boards, how authorized and paid.

Only part of this section applies to teachers' colleges. Op. Atty. Gen. (316), Jan. 8, 1941.

3145. Exceeding appropriations—Penalty.

Reference to offense as a misdemeanor is an inadvertent, and offense is a gross misdemeanor. Op. Atty. Gen. (83f), May 6, 1940.

Only part of this section applies to teachers' colleges. Op. Atty. Gen. (316), Jan. 8, 1941.

LOCAL AND SPECIAL LEGISLATION

Gen. Stats. 1913, §2719 repealed 1941, c. 169 and reenacted as 3156-4(17).

Gen. Stats. 1913, §2720 repealed Laws 1941, c. 169 and reenacted as 3156-4(18).

Gen. Stats. 1913, §§2721 and 2722 repealed Laws 1941, c. 169.

Gen. Stats. 1913, §2723 repealed Laws 1941, c. 169 and reenacted as 3156-4(21).

Gen. Stats. 1913, §2724 repealed Laws 1941, c. 169 and reenacted as 3156-4(22).

Laws 1913, §§2891 and 2892. Repealed. Laws 1941, c. 169, except as provided therein.

Laws 1915, c. 111, §1 as amended by Laws 1923, c. 433, §1 repealed and reenacted as 3156-5(12) in part, Laws 1941, c. 169.

Laws 1915, c. 111, §2 repealed and reenacted as 3156-5(12), subds 2 and 3, Laws 1941, c. 169.

Laws 1915, c. 111, §3 repealed and reenacted as 3156-5(12), subds. 4 and 5, Laws 1941, c. 169.

Laws 1915, c. 111, §4 repealed and reenacted as 3156-5(12), subd. 5, Laws 1941, c. 169.

Laws 1915, c. 111, §5 repealed and reenacted as 3156-5(12), subd. 6, Laws 1941, c. 169.

Laws 1915, c. 111, §6 repealed and reenacted as 3156-5(12), subd. 7, Laws 1941, c. 169.

Laws 1917, c. 306 repealed and reenacted as 3156-6(7), subd. 4, Laws 1941, c. 169.

Laws 1917, c. 387, §1 repealed and reenacted as 3156-3(24) in part, Laws 1941, c. 169.

Laws 1917, c. 387, §2 repealed and reenacted as 3156-3(25), Laws 1941, c. 169.

Laws 1917, c. 387, §3 repealed and reenacted as 3156-3(23), Laws 1941, c. 169.

Laws 1917, c. 387, §4 repealed and reenacted as 3156-3(26), Laws 1941, c. 169.

Laws 1921, c. 357, §§2, 3 and 4. Amended, Laws 1941, c. 363.

Laws 1921, c. 357, §§2, 3, 4. Amended. Laws 1943, c. 347.

Laws 1943, c. 347, amending Laws 1921, c. 357, §§2, 3 and 4, as amended by Laws 1941, c. 363, provides that in each common, independent, special school district and unorganized territory in such counties in which a tax levy of 35 mills does not bring a revenue equal to \$70.00 per pupil, the county auditor shall apportion to the districts an amount equal to the difference between what a 35-mill tax levy brings and \$70 per pupil, and re-

quires county superintendent of schools to submit to county auditor enrollment in the public schools in each district. It also provides that the funds received from county be kept in general fund of school district, and that act apply to taxes for the years 1943 and 1944.

Notes of Decisions

Under Laws 1911, chapter 148, as amended by Laws 1913, chapter 445, (G.S.1913, §2722 and §2723), proceedings to be published include a statement of all propositions submitted by motion or resolution, or otherwise, to the board, including number of votes for or against all reports made to school board, and its action thereon, and an abstract of all claims allowed, giving name of claimant and amount and general purpose of claim, in com-

mon school districts containing ten or more townships. Op. Atty. Gen., (314B-21), Nov. 17, 1939.

Under Laws 1911, ch. 148, as amended by Laws 1913, ch. 445, closed or vacant school houses are not to be counted in determining full number of schools as a basis for salaries of school board members. Op. Atty. Gen., (768d-1), Dec. 21, 1939.

Under Laws 1917, c. 387, §3, an independent consolidated school district could not elect a school board of 4 directors and also a clerk and treasurer, but should instead elect 6 members of school board and thereafter elect a chairman, a clerk and a treasurer. Op. Atty. Gen. (768B), Nov. 14, 1940.

Laws 1941, ch. 363, §5, merely makes ineffective amendment of Laws 1921, ch. 357 after the year 1942. Op. Atty. Gen. (519m), Nov. 20, 1942.

CHAPTER 14A

Minnesota School Laws

ANALYSIS

- Article I.—State Department of Education, 3156-1(1) to 3156-1(35).
 Article II.—Administration and Supervision, 3156-2(1) to 3156-2(15).
 Article III.—School Districts; Organization; Consolidation; Dissolution, 3156-3(1) to 3156-3(32).
 Article IV.—School Districts; Ten or More Townships; County Units; Unorganized Territory, 3156-4(1) to 3156-4(57).
 Article V.—Districts; Meetings and Elections, 3156-5(1) to 3156-5(13).
 Article VI.—School Boards, Powers and Duties, 3156-6(1) to 3156-6(32).
 Article VII.—Actions and Penalties, 3156-7(1) to 3156-7(16).
 Article VIII.—School Taxes; School Funds, 3156-8(1) to 3156-8(14).
 Article IX.—State and Federal School Aid, 3156-9(1) to 3156-9(36).
 Article X.—Teachers, 3156-10(1) to 3156-10(32).
 Article XI.—Classification and Conduct of Schools, 3156-11(1) to 3156-11(25).
 Article XII.—Admission and Attendance, 3156-12(1) to 3156-12(14).
 Article XIII.—Existing Statutes, 3156-13(1).
 Article XIV.—Repeals, 3156-14(1).

ARTICLE I

STATE DEPARTMENT OF EDUCATION

ANALYSIS

- 3156-1(1). Creation.
 3156-1(2). Oath of Office.
 3156-1(3). Contracts to be in Writing.
 3156-1(4). Power and Duties—Rules and Regulations.
 3156-1(5). Offices—Commissioner of Education—Employees.
 3156-1(6). Commissioner of Education—Duties—Term.
 3156-1(7). Administration of Laws.
 3156-1(8). Certain Officer's and Employee's Bonds.
 3156-1(9). Supervisor of Physical and Health Education.
 3156-1(10). Travel Expenses.
 3156-1(11). Duties of State Board of Education.
 3156-1(12). Forms—Blanks—Record Books.
 3156-1(13). Reports and Financial Statements.
 3156-1(14). Modification and Unification of Laws—Biennial Education Budget.
 3156-1(15). Application of Article.
 3156-1(16). Conflicting Powers—Presumption.
 3156-1(17). Opinion of Attorney General on Certain Questions.
 3156-1(18). Circulating Libraries—Traveling Libraries.
 3156-1(19). Advice and Instruction to Managers of Public Libraries.
 3156-1(20). Statistics of Free Public Libraries.
 3156-1(21). State Teachers' Employment Bureau.
 3156-1(22). Same—Enrollment—Fee.
 3156-1(23). Same—Information Regarding Fitness and Vacancies.
 3156-1(24). Same—Director of Bureau.
 3156-1(25). Incorporated Colleges or Seminaries—Duties of Trustees—Visitation and Examination.
 3156-1(26). Commissioner of Education—Meetings with School Officials.
 3156-1(27). Teachers' Institutes.
 3156-1(28). Same—Attendance.
 3156-1(29). Same—Certificate of Attendance—Full Pay.
 3156-1(30). Same—Use of School House or School Room for Meetings.
 3156-1(31). Same—Expense of Holding.
 3156-1(32). Division of Vocational Rehabilitation.
 3156-1(33). Same—Co-operation with Department of Labor and Industry.
 3156-1(34). Same—Co-operation with U. S. Government.
 3156-1(35). Same—Reports from Railroad and Warehouse Commission of Person Injured—Exclusive Use.

3156-1(1). Creation.—A state department of education is hereby created, which shall be maintained under the direction of a state board of education composed of five representative citizens of the state.

The members of the state board of education shall be appointed by the governor, by and with the approval of the senate, for a term of five years, and shall hold office until their successors are qualified. All vacancies in the said board shall be filled for unexpired terms by appointments by the governor. The members of said board shall receive as compensation for their services the sum of \$10.00 per day for each day actually spent in the performance of their duties, and in addition thereto they shall be reimbursed in manner according to law for all necessary expenses incurred in the performance of their duties as members of the board. One member shall be chosen annually by the members of the board as president, but no member of the board shall serve as president longer than two years during a term in office. The board shall hold an annual meeting at the state capitol on the first Tuesday in the month of August, and in addition to the annual meeting the board shall hold quarterly meetings, and may hold special meetings, on such dates and at such places as the board shall designate. Provided: that no member of the board shall hold any other office elective or appointive under the state "except a notary public," or be employed in any state institution. (Act Apr. 10, 1941, c. 169, Art. I, §1.)

[120.01]

Reenactment of §2958.

3156-1(2). Oath of office.—Before entering upon the duties of his office each member of the state board of education shall take an oath of office which shall be filed with the secretary of state. (Act Apr. 10, 1941, c. 169, Art. I, §2.)

[120.02]

Reenactment of §2959.

3156-1(3). Contracts to be in writing.—All contracts made by the said board shall be in writing and