

## CHAPTER 129

## SCHOOL BOARDS; MISCELLANEOUS POWERS

(SEE PREFACE PRECEDING CHAPTER 120)

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

**Subd. 2. Denominations; full faith and credit pledged.** Such certificates shall be issued in such denominations as the board may determine, shall bear interest at such rate as may be fixed by the board, not exceeding four percent per annum, and shall be sold for not less than par and accrued interest. They shall be due and payable at such times as may be fixed by the board, not later than December 31 of the second year following the year in which issued. The board may pledge the faith and credit of the district and the levies authorized hereunder for the payment of such certificates in full, and they shall be a first charge upon the levy so pledged. In the event that at the time of the issuance of any of such certificates the district shall have money in the hands of the treasurer levied for its operation in the following calendar or fiscal year, it may issue such certificates to the treasurer, in lieu of selling them as heretofore provided, in which event funds equal to the face value of such certificates may be transferred so as to be available for expenditures in the year of issuance. Certificates so issued to the treasurer shall be held by him, and may be sold under the direction of the board when necessary to replace the funds so advanced, and shall bear interest from the date of such sale.

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

**Subd. 4. Prerequisite conditions for issuance of certificates.** Before issuing the first certificates in any year the board shall adopt a resolution fixing the budget of

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

Subd. 5. **Definitions.** Within the meaning of this section: (a) the word "year" means calendar year unless a district keeps its accounts on a school or fiscal year basis, in which event such word shall mean the school or fiscal year ending in the calendar year specified; (b) the expression "total current expenditures" means the total expenditures of the district during a year for all purposes other than (1) bonds and interest thereon, and certificates of indebtedness authorized hereby and interest thereon, (2) improvements properly chargeable as capital outlay, (3) transportation, (4) health service, and (5) that portion of the expenditures for special non-instructional activities which is recovered by charges or reimbursement collected therefor; (c) the expression "non-instructional costs" means all that part of total current expenditures which is not expended for instructional salaries, including teachers and superintendent, text and library books, instructional supplies, and other costs of instruction as defined by the state department of education.

[1947 c. 575 s. 1-5]

**129.02 DEFINITIONS.** Subdivision 1. When used in sections 129.02 to 129.05, the following words, terms and phrases shall have the meanings given them in this section.

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

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

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

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

[1955 c 38 s 1]

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

[1955 c 38 s 2]

**129.04 VALIDATION.** The acquisition heretofore by any school district of tax-forfeited lands for the purpose of exchanging such lands with the federal government for federal property, real or personal, situated within the boundaries of the school district is ratified and approved and the conveyance of the title of the state

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of Minnesota to any such tax-forfeited land to a school district is validated and confirmed.

[1955 c 38 s 3]

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

[1955 c 38 s 4]

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

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

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

[1953 c 433 s 1]

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

[1953 c 433 s 2]

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

[1953 c 433 s 3]

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

[1953 c 433 s 4]

**129.10 SCHOOL BOARDS, BONDS FOR IMPROVING SCHOOLHOUSES.** Subdivision 1. The school board of any school district in which more than 50 percent of the valuation consists of iron ore may issue bonds for the betterment of schoolhouses not in excess of the following amounts:

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

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

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

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

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

[1955 c 578 s 1-4]

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

Subd. 2. An agreement proposed for adoption by a school board under this section shall be in the form and contain such terms as may be prescribed by the commissioner of education from time to time by his published order and no agreement

shall be submitted to a referendum by the people under subdivision 3 unless it has first been approved by the commissioner of education in writing by endorsement thereon.

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

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

YES .....  
NO ....."

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

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

[1957 c 370 s 1-5]

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

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

[1957 c 726 s 1]

**129.13 SPECIAL SCHOOL ELECTIONS IN CITIES OF FOURTH CLASS.** Subdivision 1. **Supplemental powers.** The provisions of this section shall apply to all school districts, however organized, the territorial boundaries of which are coterminous with the territorial boundaries of a city of the fourth class, and are supplementary and additional to all other powers conferred by law on any such school district.

Subd. 2. **School board; clerk defined.** By the expression "school board," as used herein, is meant the governing body of such school district, however designated, and by the word "clerk," the school district's officer who under any title, performs clerical functions.

Subd. 3. **Resolution calling election.** The school board of any such school district, shall have authority by resolution to call special elections of such school district, and to cause to be submitted thereat to its electors any proposition or question provided or permitted by law to be submitted to the electors of a school district at a special school election or meeting, including the proposition or question of issuing the school district's bonds under any applicable law.

Subd. 4. **Election precincts and polling places.** For the purposes of any such special election, the school district shall consist of election precincts or voting districts as many in number and identical as to boundaries with the election precincts or voting districts into which the city may at the time be divided for the purposes of a general election, and the special election shall be held in such election precincts or voting districts. There shall be one polling place for each voting precinct or election district. The resolution calling any such special election shall name the voting places and provide for election officers in accordance with the provisions of law in that regard applicable to such city or school district and prescribe the time during which the polls shall be kept open, which shall not be less than one hour.

Subd. 5. **Notice of elections.** The school board shall give notice of any such special election by ten days posted notice thereof, signed by the clerk, in each of the election precincts or voting districts and by one week's publication thereof in a newspaper, if a newspaper is published in the school district.

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**Subd. 6. Conduct of election.** The voting at any such special election shall be by ballot and the clerk shall prepare ballots and necessary stationery. More than one proposition or question may be submitted at the same special election, but each proposition or question submitted shall be stated separately in the notice and on the ballots. The compensation of election officers shall be in conformity with the general election laws and the school board is empowered to pay all expenses for any such special election out of the district's funds. The general election laws shall govern in the conduct of the election. The returns from each election precinct or voting district shall be made to the school board, and by it canvassed within three days after the holding of the election. In the event of a contest, the provisions of section 209.08, shall apply and govern.

[1925 c 10 s 1-4; 1941 c 169 art 5 s 11; 1961 c 562 s 3] (2801-1, 2801-2, 2801-3, 2801-4)