

Subdivision 7, or Section 340.60, Subdivision 7, and filed in the office of the state auditor as therein required. Copies of the results of such census certified to by the state auditor shall be prima facie evidence of the facts therein disclosed in all the courts of this state.

Sec. 2. This act takes effect when approved by the governing body of the village of Eden Prairie and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 24, 1967.

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CHAPTER 833—H. F. No. 156

[Coded]

*An act relating to education; providing that all area be in independent school districts or in special school districts maintaining elementary and secondary schools; and determining aids therefor in certain instances.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [122.41] **School dsitricts; reorganization; policy.** It is hereby declared to be the policy of the state to encourage the reorganization of school districts into such local units of administration as will afford better educational opportunities for all pupils, make possible a more economical and efficient operation of the schools and insure a more equitable distribution of public school revenue. To this end all area of the state except Fort Snelling shall after July 1, 1971, be included in an independent or special school district maintaining classified elementary and secondary schools, grades one through twelve.

Sec. 2. [122.42] **Alteration of districts not maintaining classified schools.** Between the effective date of this act and July 1, 1970, any or all territory of an organized school district not maintaining classified elementary and secondary schools, or of unorganized territory not maintaining classified secondary schools, may be attached to or consolidated with a district maintaining classified elementary and secondary schools, grades one through twelve, by any of the applicable procedures under Minnesota Statutes 1965, Section 122.21, 122.22 or 122.23, or such districts or territory may be reorganized with the consent of the state advisory commission on school reorganization and the approval of the commissioner under provisions of Minnesota Statutes, Section 122.24, for the pur-

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pose of operating elementary and secondary schools, grades one through twelve, if the order is made effective before July 1, 1970.

Sec. 3. [122.43] **Dissolution of districts not a part of independent districts.** Subdivision 1. If there be any organized school district or an unorganized territory on July 1, 1970, not a part of an independent school district maintaining classified elementary and secondary schools, grades one through twelve, such district shall hereby be dissolved.

Subd. 2. The board of each district so dissolved or the county board of education for any unorganized territory shall continue to maintain school therein until all territory thereof has been attached to a proper district not later than July 1, 1971, as hereinafter provided, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to maintain properly the schools for the period they may be in session prior to the attachment.

Sec. 4. [122.44] **Attachment to organized districts; procedure.** Subdivision 1. All territory of school districts dissolved by this act and all area of the state not in a district maintaining classified elementary and secondary schools, including the area of any and all unorganized territory, shall, prior to July 1, 1971, be attached to organized districts maintaining classified elementary and secondary schools, grades one through twelve, as provided in this section.

Subd. 2. The auditor of the county in which is situated a district, or the major portion of a district, dissolved by this act, or unorganized territory, shall present to the county board at its next regular meeting after July 1, 1970, the identification number of all districts so dissolved together with information relating to the attendance of pupils residing in such districts or unorganized territory in the classified secondary schools of other districts, and such other information as may be required. The county board shall thereupon issue an intermediate order for the proposed attachment of the territory of the dissolved district to a district maintaining classified elementary and secondary schools. In the consideration of the proposed attachment the county board shall consult with the county school survey committee, where such has been formed and shall consider such standards of school district organization as are or may be formulated by the state advisory commission on school reorganization.

Subd. 3. The county auditor shall forthwith cause a plat to be made showing the size and boundaries of the areas proposed for attachment, the boundaries of the district maintaining classified ele-

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mentary and secondary schools, grades one through twelve, to which it is proposed to attach the said areas, and the juncture points of the adjoining school districts, together with such other information as may be required, and submit the same to the commissioner of education upon forms provided by him for this purpose. The intermediate order of the county board shall accompany the plat. A true copy of the plat together with a statement containing any other pertinent information the auditor may determine will be helpful to the commissioner, shall be filed with the auditor of each county in which is situated any part of the dissolved district, and with the clerk of the district to which is proposed the attachment of all or any part of the territory of the district dissolved.

Subd. 4. The commissioner shall, upon receipt of a plat, forthwith examine it and approve, modify or reject it. Prior thereto he shall conduct a hearing at the nearest county seat in the area upon reasonable notice to the affected districts. He shall endorse thereon his reasons for his actions and his recommendations for attachment and within 60 days of the date of the receipt of the plat he shall return it to the county auditor who submitted it.

Subd. 5. The auditor shall present the plat and the recommendation of the commissioner to the county board at its next meeting. Upon 10 days notice to the affected districts attachment of the territory of the dissolved district shall thereupon be made by final order of the county board to districts maintaining classified elementary and secondary schools, grades one through twelve. Such final order shall provide for the attachment of territory therein described and shall be effective on the forthcoming July 1, unless an earlier date is specified. A copy of the order shall be served on each person entitled to a copy of the plat under subdivision 3 and to the commissioner. If the order of the county board makes a different provision for attachment of territory than that described in the plat approved by the commissioner, or in the recommendations made by him, the order shall not become effective until his approval has been given to the order. Any action in which the attachment of territory has not been completed by July 1, 1971, shall be subject to attachment orders of the commissioner with the approval of the state board of education.

Sec. 5. [122.45] **Distribution and division of assets and liabilities; taxation.** Subdivision 1. Title to all the property, real and personal, of any district dissolved under the provisions of this act and of any unorganized territory, and all legally valid and enforceable claims and contract obligations, pass to the district to which such dissolved district or unorganized territory is attached. If a district or unorganized territory is divided by virtue of the pro-

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ceedings, the county board shall issue its subsequent order providing for the division of the assets and liabilities according to such terms as it may deem just and equitable.

Subd. 2. As of the effective date of the attachment, all the taxable property in the newly enlarged district is taxable for the payment of any bonded debt theretofore incurred by any component district or territory in the proportion which the assessed valuation of that part of a preexisting district which is included in the newly enlarged district bears to the assessed valuation of the entire preexisting district as of the time of the attachment. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the county board dividing the assets and liabilities of the component parts. This subdivision shall not relieve any property from any tax liability for payment of any bonded obligation but taxable property in the newly enlarged district becomes primarily liable for the payment of bonded debts to the extent of the proportion stated.

Subd. 3. The county auditor shall levy a sufficient tax against the territory which was included in any discontinued school district at the time of its dissolution under this act to pay the outstanding liability of such discontinued district, except bonded indebtedness, as such outstanding liability may be represented by school district orders duly issued prior to such dissolution, or by valid and correct claims against the discontinued district as may have been presented to and paid by the board of the district of which the territory of the discontinued district is then a part. The money collected from such tax levy shall be paid over by the county treasurer to the treasurer of the school district of which the territory of the discontinued district is then a part, who shall keep the same in a separate fund and therefrom pay such outstanding school district orders with interest thereon. In case the money so collected shall not be sufficient to pay all of such outstanding orders with interest thereon, then the county auditor shall the following year levy a tax sufficient to pay such residuum so unpaid and so continue from year to year until full payment has been made.

Sec. 6. [122.46] **Officers and teachers, transitional provisions.** Subdivision 1. The board of the district maintaining a secondary school to which district is attached territory of districts discontinued by this act shall assume the duties and responsibilities of the board of the district so enlarged for the balance of the term to which the members were elected. At the next annual school election the successors to the members whose terms then expire shall be elected by the legally qualified voters of the newly enlarged district. Thereafter board members shall be elected according to the

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election procedure established for the election of board members in *independent districts*.

Subd. 2. Continuing contract teachers on the staffs of participating districts shall be retained on the staff of the consolidated districts in positions for which they are qualified under state law and existing board standards to the extent that such positions still exist.

Sec. 7. [122.47] **Special school districts, application.** When provisions of this act are made to apply to any special school district such district shall hereby be converted to an independent school district on the effective date specified in the orders issued under provisions of this act. All applicable provisions of Minnesota Statutes 1965, Section 122.26, relating to such conversions shall otherwise be in force. To the extent that any law or charter provision of any special district is inconsistent with the status of an independent school district or the powers common to independent school districts, such law or charter provision is hereby repealed. Provided, however, that nothing in this act shall in any way invalidate remaining portions of such laws or home rule charters, or the continuance of such special school districts to which no new territory is attached under the provisions of this act.

Sec. 8. [122.48] **Private schools.** Sections 1 to 6 shall not apply to any school district or unorganized territory in which is located any existing private school maintaining elementary and secondary education for 75 percent of the eligible pupils within the district or territory and complying with the requirements of Minnesota Statutes, Section 120.10, Subdivision 2.

Sec. 9. [122.49] **Special school districts, exemptions.** If any special school district exempted from the provisions of Minnesota Statutes 1965, Section 275.12, by subdivision 6 of said section shall be converted to an independent school district under the provisions of this act, such independent district shall continue exempt from said section 275.12.

Sec. 10. [122.50] **State aids, transitional provisions.** Where one or more school districts after the effective date of this act are attached to or consolidated with a district maintaining classified elementary and secondary schools, the total of state aids paid to the enlarged district shall be no less than the total aids paid for the pupils of the several districts for the 1966-1967 school year. This section shall terminate July 1, 1970.

Sec. 11. [122.51] **Appeal.** The appeal provisions of Minnesota Statutes, Section 127.25, shall be applicable only after

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the county board has issued its final order of attachment under section 4, subdivision 5, or to a final order of the commissioner as he makes the final order of attachment.

Sec. 12. [122.52] **Severability.** The provisions of this act shall be construed to be severable. In the event a particular provision may be determined to be invalid, such determination shall not affect any other provision of this act.

Approved May 24, 1967.

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CHAPTER 834—H. F. No. 241

*An act relating to the teachers retirement association; amending Minnesota Statutes 1965, Sections 354.09, Subdivision 3; 354.32; 354.38; 354.42, Subdivisions 2, 3, and 5; and 354.53.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 354.09, Subdivision 3, is amended to read:

Subd. 3. **Teachers' retirement; contributions.** If a member is granted (1) a Sabbatical leave or (2) a leave for educational purposes in any foreign country under a scholarship received from the board of foreign scholarships or (3) a leave for performing interchange teaching service in a foreign country pursuant to federal law or (4) a leave to participate in work of the National Science Foundation, he may receive allowable service credit not exceeding three years in any ten consecutive years toward a retirement annuity by paying into the fund employee contributions during the period of leave. The employee contribution shall be based upon the rate of contributions paid and the salary received during the year immediately preceding the leave. This subdivision also applies to any such service occurring prior to its enactment provided that the payments into the retirement fund for any year prior to July 1, 1953, shall not exceed \$175 and for any year from July 1, 1953, to June 30, 1955, such payments shall not exceed \$216 and for any year prior to July 1, 1965, such payment shall not exceed \$288 and for any subsequent year prior to July 1, 1967, payment shall not exceed \$432 and for any subsequent year payment shall be made pursuant to section 354.32, subdivision 1 and section 354.42, subdivision 2. These payments shall be without interest. A member shall not accrue more than three years allowable service by reason of

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